The Value of Using Educational Research to Enhance the Curriculum in Legal Education

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A thesis submitted in partial fulfilment of the requirements of Liverpool John Moores University for the degree of Doctor of Philosophy

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Abstract

This submission for PhD brings together five publications that illustrate how my work has had an impact on legal education at Liverpool John Moores University, and further impact on the external higher education landscape. It demonstrates how extrinsic evidence and action research methods were used to develop aspects of the curriculum and overall academic experience of law students. The impact of these innovations was analysed with qualitative and quantitative education research methods, which are rarely used in legal education.

The development of this research is traced from 2001 and details how it grew from a desire to improve the law student experience, into a body of education research that has had impact both in law and other higher education disciplines. The articles in this submission are published in high quality higher education journals, an achievement which is still relatively unusual in legal education. Four of the five are published in journals ranked in the top twenty for higher education research by Googlescholar and academics (Tight, 2017). They form a coherent body of education research with demonstrable results for legal education and beyond. The first indication of impact is that, together, these publications have been cited 180 times.

The original findings in these publications are discussed such as the discovery that self-awareness literature and diary-keeping can help students in their transition to university. Other discoveries include findings that: reflective practice has intrinsic value in higher education regardless of whether students become 'good' reflectors; the importance of a long transition process rather than a traditional induction process and; the benefits of student voice and participatory action research for legal and other higher education disciplines.

This submission discusses how this body of research has impacted on students, law staff at Liverpool John Moores University (LJMU), colleagues in other disciplines and outside LJMU. The impact of these innovations in bringing reflective practice, self-awareness literature, and the use of diaries to legal education for the purposes of helping to improve retention rates and student performance is demonstrated (Publications 1 and 2). Analysis was undertaken using qualitative education research techniques, particularly the use of interpretative phenomenological analysis (IPA), which is uncommon in legal education. Publication 3 highlights the value of a longer transition process and the value of quantitative education

research techniques in legal education. Publications 4 and 5 take legal education development into the emerging area of student voice by employing participatory action research with students. This type of research is also rare in legal education.

The potential of this approach to gathering data, analysis and publication, which might influence on-going conversations about the development of legal education, including testing learning environments that prepare students for the Solicitor's Qualifying Examination is discussed. The methodological reasoning for using the chosen methods of research is also discussed, as is the general need to test innovations in law curricula.

In summary, these publications illustrate the use of education research methodology and methods that are seldom employed in legal education. The sustainability of this approach, the value of communicating with students and potential further research that could be informed by these publications is deliberated. A final conclusion drawn is that there should be more engagement from legal scholars with the external education research community.

Chapter 1: Publications

1.1.   Core publications and contribution:

1. Brooman, S., and S. Darwent, 2012. '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.

2. Brooman, S., and S. Darwent, 2012. 'A positive view of first-year undergraduate reflective diaries: focussing on what students *can* do.' *Reflective Practice*, 13(4), 517-31.

3. Brooman, S., and S. Darwent, 2014. Measuring the beginning: a quantitative study of the transition to university. *Studies in Higher Education,* 39(9), 1523-41.

4. 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), 663-74.

5. Nixon, S., S. Brooman, R. Murphy and D. Fearon, 2017. 'Clarity, consistency and communication: using enhanced dialogue to create a course-based feedback strategy.' *Assessment and Evaluation in Higher Education,* 42(5), 812-22.

Reason for choosing these pieces from my overall profile: These publications were chosen from my overall profile because together they form a coherent portfolio of work with conjoining strands of higher education action research development. They reflect my desire, throughout this research and subsequent evaluation through writing up the results, to reflect purposefully on my innovations in teaching.[1] There are strong links between Publications 1, 2 and 3, and between Publications 4 and 5 that show how my work developed over time. All are published in high-status journals and provide a coherent narrative of my contribution to higher education research, particularly in legal education. I was the lead researcher and major

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[1] Parker, S. 1997. *Reflective teaching in the postmodern world: A manifesto for education in postmodernity*. McGraw-Hill Education (UK).

contributor for four of the five publications. I was a major contributor to the fifth. They are co-authored publications resulting from collaborative action research projects confirming my preference for collegiate practice to build up communities of education research. This also reflects the nature of action research, which aims to find the best solution to practical problems and works best where more than one voice is heard.

Notes about the journals in which these articles are published:

Studies in Higher Education: 2017 Impact Factor 2.321. Googlescholar Citations Ranking for Higher Education: 1; Ranking: 2017 Citescore 2.18 - values from Scopus

Assessment and Evaluation in Higher Education: 2017 Impact Factor 1.8776. Googlescholar Citations Ranking for Higher Education: 5; 2017 Citescore 1.97 - values from Scopus

Innovations in Education and Teaching International: 2017 Impact Factor 1.106. Googlescholar Citations Ranking for Higher Education: 13; 2017 Citescore 0.94 - values from Scopus

Reflective Practice: 2017 Impact Factor 0.81 (Source: Researchgate); 2017 CiteScore 0.82 - values from Scopus

Details of Contribution to each core publication: This elaborated below

Publication	Overall contribution to module/intervention design, data analysis and writing-up of research.	Description of Contribution
1. Brooman and Darwent, 2012a	80%	Sole designer of module and reflective task in question – self-awareness literature and the 1st year student. Lead researcher of project including analysis and writing. Supported by work of research assistant, Sue Darwent.
2. Brooman and Darwent, 2012b	80%	Sole designer of module and intervention in question – diaries. Lead researcher of project to analyse resulting data and lead on writing.
3. Brooman and Darwent, 2014	60%	Sole designer of module in intervention. Co-designer of interventions discussed in this article. Co-writer on article. Lead researcher.
4. Brooman, Darwent and Pimor, 2015	60%	Lead researcher for publication. Lead role in data analysis. Lead on writing and sole finishing and editing writer following peer review requirements.

5. Nixon, Brooman, Murphy and Fearon, 2016	35%	Co-designer of research project. Co-responsibility for data analysis and major contribution to writing.

1.2 Supporting work – journal articles linked to core publications

The six articles listed below provide supporting evidence in relation to this application for PhD by publication. They are evidence for the depth of my work in improving legal education through education research. Three are sole authored and three are co-authored with colleagues across LJMU illustrating the impact of my work in other areas across the university.

1. Brooman, S. 2017. 'Creatures, the Academic Lawyer and a Socio-Legal Approach; Introducing Animal Law into the Legal Education Curriculum. *Liverpool Law Review* 38(3): 243-257.

   This article illustrates another aspect of my work in educational research that focusses on the development a new subject (Animal Law) using external factors to influence a theoretical positioning for this new area of legal education. It shows the breadth of my work in developing new curricula for higher education and provides evidence of the wider impact of my work. It was commended by the publisher (Springer), as one of their top ten most popular law articles of 2018 with 3800 downloads.

2. R. Murphy, S. Nixon and S. Brooman. 2017. 'I am wary of giving too much power to students' - addressing the "but" in the principle of staff-student partnership. *The International Journal for Students as Partners* 1(1): 1-16.

   Numbers 2 is notable as it provides evidence of ongoing work of the cross-university collaborative partnership that resulted in Publication 5 of my core publications. I made a substantial contribution (35%).

3. Nixon, S., S. Brooman and R. Murphy. 2017 'The sorrow of the struggle or joy of the journey? Seven lessons learned from an education research writing group'. *Innovations in Practice*, 11(1): 18-22.

   Linked to Publication 5. I made a major contribution to this publication (35%)

4. Brooman, S., 2011. 'Enhancing student engagement by building upon the tectonic plates of legal education'. (Editorial) *Liverpool Law Review* 32(2): 109-12.

   Number 4 provides evidence of my impact in education research across the legal education sector. This article introduces a curriculum development based edition of the international journal the *Liverpool Law Review* that I edited in 2011.[2]

5. Carey P., C. Milsom, S. Brooman and E. Jubb. 2010. Student Views of Assessment and Feedback. *Innovations in Practice* 2(2) 123-132. Number 5 provides evidence of my impact across the university.

   This quantitative study resulted in significant changes to our understanding of assessment practices across LJMU and is further evidence of my preference for developing communities of practice to develop understanding of practice through action research. I made a substantial contribution to this article (25%).

6. Brooman, S., 2007. Retention of Law Students: Diaries, Study Skills and Reflective Learning - what works? *Directions Magazine: United Kingdom Centre for Legal Education* (By invitation).

   Number 6 illustrates the national impact of my education research in legal education. This article was written at the invitation of the Centre for Legal Education as the leading article for the Directions Magazine. It details the emerging findings that were finally written up for Core Publications 1, 2 and 3.

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[2] Brooman, S., 2011. Editorial: 'Enhancing student engagement by building upon the tectonic plates of legal education'. *Liverpool Law Review* 32(2), 109-12.

1.3 Confirmation of contribution:

In accordance with Liverpool John Moores University Regulations for PhD by Published Works I confirm that this submission complies with the following requirements:

- It shall include a minimum of 5 published outputs in appropriate refereed, peer-reviewed journals or their equivalent in scholarly output;
- Where jointly authored published outputs are submitted the Research Degrees Committee normally expects that the candidate is the principal author, or, that she/he is able to evidence that she/he has made a significant contribution to the output.
- A statement that the submission is the applicant's own, original work, that the majority of the work has been carried out at the University (which may include a collaborating establishment) and that the work has not been submitted for any other degree award.
- Where the candidate is not the principal author the Research Degrees Committee may request written confirmation of the candidate's contribution to the published output from the principal author (Publication 5). Further detail in relation to my contribution to each article and co-author confirmation is given in Appendix 1.

1.4 Refereed conference papers linked to core publications

1. Brooman, S, S. Nixon and R. Murphy. Co-creation with students to improve assessment feedback: course-based approaches and enhanced project leadership. Assessment in Higher Education Conference, Manchester, 2017.

2. Brooman S., 2015. 'How education-focussed leadership and strategy saved one law school (at least) £0.5M in 10 years.' Society of Legal Scholars Conference, University of York.

3. Brooman S., and S. Darwent, 2012. 'Induction and Transition Interventions: Do they work?' The Higher Education Academy: Conference on Student Retention and Success, University of York.

4. Brooman S., and S. Darwent, 2012. 'Reflective Learning in Undergraduate Legal Education: Using a Diary-based Assessment to Help Transition to University.' Association of Law Teachers Conference, Oxford University.

5. Brooman S., and S. Darwent, 2010. 'Can 1st year law students use self-awareness literature to help them adjust to university life?' Association of Law Teachers Conference, Cambridge.

6. Brooman, S., 2008. 'Don't lean on the staff – bring them with you. How to turn a good law school into a respected and highly rated school of learning and teaching engagement.' Association of Law Teachers' Conference, Oxford.

7. Brooman S., 2008. 'Enhancing the student experience and improving retention rates.' United Kingdom Centre for Legal Education: Learning in Law Conference, Warwick University.

8. Brooman, S., and S. Darwent, 2008. 'Informing first year law students about the interaction of personal qualities with academic performance and success.' European Conference of the First Year Experience, University of Wolverhampton.

9. Brooman, S. 2005. 'Front-Loaded Student Support on LLB Programmes.' Socio-Legal Studies Annual Conference, Liverpool.

1.5 Invited papers linked to core publications

1. Brooman S., and S. Darwent, 2012. 'Think about it!: reflection strategies to help law students adjust to university.' Higher Education Academy Conference - Legal Education in a Changing World: Engaging the Modern Law Student. Manchester Metropolitan University (By Invitation).

2. Brooman, S., 2008. 'Retention Strategies for Law Schools Annual Conference of the Committee of Heads of Law Schools. University of Warwick (By Invitation).

3. Brooman, S., 2007. Retention of Law Students: Diaries, Study Skills and Reflective Learning - what works? *Directions Magazine: United Kingdom Centre for Legal Education* (By invitation).

4. Brooman, S., 2007. 'Retention Success: Developing Successful Retention Strategies.' London Metropolitan University, School of Law and Accountancy (By Invitation).

1.6 External recognition and academic responsibilities linked to core publications

1. Senior Fellow of the Higher Education Academy, 2014

2. Fellow of the Oxford Centre for Animal Ethics, 2015

3. Editorial Board, *Reflective Practice: International and Multidisciplinary Perspectives,* 2013-

4. Editorial Board, *Journal of Animal Ethics*, University of Illinois/Oxford Centre for Animal Ethics, 2016-

5. Editorial Board and Education Advisor, *United Kingdom Journal of Animal Law* 2018-

6. Editorial Board, *Innovations in Practice*, 2010-

7. Editorial Board of the *Liverpool Law Review* 2017-

8. External Examiner for PhD, University of Limerick, 2018.

9. Reviewer for *Higher Education,* 2013-

10. Reviewer for *Studies in Higher Education,* 2011-

11. Reviewer for *Innovations in Education and Teaching International,* 2013-

12. Reviewer for *British Journal of Educational Technology,* 2016-

13. Reviewer for *European Public Law,* 2016-

14. Reviewer for *Legal Studies* 2017-

1.7 Contributions to LJMU Teaching and Learning Conference based on content of publications

1. Brooman, S., S. Nixon and R. Murphy, 2017. 'Partnership' with students: what does that mean? LJMU Learning and Teaching Conference.

2. Brooman, S., and C. Smith, 2017. Taking Stock on Retention. LJMU Learning and Teaching Conference.

3. Brooman, S., R. Murphy S. Nixon and D. Fearon, 2016. 'Addressing the "But" in the principle of co-creation.' LJMU Learning and Teaching Conference.

4. Brooman, S., D. Fearon, R. Murphy and S. Nixon, 2015. 'Student involvement in curriculum design: a research study across four schools – initial thoughts.' LJMU Learning and Teaching Conference.

5. Brooman, S., and A. Pimor, 2014. 'Is the student voice useful in higher education curriculum design?' LJMU Learning and Teaching Conference.

6. Brooman, S., and S. Darwent, 2012. 'From school to university – is our transition process working?' LJMU Learning and Teaching Conference.

7. Brooman, S., and S. Darwent, 2010. 'Posters, prizes and peer-group skirmishes in one induction process: "I've made some friends now, I know people on my course and I've done some research. What's not to like?"' LJMU Learning and Teaching Conference.

8. Brooman, S., and S. Darwent, 2009. 'The use of self-awareness literature by the first year student.' LJMU Learning and Teaching Conference.

9. Brooman, S., 2008. 'Improve your retention rates by 10%: Is it time for Mr Nice to Meet Mr Nasty?' LJMU Learning and Teaching Conference.

10. Brooman, S., 2007. 'The Great Retention Conspiracy number 2'. LJMU Learning and Teaching Conference.

11. Brooman, S. 2006. 'The Great Retention Conspiracy'. LJMU Learning and Teaching Conference.

Chapter 2: From education research-based curriculum development to publication: A law teacher's voyage

This body of research, with its core theme of developing legal education through external best practice and education research, began because it felt that it was the right thing to do. It is underpinned by a core belief that higher education should offer to students the best opportunity to study and grow as individual learners, and educators have a responsibility to design informative and enlightening curricula for this to happen. The decision to disseminated and test this work through action research projects came later as the effects of these interventions on the student experience began to emerge. The natural process adopted was to reflect on and use existing evidence in higher education journals. Subsequently, these ideas were developed and modified for the immediate circumstances, and finally the outcomes were tested. As local awareness grew of the impact of this work amongst my immediate colleagues in the law staff, LJMU learning and teaching communities and academics in the university more widely, it was often suggested that it was suitable for dissemination. Internal and external conference work followed as a pre-cursor to publication.

2.1 2001-2004: Early Steps

In 2001 an opportunity arose to lead the LJMU School of Law, Social Work and Social Policy Teaching and Learning Committee. This role began with a project to find out why the school was consistently losing so many first-year law students. For example, in 1999-2000 30% of full-time law students were lost, and 50% of the part-time cohort. Initial thoughts on this process were presented at the inaugural LJMU Teaching and Learning Conference in 2001.[3]

Success in securing an internal award of £2000 to identify the causes of this problem and to explore existing successful retention practices, helped to facilitate the gathering of evidence to support changing practice in the School of Law. The work of Mantz York, Bourner and Flowers and Mairead Owen was particularly useful and influential in planning subsequent

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[3] Brooman S., 2001. The economics and moral cost of retention. LJMU Teaching and Learning Conference.

interventions.[4] These writers influenced recommendations that all programmes within the school needed to develop a curriculum-based approach to retention. This would include closer early contact with personal tutors, enhanced contact between students and assessment feedback given much earlier in the course than had previously been the case. It would be a significant change to the existing practice in the School of Law where 'transition' had often seemed to be regarded as a short induction process that ended at the first substantive lecture. A significant step was the introduction of a reflective exercise incorporating the use of a diary and summative reflective exercise (these would eventually lead to Publications 1 and 2). The overarching aim was to develop for students a closer connection with their university, staff and fellow students - to view their transition as a longer process of acclimatisation.

A case for re-modelling the 1st year curriculum to introduce a new module called 'Independent Learning in Law' (ILL) was developed that would have improvement of student retention and performance at its heart. These proposals were adopted and it was further decided that all staff on the LLB would teach their own personal groups (ten students each) on the new module. The module ran for the first time in 2003-4 and the impact on student performance was immediate. Retention rates rose from around 75-80% to 85-90% on the full-time degree and from 50% to 85-90% on the part-time degree in the next three years. Higher retention rates became the norm as the module's impact revolutionised first year delivery on the LLB.

A significant development was that hitherto sceptical staff in the School became converted to education research-led development introduced on to the degree. Several staff indicated, enthusiastically, how impressed they were with student's use of reflective diaries and the personal development steps they appeared to be making (see Appendix 2). Using self-awareness literature, as detailed in Publication 1, helped students to feel that their concerns could be addressed. Diaries, as discussed in Publication 2, were providing a way to record achievements, recognise progress and thereby enhance self-efficacy. The essay used as a vehicle for assessing the new reflective component of ILL was useful for personal tutors as it

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[4] Yorke, M., 2004. *Leaving early: Undergraduate non-completion in higher education*. Routledge; Bourner, T., and Flowers, S., 1997. Teaching and learning methods in higher education: A glimpse of the future. *Reflections on Higher Education*, *9*(1), 77-102; Owen, M., 2002. 'Sometimes You Feel You're in Niche Time' The Personal Tutor System, a Case Study. *Active Learning in Higher Education*, *3*(1), 7-23. .

allowed students to highlight issues that had previously remained hidden. From this point, colleagues indicated that the progress that had been made should be disseminated to the wider education community.

A further enhancement was made in response to early student feedback. This was overwhelming in favour of the new module. However, students suggested that they would also like early group work so that they could develop friendships and knowledge by participating in a task that would add meaningfully to their studies. These findings were presented to the United Kingdom Socio-legal Studies Conference in Liverpool, 2005 (Brooman and Carline, 2005). This was the first time that the new curriculum developments were disseminated to an external audience. They had already been the subject of presentations to internal audiences at the new LJMU Teaching and Learning Conferences of 2002, 2003 and 2004.[5]

These early steps gave the School a new, enhanced, reputation for curriculum-based retention in the university. The developments were reported to the LJMU Teaching and Learning Conference and further invitations to talk to colleagues in the wider university.[6] The law degree moved from being the worst retainer of students for large courses (200+) at LJMU, to being the most successful. I was invited to speak to colleagues in the Business School who adopted many of my curriculum based changes to improve their own retention issues. Parts of this approach were taken up in, for example, Social Work and Criminal Justice. Staff in other disciplines adjusted the interventions in light of their local circumstances, and it is suggested that it is a strength of this work is that it is transferable to other areas.

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[5] Brooman S., 2002. Plans to break the retention cycle. LJMU Teaching and Learning Conference; Brooman, S., 2003. Retaining students: report on a curriculum based development. LJMU Teaching and Learning Conference. Brooman, S and A. Carline, 2004. Report on student views of Independent Learning in Law. LJMU Teaching and Learning Conference.

[6] For example, the LJMU Liverpool Business School invited me to organise an away day on retention in 2005. This was followed by a similar invitation for the Faculty of Law and Business in 2006.

2.2 2004-2009: New education challenges and dissemination

The experience gained through these initial steps in education research work in retention and transition led to new challenges such as being asked to take the School lead for responding and planning for the National Student Survey and staff training in learning and teaching such as the use of the LJMU Virtual Learning Environment. My workshops took our VLE use from being the lowest in the university to the highest within a year (2003-4).

Alongside these new responsibilities, from 2005, further dissemination of curriculum design that appeared to have improved retention in the School of Law took place.[7] The catalyst for this was an invitation to submit an article to the United Kingdom Centre for Legal Education *Directions* Journal.[8] This brought attention to the early work in this submission leading to it making an impact outside LJMU in the higher legal education sector.

An invitation followed from the School of Law and Accounting at London Metropolitan University to provide a workshop on solving retention issues.[9] A subsequent invitation was issued to deliver a paper to the annual conference of the United Kingdom Committee of Heads of Law Schools in 2008.[10] Further papers related to retention and performance in the first year were delivered at the LJMU conferences of 2006, 2007 and 2008,[11] This work was also submitted for external scrutiny through a peer reviewed conference paper at the United Kingdom Centre for Legal Education Learning in Law Conference in 2008 (on retention and

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[7] Brooman, S., 2005. 'Front-Loaded Student Support on LLB Programmes.' Socio-Legal Studies Annual Conference, Liverpool.

[8] Brooman, S., 2007. Retention of Law Students: Diaries, Study Skills and Reflective Learning - what works? *Directions Magazine: United Kingdom Centre for Legal Education* (By invitation).

[9] Brooman, S., 2007. 'Retention Success: Developing Successful Retention Strategies.' London Metropolitan University, School of Law and Accountancy (By Invitation).

[10] Brooman, S., 2008. 'Retention Strategies for Law Schools Annual Conference of the Committee of Heads of Law Schools. University of Warwick (By Invitation).

[11] Brooman, S. 2008. 'Improve your retention rates by 10%: Is it time for Mr Nice to Meet Mr Nasty?' LJMU Learning and Teaching Conference.

transition).[12] This was followed by a supplementary paper on collegiate law staff curriculum development work at the Association of Law Teacher's (ALT) Conference in 2008.[13]

In the same year a chance was offered to develop a collaborative approach to education research and to move towards further publications when a new education research assistant post was created in the Faculty. The appointee, Sue Darwent, brought knowledge of qualitative education research methods which could be utilised in evaluating the impact of the ILLs module and its use of diaries and reflection, personal development, planning and reflection. Further elements were also introduced to the LLB to develop a greater self-awareness beyond what had already been achieved on the LLB by introducing concepts of self-efficacy, learning and personality drawn from psychology. The preliminary work on this was presented to the European Conference on the First Year Experience in 2008.[14]

2.3 2009-2013 Journals and Publication

The ILL module produced a rich pool of data about the experience of law students utilising diaries, self-awareness literature, new transition strategies and personal tutor arrangements. As is common with many in the legal academy, I identified a need to enhance personal awareness of the methodology and methods to gather and interpret this data that underpins successful publication in respected higher education journals.

The research submitted for this PhD application began with a pragmatic approach to action research with the aim to improve the curriculum for students. It was logical to assume that this would be best facilitated and tested by conducting new empirical education research. A key question was whether the interventions were working and how they could be further enhanced to improve the student experience, based upon their responses. Research that has the purpose of reflecting on one's own practice and collaborating with participants is a well-

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[12] Brooman S., 2008. 'Enhancing the student experience and improving retention rates.' United Kingdom Centre for Legal Education: Learning in Law Conference, Warwick University.

[13] Brooman, S., 2008. 'Don't lean on the staff – bring them with you. How to turn a good law school into a respected and highly rated school of learning and teaching engagement.' Association of Law Teachers' Conference, Oxford.

[14] Brooman, S., and S. Darwent. 2008. 'Informing first year law students about the interaction of personal qualities with academic performance and success.' European Conference of the First Year Experience, University of Wolverhampton.

known cornerstone of higher education action research. [15] Closely associated with educational action research is participatory action research (PAR). This has become an attractive research model that emphasises the involvement of all the interested parties and includes students. PAR methodology stresses both the desire to achieve solutions, and to do so on the basis of inclusion and consensus amongst all the parties to the research. PAR was attractive because of this relationship with the greater involvement of students, which is valuable in developing curricula in the higher education landscape as has been suggested by Healey, Flint and Harrington (2014).[16]

Much of this initial education research activity was centred on acquiring a new set of skills and methods that had never previously been encountered. A background in legal education meant that research methods previously encountered were primarily those in the doctrinal or socio-legal tradition. None of this included methods of research common to education research such as phenomenology or the use of focus groups. The value of these approaches was apparent, but needed to be better understood in order to develop an appropriate methodology and to choose the correct research methods.

The arrival of a research assistant with experience of qualitative research brought an opportunity to instigate action research projects through conducting focus groups, conducting interpretative phenomenological analysis of data and presenting this according to the standards of respected higher education research journals such as *Studies in Higher Education*. The work that is described in Publications 1 and 2 began here with plans emerging over the next two years to conduct a project around the reflection work developed for law students. It gave rise to refereed papers at the ALT conference of 2010 and further papers at the LJMU conference.[17]

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[15] O'Neill, G., and S. McMahon, 2012. "Giving student groups a stronger voice: using participatory research and action (PRA) to initiate change to a curriculum." Innovations in Education and Teaching International 49 (2): 161-171.

[16] Healey, M., Flint, A., and K. Harrington, 2014. Engagement through partnership: students as partners in learning and teaching in higher education. Higher Education Academy.

[17] Brooman, S., and S. Darwent, 2009. 'The use of self-awareness literature by the first year student.' LJMU Learning and Teaching Conference; Brooman S., and S. Darwent, 2010a. 'Can 1st year law students use self-awareness literature to help them adjust to university life?' Association of Law Teachers Conference, Cambridge; Brooman, S., and S. Darwent, 2010b. 'Posters, prizes and peer-group skirmishes in one induction process: "I've

An emerging reputation for research-led curriculum development in legal education led to an invitation to edit a special learning and teaching edition of the *Liverpool Law Review* (LLR).[18] This was an opportunity to disseminate the idea of an education-research orientated approach to legal education development, and to help publish those who might be doing such work in other university law schools. Edition 32 (2) of the LLR was a land mark moment as it showcased legal education development to a wide international audience. The editorial championed the idea of bringing a research-based approach to legal education curriculum development and has been cited as a blueprint for worldwide legal education in an international review of legal education by Carel Stolker:[19]

> As law teachers across the world, we need to become more involved in pedagogical writing and research. British academic Simon Brooman has the right idea. There is, he says, a persuasive argument to be made that law teachers should engage in more pedagogic activity to examine the education structures we build upon the bedrock so as to pass on our core values and skills: *'It would help to test and disseminate the effectiveness of legal education. Are the structures and methods of delivery robust? Do they engage students? How do we know? At the very least, it seems odd that a discipline rooted in "proof" and "evidence" should be reluctant to produce sufficient proof in relation to the design of suitable learning environments'.[20]*

Reviewing submitted papers and organising the peer review process, the special edition revealed both the strengths, and weaknesses, of legal education development that informed subsequent research steps. It revealed that many legal scholars are interested, and very talented, in developing curricula to benefit students. However, it also confirmed a suspicion that many legal scholars do not appear to have the expertise to engage in qualitative or quantitative analysis of their development to the standard that occurs for publication in journals such as *Studies in Higher Education*.

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made some friends now, I know people on my course and I've done some research. What's not to like?"' LJMU Learning and Teaching Conference.

[18] Brooman, S., 2011, above n.2.

[19] Stolker, C., 2014. *Rethinking the Law School: Education, Research, Outreach and Governance*. Cambridge: Cambridge University Press. Carel Stolker is Rector Magnificus and President of the Executive Board of Leiden University since 8 February 2013. In June 2016 he was appointed for a second term by the Board of Governors, for the period from 2017 to 2021. Stolker is a Professor of Private Law.

[20] Brooman, S., 2011. Above n.2, at 109.

This period 2009-13 provided the outcomes of research which resulted in Publications 1-3. Writing up research and conducting both qualitative and quantitative analysis saw a focus on engaging with emerging conversations that were increasing in importance in higher education - the use, and value of reflection, by undergraduates including diaries, the link between retention, belonging and personal development and the concept of 'student voice'. Another motivation was the fact that these research interests were still under construction in the wider education community. It provided the potential to contribute to these as well to encourage the legal academy to do the same, or at least to improve its education research methods. This is borne out by the number of conferences attended in this period to disseminate this work as far as possible.[21]

2.4 2013-2018 Interdisciplinary Collaboration, a Fellowship and a PhD

The next period of development to use education research in legal education was informed by a desire to conduct collaborative research with colleagues from other disciplines. Good relationships with other education researchers had already been formed at LJMU through an increasing visibility in the LJMU Learning and Teaching Community – LJMU steering groups, awards committees, conference work and School/Faculty representation work. Discussions with these colleagues led to a collaboration between four schools leading to Publication 5 (and two others). This project, once again, proved the value of developing communities of learning amongst researchers and scholars. It also brought a new aspect to this work as it involved participatory action research with students who were involved both as collaborators, organisers, researchers and participants.

A conversation with a leading learning and teaching figure in the university led to the suggestion that the body of work presented in this submission had sufficient merit to apply

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[21] In addition to those in footnotes listed above: Brooman, S., and S. Darwent, 2012. 'From school to university – is our transition process working?' LJMU Learning and Teaching Conference; Brooman S., and S. Darwent, 2012. 'Induction and Transition Interventions: Do they work?' The Higher Education Academy: Conference on Student Retention and Success, University of York; Brooman, S., and S. Darwent, 2012. 'Reflective Learning in Undergraduate Legal Education: Using a Diary-based Assessment to Help Transition to University.' Association of Law Teachers Conference, Oxford University; Brooman, S., and S Darwent, 2012e. 'Think about it!: reflection strategies to help law students adjust to university.' Higher Education Academy Conference - Legal Education in a Changing World: Engaging the Modern Law Student. Manchester Metropolitan University (By Invitation).

for registration of a PhD by publication. This new challenge in learning and teaching was attractive as it might provide personal recognition for the work that had been done. The decision to pursue this was also based on the fact that a claim for the need for legal education to engage in more education research might hold more weight with the academy if it was supported by the recognition of a doctorate.

Chapter 3: Impact

This chapter provides a summary of the impact that these publications have had on students, School, Faculty, LJMU and wider education practice. The personal impact of engaging and writing in the area of education research for legal education is also summarised. Further details of the impact of each article appear in the relevant review chapter for each article. This section reveals the impact of these Publications in both local and external context.

3.1 Impact on Students in Legal Education at LJMU

Each of these articles is a record of an action research project examining practice in higher education. Each was motivated by a desire to find out more – why was the impact happening as it appeared? Could the practice be changed? Were the interventions appropriate for purpose? In some instances, they detail how previously introduced interventions had an impact on students. In others, interventions were measured and then practice changed for the benefit of students as a result. All provide a record of curriculum design intended to assist students in their journey through university.

Publication	Original findings for the legal education curriculum
Publication 1	The main finding of this study was that these law students tended to benefit from using self-awareness literature as a sounding board to reflections on their transition into the first year of a law degree. It shows how the introduction of self-awareness literature helped students to deal with the stress of starting university and to develop their self-efficacy. The article is reported as extremely valuable by many students in their reflective essays as it discusses the experiences of previous students in their discipline.

Publication 2	This article details how many students can benefit from using diaries at the start of university. It helps crystallise thoughts and assists in planning to overcome problems. The article, which is also used by current law students, shows how many benefit from such diaries even if they do not exhibit 'gold standard' reflective practice. The article itself is used by students to inform their use of diaries. Diary-keeping is reported as essential by a significant number of students, including mature students returning to education. The introduction of diaries, alongside work described in Publication 1, led to significantly improved student retention on the LLB.
Publication 3	This article illustrates the benefits to students of changes that were made to the curriculum in 2002 – value of closer personal tutor and peer contact early in the degree. It shows how the changes detailed in Publications 1-3 were effective in substantially changing the student experience of induction and transition. It is evidence of the value of an extended transition process that benefits students more than shorter induction processes. It also informed changes to the curriculum to provide early individual feedback in addition to group feedback so as to facilitate the development of self-efficacy.
Publication 4	This article details how paying closer attention to the student voice significantly changed the performance of students on a core law degree module. It illustrates how tutor-led design can misinterpret literature used to inform curriculum design. Students benefitted from the changes with significantly increased engagement and performance on the module in question. The findings informed the re-design of several other core modules on the law degree and a subsequent research project detailed in Publication 5. It shows the potential

	impact on students of utilising the student voice in curriculum development.
Publication 5	This article changed the assessment practice of four schools at LJMU, including law students. It led to the development of course based assessment strategies that have impacted on the consistency of assessment feedback for students. Also shows the benefits of seeking the student voice so as to cast light on how assessment is received. This Publication, alongside Publication 4, provides evidence that participatory action research involving students can benefit students directly by taking greater account of their perceptions of feedback in higher education assessment.

Summary – what changed for these students in legal education?

The main outcome of the research in these publications is emerging evidence about the effect of interventions in learning and teaching practices relating to reflection, retention, belonging and assessment of these law students. The findings were transferable to other disciplines and show how education research based changes to the learning and teaching practice of undergraduate legal education at LJMU brought tangible benefits.

Publications 1 and 2 examine the benefits of self-reflection and diary keeping, as recorded by law students, in terms of enhancing factors known to increase the chances of a successful transition to university.

Publication 3 discusses how the interventions created a longer transition process to replace a minimal 'induction' period. This included the introduction of closer contact with personal tutors, the reflective processes detailed in Publications 1 and 2, as early assessed work, and guidance from second and third years. The study suggests that the new, longer, processes increased a sense of belonging and helped student to acclimatise. The study is also useful in that it revealed that our intention to enhance self-efficacy, was not being met at the time of

the second measure in this quantitative study. That led to a conclusion that we need to do more work to understand the whole transition process and whether the intentions of innovations are met. This discovery was valuable in itself as it led to changes such as giving more positive feedback early in the course as well as highlighting weaknesses.

In terms of the student voice work in Publications 4 and 5, the outcome of the research was that changes were made to student learning and teaching methods at module and programme level. The discussions that arose from the success of publication 5 lead to some of the approaches being adopted in other modules. For example, the model of provided a balanced curriculum moving from lecture to seminar rather than separating them to the beginning and end of the module respectively, was confirmed or introduced on other modules. Although these changes were never the subject of research, the project showed the value of findings that are cascaded across the programme team through the experience of the research team. Publication 4 also led to the research in Publication 5 which, in-turn, had an effect on assessment across the LLB programme. Therefore, the value to students is that the research and evaluation of Publication 4 improved provision in several aspects of the overall student experience – enhancing the student voice has helped develop the curriculum for future students on the LLB.

Publication 5 resulted in tangible benefits for staff and students understanding the different contexts through which each approached the process of assessment feedback. A course-level feedback strategy was adopted rather than one for each specific module so as to improve the consistency of feedback and feed-forward. This led to, for example, module leaders uniformly adopting a set of generic feedback guidelines for assessment tasks as well as module specific guidance. It also led to the adoption of a generic feedback sheet for the following academic year. Clear guidance was discussed and implemented across the programme team, once again, to ensure more consistency between the modules.

3.2. Impact on Colleagues at Liverpool John Moores University

The work detailed in Publications 1-5 has had a significant impact and changed the practice of academics in several discipline areas at LJMU. Collaborations have occurred with a significant number of colleagues from different disciplines in research projects showing how the impact of this body of work reached across the university.

Colleague	Discipline	Project/Paper
Anna Carline	Law	Brooman, S and A. Carline, 2004. Report on student views of Independent Learning in Law. LJMU Teaching and Learning Conference.
Phil Carey Claire Milsom Esther Jubb	Health Geology Built Environment	Carey P., C. Milsom, S. Brooman and E. Jubb. 2010. Student Views of Assessment and Feedback.
Sarah Nixon	Events Management	Several papers and conferences inc. Publication 5
Becky Murphy	Sports Science	Several papers and conferences inc. Publication 5
Damian Fearon	Built Environment	Student Voice project leading to Publication 4
Charlie Smith	Architecture	Taking stock on retention: Where to Next? 2017 LJMU Teaching and Learning Conference.
Sarah Maclennan	Creative Writing	Brooman, S., and S Maclennan, 2015. 'Personal tutoring, a tale of two schools: What is it and how do we do it?' LJMU Teaching and Learning Conference.
Alex Pimor	Law	Publication 4 and LJMU Learning and Teaching Conference Paper 2014.
Sarah Stirk	Law	Reflection project – on-going. Paper at 2018 LJMU Teaching and Learning Conference

In light of the education research based developments that were introduced, some colleagues became champions of the use of reflective practice ten years before this was suggested for legal education at a national level (see below re QAA and LETR developments). The interventions (diaries, group posters, self-awareness literature, self-efficacy, reflection etc.) changed the practice of many across the school. One of these colleagues, who experienced the complete journey has contributed some thoughts on the experience – see Appendix 2.

The innovations informed the development of similar work on the post-graduate Legal Practice Course (e.g. enhanced personal tutoring), the Graduate Diploma in Law (use of posters) and on the Criminal Justice/Law Programme (took up Independent Learning module in its entirety). For others, a certain caution remained. As Banakar and Travers (2005) note of legal professionals: 'Those who would like to develop new ideas and approaches soon find themselves confronted with, and forced to defy, the methodological restrictions of established disciplines."[22]

The extended transition period curriculum module for student support introduced by Independent Learning in Law continues in Law and was taken up by a number of schools in the university including Events Management, Sports Science and the Business School. This was influenced by papers delivered at the LJMU Teaching and Learning Conference. The new curriculum-based personal tutoring module was adopted and developed by the central learning development unit for use across the university and still forms the core of recommended practice all first year students at LJMU. A 'rail-map' of the student journey detailing development opportunities at each level became recommended LJMU practice and was incorporated into the LJMU learning and teaching website.

Another way in which this work has influenced and impacted on the work of colleagues at LJMU is through involvement with the general learning and teaching community. I have presented at every LJMU Teaching and Learning Conference since its inception 2001 and my work has influenced developments across the university in relation to, for example, creating

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[22] Banakar, R., and M. Travers, (Eds), 2005. *Theory and Method in Socio-Legal Research*, Hart Publishing, Oxford, pp 1-31, p4.

effective induction and transition strategies, pastoral tutoring models, assessment strategies and the use of the student voice. I have also been able to influence university-wide developments with my involvement in several cross-university development groups such as:

LJMU Learning and Teaching Development Panel 2014-2016

LJMU Retention Working Group 2013-2016

LJMU Learning and Teaching Awards Panel 2012, 2013.

LJMU Pastoral Tutor Review Group 2012-13

LJMU Student Engagement Panel 2015 - present

3.3 Impact of Publications: The wider education community

These publications have led to requests to review research artciles for numerous journals including several of the most reputable higher education journals e.g. *Higher Education* and *Studies in Higher Education*. Publications 1 and 2 also led to an invitation to join the editorial board of the international journal *Reflective Practice*, and the LJMU in-house journal *Innovations in Practice*. The experience I have gained in education research has informed my approach to subject development in law (Animal Law), an area that has itself led to membership of other editorial boards and advisory positions in the development this new subject (*United Kingdom Journal of Animal Law* and the *Journal of Animal Ethics*).

Table: Impact of publications in wider higher education community

Publication/ Citations (January 2019)	Evidence of Impact
1 (2012) 15 citations	In contrast to the other Publications in this submission, the main impact of this Publication has been in legal education itself. This is detailed above in relation to changes in the curriculum for law students, invitations to national law events,

	conference work and recommendations in literature from Stolker (2014) and Jones (2018).[23]
	However, there is some evidence of its impact beyond legal education in some studies such as that by King, Garcia-Perez and Graham (2014). They found use in academic using extant literature as a soundboard to compare with their own personal development, as did our law students in Publication 1.[24] A study by Everett (2017) makes reference to Publication 1 in relation to discussion about the effects of homesickness, self-efficacy and identity on student new to university. She suggest that Publication 1 provides part of the reasoning behind the need for institutions to rethink the way in which they address the well-being of students as part of their retention strategies.[25]
2 (2012) 48 citations	The findings of Publication 2 in relation to the use of diaries by undergraduates have been utilised in a number of subsequent studies. Perhaps the most unusual adaptation is for the development and evaluation of diary use for patients recovering from heart surgery. This study from South Korea details how the potential impact diaries in developing self-efficacy has been utilised in the post-operative treatment of recovering patients.[26]
	This publication drew upon methods of analysis developed in psychology (Interpretative phenomenological analysis). It therefore completes the circle to see the findings of this article being used to develop higher education in psychology. Sharma and Dewangan (2017) used this publication to unpick their findings in relation to the successful use of journals by psychology students.[27] It was also used

[23] Stolker, C., 2014. Above n. 19; Jones, E., 2018. Transforming Legal Education through Emotions. *Legal Studies*, 38(3), 450-479.

[24] King, V., Garcia-Perez, A., Graham, R., Jones, C., Tickle, A., and Wilson, L., 2014. Collaborative reflections on using island maps to express new lecturers' academic identity. *Reflective Practice*, *15*(2), 252-267.

[25] Everett, M. C., 2017. Fostering first-year students' engagement and well-being through visual narratives. *Studies in Higher Education*, *42*(4), 623-635, p631

[26] Shim, J., 2016. Development and effects of a Heart Failure Diary for Self-Care Enhancement of Patients with Heart Failure. *Journal of Korean Academy of Nursing*, *46*(6), pp.881-893.

[27] Sharma, A., and R Dewangan, 2017. Can wisdom be fostered: Time to test the model of wisdom. *Cogent Psychology*, 4(1), 1-17, 8.

	to change the emphasis of educating psychology students in how to use reflective practice by allowing them more leeway to find their own way through reflection as was suggested in Publication 2.[28]
3 (2014) 63 citations	This is the most cited Publication in this submission with 63 citations (January 2019). It has been cited with a number of intentions such as: - evidence of the need to know more about transition processes per se as studies investigating the efficiency of retention strategies remain scarce;[29] - evidence of the value of applying quantitative measures to transition processes; - evidence of the need for a longer transition process.[30] The social integration aspect of transition highlighted in the study has been influential in other studies as it has influenced the need to help students move towards 'feeling socially integrated and connected with others'.[31] This study also supports the idea of measuring self-efficacy at two points in the transition process in future studies to find out the impact of pre-entry programmes. Publication 3 is cited as an influence on creating a new framework for the development of a new approach to developing speaking skills at University of York St John. Alison Hayes used the suggestion that students need targeted support at

[28] Marsh, C., 2014. 'It's quite weird to write… you feel like a nut job': the practical and emotional consequences of writing personal reflections for assessment in psychology. *Reflective Practice*, *15*(2), pp.190-202.

[29] Ortiz-Lozano, J. M., Rua-Vieites, A., Bilbao-Calabuig, P., and Casadesús-Fa, M., 2018. University student retention: Best time and data to identify undergraduate students at risk of dropout. *Innovations in Education and Teaching International*, 1-12; Wilson, C., Broughan, C., and Marselle, M., 2018. A new framework for the design and evaluation of a learning institution's student engagement activities. *Studies in Higher Education*, 1-14.

[30] Coertjens, L., Brahm, T., Trautwein, C., & Lindblom-Ylänne, S., 2017. Students' transition into higher education from an international perspective. *Higher Education*, *73*(3), 357-369.

[31] Pennington, C. R., Bates, E. A., Kaye, L. K., and Bolam, L. T., 2018. Transitioning in higher education: an exploration of psychological and contextual factors affecting student satisfaction. *Journal of Further and Higher Education*, *42*(5), 596-607.

	the commencement of their studies to create a more student centred approach as is suggested in publication 3.[32] Publication 3 has also been utilised in higher education provision for Pharmacy and Chemistry at Kingston University, London. Goldring et. Al discuss the outcomes of the longer induction/transition strategy as recommended in Publication 3.[33] They concur with the suggestions that students need to be appraised that the transition to university is more than just an induction event. This aspect of Publication 3 is mentioned in numerous other studies and is often cited as having influenced spreading retention measures more evenly across the first year.[34] Publication 3 also appears in scoping reviews of retention and transition literature as one of the leading papers in the area.[35]
4 (2015) 48 citations	Publication 4 continues to play a part in developing the notion of student voice in education research that is designed to improve the curriculum for students. It has informed the theoretical development of the area in establishing the metaphor of 'student voice' as a part of the language used to analyse and disseminate the outcomes of staff-student partnerships.[36] This publication has been cited many times because of its relative success in securing improved results through valuing the student voice. As Stalmeijer et al. (2016) suggest this has been used to champion further research in the area because it revealed student perceptions of curriculum changes that had not previously

[32] Hayes, A., 2017. 'Be your own language coach – self-mentoring to increase motivation and achievement. http://ray.yorksj.ac.uk/id/eprint/2746

[33] Goldring, T., Harper, E., Jassal, R., Joseph, L., Kelly, A., Mulrooney, H.M., Piper, I. and Walker, H., 2018. Experience and expectations of transition to higher education: a qualitative exploration. *New Directions in the Teaching of Physical Sciences*, (13).

[34] Ortez-Lozano et al, above n. 29, p7.

[35] Vivekananda-Schmidt, P., and Sandars, J., 2018. Belongingness and its implications for undergraduate health professions education: a scoping review. *Education for Primary Care*, *29*(5), 268-275.

[36] Matthews, K. E., Cook-Sather, A., Acai, A., Dvorakova, S. L., Felten, P., Marquis, E., and Mercer-Mapstone, L, 2018. Toward theories of partnership praxis: An analysis of interpretive framing in literature on students as partners in teaching and learning. *Higher Education Research & Development*, 1-14.

	emerged. The same article reveals another reason for citing Publication 4 as evidence around ameliorating power dynamics in curriculum design, as well as agreeing with our findings that processes and mechanisms can be found to give greater credence to the student voice in such projects.[37]
	The intention in Publication 4 to overcome power dynamics is a recurring theme in references to this article. Writers often state as one of their intentions a desire to break down barriers between staff and students in curriculum design. For example, in one study reflecting on power relationships Kehler, Verwood and Smith (2017) discuss a 'challenge traditional structures' and a need to 'disrupt traditional student-faculty power relations' in curriculum design projects, and cite Publication 4 as a positive indicator for doing so.[38]
	Other studies cite Publication 4 in setting up the analysis of research project in defining 'curriculum' which we modified to include the potential for interaction between faculty and students.[39] Others cite Publication 4 as evidence and a positive example of the increasing focus on student voice in curriculum design in higher education generally.[40] Another uses Publication 4 at a more practical level in that it influenced the decision not to escalate the amount of material given to students when redesigning a course, as it might overwhelm them as we found in our study.[41]
5 (2017) 6 citations	It is a little too early to judge the impact of Publication 5 in the literature. The impact of this Publication is best measured in its impact on the course involved in the study, as detailed in above in the section regarding the impact on students of the

[37] Stalmeijer, R., Whittingham, J., de Grave, W., and Dolmans, D., 2016. Strengthening internal quality assurance processes: Facilitating student evaluation committees to contribute. *Assessment & Evaluation in Higher Education*, *41*(1), 53-66.

[38] Kehler, A., Verwoord, R., and Smith, H., 2017. We are the Process: Reflections on the Underestimation of Power in Students as Partners in Practice. *International Journal for Students as Partners*, *1*(1), 1-14.

[39] Hoydalsvik, T. E. L., 2017. Co-Operation Is Not Enough: Teacher Educators as Curriculum Developers in Times of Change. *International Journal of Higher Education*, *6*(5), 76-87.

[40] Hertel, T. J., and Dings, A., 2017. The undergraduate Spanish major curriculum: Faculty, alumni, and student perceptions. *Foreign Language Annals*, *50*(4), 697-716.

[41] Bengtson, C., Ahlkvist, M., Ekeroth, W., Nilsen-Moe, A., Proos Vedin, N., Rodiuchkina, K., ... & Lundberg, M., 2017. Working as Partners: Course Development by a Student–Teacher Team. *International Journal for the Scholarship of Teaching and Learning*, *11*(2), 6.

	Publications in this submission (p26). There is some discussion of this Publication in a study by Dunworth and Sanchez (2018),[42] who recognise our assertion that often it is difficult to change assessment practice unless there is freedom to do so within an institutional academic framework, even if staff-student partnerships suggest the need for change. Publication 5 has also informed the development of a new structure to improve and capture the student voice for the whole student body through developing 'high strategic, governance and operational links' at the University of Kent.[43]
Total 180 citations	January 2019

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[42] Dunworth, K., and Sanchez, H. S., 2018. Mediating factors in the provision of lecturers' written feedback to postgraduate taught students. *International Journal of Educational Research*, *90*, 107-116.

[43] Lay, J., Mattinson, C.., and Naylor, L., 2017. Capturing the student voice: creating more effective mechanisms for listening, *Journal of Educational Innovation*, *Partnership and Change,* 3(2), 1-8.

3.4 Impact on legal education outside LJMU

Carel Stolker's review of worldwide legal education suggested that the reflective diary work discussed in Publication 2 might alleviate findings that law students can start university with an optimistic outlook on their studies that is lost after the first year. [44]

Emma Jones suggests that some of these interventions introduced to legal education have the potential to influence her case for rethinking the approach to emotions in legal education and training. She cites Publications 1 and 2:

> 'Brooman and Darwent's support for a longer transition phase, which provides a broader range of opportunities to develop both social connections, but also a sense of self-efficacy, appears to support this approach of embedding notions of emotional well-being, and understanding of emotions more generally, from the very start of the law school experience.'[45]

Publication 1 is also cited by Ellison and Jones (2108) as evidence for the impact of motivation and self-efficacy on law student development in the first year in discussing the impact of assessment types on first year achievement.[46]

The great majority of citations and discussion of Publications 1-5 have been outside legal education. However, one of the central contentions in this PhD is the potential for this work to have an impact in future and will be addressed in the next chapter.

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[44] Stolker, C., 2014, above n. 19, p185.
[45] Jones, E., 2018. Above n.23, p479.
[46] Ellison, L., and D. Jones, 2018. First year law students: the impact of assessment type on attainment. *Assessment & Evaluation in Higher Education*, 1-11.

Table: Overview of impact on legal education

Publication	Original findings for the legal education curriculum (As identified during research and subsequent citations/references)
Publication 1	Law students can benefit from using self-awareness literature as a sounding board to reflections on their transition into the first year of a law degree. The introduction of self-awareness literature can help law students to deal with the stress and develop self-efficacy. Qualitative research techniques such as IPA are extremely valuable in action research for legal education. Reflective Practice for personal development can enhance the conditions necessary to enhance retention of law students.
Publication 2	Law students can benefit from using diaries at the start of university to assist in planning to overcome problems. Students do not need to illustrate 'gold standard' reflective practice. Reflective diaries also contribute to the conditions identified in literature as enhancing retention. Diaries have a specific part to play in developing self-efficacy as they facilitate the identification and recognition of progress thereby enhancing confidence.
Publication 3	An extended transition process helps in the retention and transition of students onto a law degree. Quantitative studies can reveal, for legal education providers, surprises that are not expected i.e. self-efficacy did not change when anticipated. Enhanced understanding of the transition process as a longer phenomenon that induction. More quantitative research is desirable in legal education to identify whether innovations have a measurable impact.

Publication 4	Paying closer attention to the student voice in curriculum design can improve law student performance. The use of the student voice is underutilised in law curriculum design. Law teachers can misinterpret literature used to inform curriculum design. Reveals potential for student voice work in legal education and beyond.
Publication 5	Confirmed the value of student voice work in legal education. Provided evidence of the value of collaborative writing groups across discipline boundaries including law – strengthened the problems associated with insider research. Provided insight into the value of students as research participants and co-researchers (participatory action research).

Chapter 4: The potential for impact in legal education

There is a great deal of highly regarded expertise that develops the curriculum in legal education. Legal educators are, for example, no strangers to the concepts of developing practical, constructivist theories or indeed borrowing elements of development from areas such as psychology to develop legal education.[47] There are several specialist centres aimed at developing pedagogic approaches to legal education such as the Centre for Legal Education at the University of Nottingham, and the Centre for Innovation and Research in Legal Education at the University of Leeds. They express similar themes in terms of developing subject specific approaches and, more recently, approaches to more generic aspects of legal education such as the successful transition of law students from school to university. It is in developing these less subject specific aspects of legal education provision where the work in this submission might have its greatest influence, as suggested by writers such as Emma Jones and Carel Stolker.[48]

The publications in this submission in the areas of induction, transition and student voice are supported by the external contexts of reflection, psychology and the use of education/social research techniques such as IPA. There is little evidence that this approach has occurred to any great extent in legal education. Even relatively recent accounts of legal education miss the potential of such external approaches to the non-subject specific aspects of legal education development (Hunter, 2012). This is confirmed in Stolker's comprehensive account of legal education.[49]

Publications 1 and 2 examine the under-explored area of reflection in undergraduate education, with the added step of this being even less prevalent in legal education. Publication 3 employs quantitative analysis to examine the effects of transition strategies that had not been attempted before. Publication 4 adds to knowledge in the emerging area of student voice and curriculum development. The enhanced dialogue technique that was

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[47] Maharg, P, 2000. Rogers, constructivism and jurisprudence: Educational critique and the legal curriculum. *International Journal of the Legal Profession*, *7*(3), 189-203.

[48] Jones, E., 2018, above n.23; Stolker, 2014, above n.19.

[49] Stolker, C., 2014, above n. 19.

employed is a relative newcomer to developing the 'student voice' methodology of higher education research, and this method has yet to make an impact in legal education.

Educators from all disciplines in higher education have been suspected of adopting parochial approaches to learning and teaching development,[50] but lecturers in legal education are accused further that they are slow to embrace *any* educational innovation. [51] These contributions recognise that legal education needs to improve the method by which it examines the effectiveness of its learning and teaching practice, as is the case with other disciplines. It is suggested that we fail to interact with pedagogical developments in the way we deliver existing subject discipline areas (such as the Law of Tort, Environmental Law or Land Law), or other ways in which we provide general support for students through, for example, their transition to university or engaging the 'student voice.' Education research, in the form exhibited by Publications 1-5 is uncommon in legal education.[52]

The lack of engagement with external context has been identified as a world-wide challenge for legal education with a suggestion by Baron and Corbin (2012) that there should be 'more fluidity in the boundaries between law and other professional disciplines', and that 'exposing lawyers to the mind-sets and assumptions of other disciplines could be a powerful experience'.[53] Of particular resonance for this submission is the suggestion that empirical research techniques are underutilised in legal education. Ching et al (2015) observe that:

> Education, manages to be as a discipline both highly theoretical and intensely empirical. Legal education needs to be so too. Indeed the warning notes sounded by the Nuffield Inquiry on Empirical Legal Research apply as much to legal education as to any other area of legal research; and we would argue that in terms of organisation of research findings, our discipline has much housekeeping to do.[54]

The 2006 Report by the Nuffield Foundation on Empirical Legal Research may identify why law educators do not possess the necessary skills for education research:

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[50] Young, P., 2010. Generic or discipline-specific? An exploration of the significance of discipline-specific issues in researching and developing teaching and learning in higher education. *Innovations in Education and Teaching International* 47(1), 115-124.

[51] Fitzgerald, M., 2008. Rite of passage: The impact of teaching methods on first year law students. *The Law Teacher*, 42(1), 60-84; Brooman, S., 2011, above n.2.

[52] Stolker 2014, above n.19.

[53] Baron, P., and L. Corbin, 2012. Thinking like a lawyer/acting like a professional: communities of practice as a means of challenging orthodox legal education. *The Law Teacher* 46(2), 100-19, p116.

[54] Ching, J., Maharg, P., Sherr, A., and Webb, J., 2015. An overture for well-tempered regulators: four variations on a LETR theme. *The Law Teacher*, *49*(2), 143-164, p147.

> … a divide between lawyers 'doing law' and social scientists doing research largely in fields other than law. Some of the problems are a result of the understandable preoccupation of law schools with the legal education of undergraduates, tomorrow's professionals.

And:

> There is little disagreement that law schools have historically been dominated by theoretical and text-based doctrinal research. This is reflected in the research skills taught at undergraduate level. Most law courses do not incorporate empirical legal research material into their teaching programmes. [55]

The preparation of this submission has brought to light the context of national developments. The outcomes from these publications are directly relevant to suggestions regarding the direction of travel for legal education. The Quality Assurance Agency (QAA) Consultation on the Law Subject Benchmark Statement (2015)[56], and the Legal Education Training Review 2013 (LETR)[57] stress the need for a new approach to developing legal education curricula. The QAA consultation asks for legal education to be more outward looking in seeking best practice to influence its learning and teaching development:

> Learning, teaching and assessment strategies should be regularly reviewed and updated as appropriate, reflecting advances in pedagogy and information technology. Legal education providers are also encouraged to seek out and to share examples of effective learning, teaching and assessment practice. (QAA, 2015, p. 9)

The resulting National Law Subject Benchmark Statement (QAA, 2015) embraces the need for legal education to develop a broad range of skills in law students. The statement also identifies types of education research that would be useful. For example, the development of students' 'state of mind' that is expected in undergraduate legal education provision and features in this work:

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[55] Genn, H., M. Partington and S. Wheeler, "Law in the Real World: Improving Our Understanding of How Law Works" (UCL/Nuffield Inquiry on Empirical Legal Research, 2006), p iii. http://www.ucl.ac.uk/laws/socio-legal/empirical/docs/inquiry_report.pdf (Accessed 15th September, 2018).

[56] QAA, 2015. Subject Benchmark Statement Law. Gloucester: Quality Assurance Agency. See http://www.qaa.ac.uk/en/Publications/Documents/SBS-Law-15.pdf (Accessed 14 September, 2018).

[57] 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. See: http://www.letr.org.uk/wp-content/uploads/LETR-Report.pdf (Accessed 15th September 2016).

> Self-management, including an ability to reflect on their own learning, make use of feedback, a willingness to acknowledge and correct errors and an ability to work collaboratively.[58]

The long-running Legal Education Training Review (LETR) is an on-going examination of the form and function of legal education provision in England and Wales. The focus is primarily on the needs of the solicitors' profession and it makes specific mention of the need to create innovative learning environments and the development of 'soft skills' useful to the profession. It stresses the need to create more opportunities for law students to engage in self-awareness and reflection that is considered by the report to be a key element of the professional's work.[59] It has led legal education establishments, including LJMU, to radically rethink their provision.[60]

Therefore, the research discussed in this submission has the potential to influence the future development of legal education as it is concerned with reviewing, updating pedagogy and sharing practice in legal education and beyond. In relation to the QAA statement on self-management the education research in Publications 1, 2 and 3 relates to developing self-awareness through reflection. All five publications form a process of review and development for legal education. Stolker (2014) suggests the approach used for Publications 1 and 2 is of international significance for legal education. As the new requirements for qualification as a solicitor unfold and filter into undergraduate/post-graduate legal education, new ways of assessing how these changes are received by students will be desirable. This revolution in legal education will need to be tested through education research methods to ensure that new curriculum developments are fit for purpose.

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[58] QAA, 2015, above n.56, p7.
[59] LETR, 2013. Above n.57, p275, and p278.
[60] Guth, J., and Dutton, K., 2018. SQE-ezed out: SRA, status and stasis, *The Law Teacher*, 52:4, 425-438.

Chapter 5: The objectives of the research and publications

5.1 Why conduct these action research projects?

Research Objective 1: Reviewing and improving the curriculum for law students

Sheldon and Krieger (2004)[61] suggest that traditional methods of teaching in law, based primarily as they are on large lectures and seminars, actually 'damage' students' sense of wellbeing. They claim that the law student experience is often more challenging than for other students so the lack of empirical education methodology to gather empirical evidence of the effects of developments in legal education is even more surprising. Law students learn through the same personal developmental processes as other students and many of the tensions and stressors are common to all. Curriculum development inside the modern law school is infrequently validated by education research methods such as phenomenology. For the modern law student this may have serious consequences leading to high drop-out rates and poor mental health. The student voice is hardly ever heard other than by traditional methods.

The research in this submission aimed to remedy this lacuna by providing evidence about the law student experience through action research.

Research Objective 2: Using effective external evidence and research methods to improve learning, teaching and assessment in legal education

The primary objective of this research was to utilise findings in other discipline areas, adopt them for law students and then used established education research methods to evaluate whether my interventions were effective. From the outset, evidence was sought from beyond discipline boundaries because it had value. Subsequently, education research methods were used to evaluate those interventions.

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[61] Sheldon, K., and L. Krieger, 2004. Does legal education have undermining effects on law students? Evaluating changes in motivation, values, and well-being. *Behavioural Science & Law* 22, 261-286.

Research Objective 3: Engaging and sharing knowledge with the wider education community

There is a great deal of valuable work aimed at developing legal education, as mentioned previously. Legal educators often look for different approaches to teaching law using, for example life-like experience and legal clinics. There are some highly respected legal educators who continue to enthuse and redefine excellent in law teaching. In addition, student feedback and performance is often used to validate curriculum changes to show how improvements have been effective. However, in terms of dissemination, the majority of evaluative research in legal education is confined to a limited number of publications such as *The Law Teacher* and is aimed only at legal educators. Most education research in legal education does not have the methodological rigour for publication in leading higher education research journals such as *Studies in Higher Education* or *Assessment and Evaluation in Higher Education*. Empirical research techniques such as phenomenography or phenomenology seldom feature and, as a result, legal educators rarely join conversations in the leading higher education sector publications. The view that informed these publications from the outset was that it would be beneficial to join conversations in the wider education community. The publications presented here appear in high quality journals outside law or legal education, *Studies in Higher Education, Assessment and Evaluation in Higher Education, Reflective Practice* and *Innovations in Education and Teaching International*.

From this experience, it is easy to concur with the suggestion that the publication of research and scholarly material is the 'glue' that binds development in education research.[62] It also leads to conclusions that concur with the suggestion that scholarly evidence including publication is necessary to raise the profile of education research and to illustrate its value.[63] Being published in leading higher education research journals such as *Studies in Higher Education* or *Assessment and Evaluation in Higher Education* brought recognition that the approaches used were of interest in the wider education community. As a law teacher, this could be considered a 'major outcome' (Trigwell, 2013)[64], which extended the legal education

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[62] Sugrue, C., Englund, T., Solbrekke, T. D., and T. Fossland, 2018. Trends in the practices of academic developers: trajectories of higher education?. Studies in Higher Education, 43(12), 2336-2353, p2348.
[63] Trigwell, K. 2013. Evidence of the impact of scholarship of teaching and learning purposes. *Teaching and Learning Inquiry* 1(1), 95-105.
[64] ibid

curriculum development beyond that of traditional doctrinal approaches (Hillyard, 2007; Bradney, 1998)[65].

5.2 What is 'higher education research'?

Kreber and Cranton's (2000)[66] influential contribution sees value in firstly, discipline-related education research, and secondly, research that applies wider educational theory to teaching and learning. They stress the critical importance of developing the second of these in higher education. Johan Geertsema (2017) suggests that educational research is recognisable when it is scrutinised and published in reputable journals and seeks to influence changes in practice amongst one's peers.[67]

Fung (2017) defines education research as:

> '…..multiple dimensions of theory and practice: more than 'teaching and learning', it encompasses multiple elements, such as philosophical vision for the discipline(s), curriculum design, creativity with resources, physical and online spaces, and the development of constructive partnerships with fellow scholars…..[Research] into education can address any dimension of education or education leadership.'[68]

Brew (2010) uses the previous work of Kreber and Cranton (2000) to address a definition in terms of three elements:

> 'Different levels of reflection on learning and teaching are involved in the scholarship of university teaching and learning. Kreber and Cranton (2000, p. 484) mention three: the *content level* where the focus is on an orientation to understand the facts about the content of what students are learning; the *process level* where the focus is on asking questions about how students are learning and discussing

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[65] Hillyard, P., 2007. Law's empire: Socio-legal Empirical Research in the Twenty-first Century. *Journal of Law and Society* 34(2), 266-79: Bradney, A., 1998. 'Law as a Parasitic Discipline'. In Bradney, A., and F. Cownie, (Eds.), 1998. *Transformative Visions of Legal Education*, Oxford: Blackwell Publishing, pp 71-84.

[66] Kreber, C., and P. Cranton, 2000. Exploring the scholarship of teaching. *The Journal of Higher Education* 71(4), 476-95.

[67] Geertsema, J., 2016. Academic development, SoTL and educational research. *International Journal for Academic Development* 21:2, 122-34, p123.

[68] Fung, D., 2017. Strength-based scholarship and good education: The scholarship circle. *Innovations in Education and Teaching International* 54(2), 101-10, p106

with others how we should teach as a consequence; and the *premise level* where fundamental questions are asked about why the teaching is the way it is.' [69]

A desire to develop the learning and teaching environment experienced by law students led to a journey to seek a good theoretical basis from other disciplines. This knowledge was used to develop practice, and to disseminate the outcomes through publication. This accords with suggestions from academics such as Healey (2000) that the three essential elements of education research are:

'[E]ngagement with the scholarly contributions of others on teaching and learning; reflecting on one's own teaching practice and the learning of students within the context of a particular discipline; and communication and dissemination of aspects of practice and theoretical ideas about teaching and learning in general, and teaching within the discipline.'[70]

Each publication in this submission is clearly identifiable as education research based on these recognised theories that is illustrated in figure one below on page 52.

Each:

1. Is published in reputable higher education journal;
2. Encompasses recognisable areas of education research such as curriculum design;
3. Involves research with education researchers from other disciplines to create communities of practice and;
4. Asks fundamental theoretical questions about the delivery and content of curricula.

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[69] Brew, A., 2010. Transforming academic practice through scholarship. *International Journal for Academic Development* 15(2), 105-16, p110.
[70] Healey, M., 2000. Developing the Scholarship of Teaching in Higher Education: a discipline-based approach. Higher Education Research and Development 19(2), 169-189, p171.

Chapter 6: Methodology and Methods for this research

6.1 Methodology

The underlying methodological approach[71] to higher education research illustrated in this submission evolved over time. An appreciation developed that 'knowing' the solution to a problem via emerging data is laden with issues such as the nature of objectivity and the personal values of the researcher, and that one should be careful in interpreting data (Morrison, 2007).[72]

A legal education background may have had an influence on this writer's natural inclination to look for a solution to a problem. The initial attempt to solve the problems of retention and transition, illustrated in Publications 1 and 2, was informed by another legal doctrine, namely the use of evidence. This led to a conviction that the best data would naturally have to include the voice of the student, and a researcher could not truly understand how to deal with a curriculum issue unless data was gathered to show how an intervention was viewed by its recipients. This basic methodological position has continued largely unchanged and is a constant that permeates all five publications. This approach informed the design of pragmatic action research projects that would have relevance to a local challenge, to others in my discipline area and beyond.

The desire to reflect on practice forms another methodological pillar of this research. However, this research has not been confined to action-oriented research and its intention to affect action such as that illustrated by Publications 1-3. Discipline research, which attempts to understand the acquisition of legal knowledge,[73] has also featured as illustrated by Publication 4.

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[71] In this submission for PhD I use the term 'methodology' to explain the reasons why the research was undertaken and the particular research methods were chosen. I use the term 'methods' to refer to the actual way in which the research was conducted.

[72] Morrison, M., 2007. What do we mean by educational research? *Research Methods in Educational leadership and Management*, 2, 13-36.

[73] Bassey, M., 1999. Case study research in educational settings. McGraw-Hill Education (UK).

A further aim was to present the outcomes of this research to the wider higher education community so that the findings could be further tested and be subjected to scrutiny. This is discussed above in relation to defining higher education research. To achieve these goals, a decision had to be made as to which methods would be most appropriate to achieve the aims of the research – which types of research method would be most appropriate for the action research area being investigated? An action research approach was the most suitable method to study the effects of the interventions and, in the later studies, participatory action research was utilised as an attempt to improve practice other than through the sole lens of the teacher.

On the whole, the data that emerged from each study was valuable to make certain judgements about the phenomena being investigated. However, in hindsight, some of the methods were not necessarily the best that might have been utilised in the circumstances, or they might have been supplemented by a different method in order to achieve the best outcome. This is discussed in the critique of each piece but an example is the quantitative study in Publication 3 that could have been enhanced by a mixed methods approach incorporating qualitative data. Overall, the methods employed in these publications have been designed according to the circumstances being investigated. Publications 3 and 4 lean towards a positivist adherence to scientific methods in gathering quantitative data (Bryman, 1998).[74] However, a personal preference, coupled with a commitment to utilise the student voice in higher education research, is for pragmatic interpretative methods which view the interventions from the position of the recipient.[75] Qualitative approaches tend provide rich data for higher education action research, as opposed to that provided by quantitative methods. The interpretative approach to the analysis of qualitative data is quite close to the process of analysing case law in order to find solutions. The various steps of such analysis – immersion in the data, incubation of ideas, illumination of new meaning, explication of new connections and creative synthesis of findings,[76] are very close to the process of applying existing law to new cases.

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[74] Bryman, A., 1998. Quantitative and qualitative research strategies in knowing the social world. In Tim May & Malcolm Williams (eds.), 1998. *Knowing the Social World*. Open University Press. pp. 138--156.
[75] Morrison, M., 2007, above n.72, pp17-18.
[76] Anderson, G., and N. Arsenault, 2002. *Fundamentals of Educational Research*, Routledge, London.

A significant underlying feature of the research methodology here is to be found in the qualitative research genres of phenomenology (Saldaña, 2011).[77] The focus of this area on the lived experience of the subjects of the research has been a particularly fruitful one for academics doing action research. This was found to be the case in developing my work in relation to the student voice.

The following table outlines the overall methodological strands of the research in these publications, which is further elaborated on page 53.

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[77] Saldaña, J., 2011. *Fundamentals of qualitative research*. OUP USA.

A. Adherence to principles of education research publication

1. Visible format of publication – e.g. education journals

2. Scrutiny of methods and outcomes by ones peers

3. Method of research appropriate to objective e.g. Interpretative Phenomenological Analysis

(Healy, 2000; Tight, 2013; Trigwell 2013; Gertseema 2017; Baume, 2017)

Publications 1-5.

B. Developing appropriate learning environments

(Brew, 2010; Hagstrom and Lindberg, 2013; Wood and Cajkler 2017)

Publications 1, 2 and 3 – the use of diaries and reflective learning in legal education and adjusting to university life

Education Research

C. Developing communities of practice

Engagement with literature, staff-student partnerships and working across discipline boundaries

(Kreber and Cranton, 2000; Cotton Miller and Kneale, 2017)

Publications 4 and 5 – involving students in the development of curricula and working with colleagues across discipline boundaries

D. Theoretical position for a subject

Reasoning behind designing a new curriculum to deliver content

(Kreber and Cranton, 2000; Brew, 2010; Fung, 2017)

Publications 1 and 2 – developing a new approach to studying a subject (i.e. introducing reflective learning into legal education)
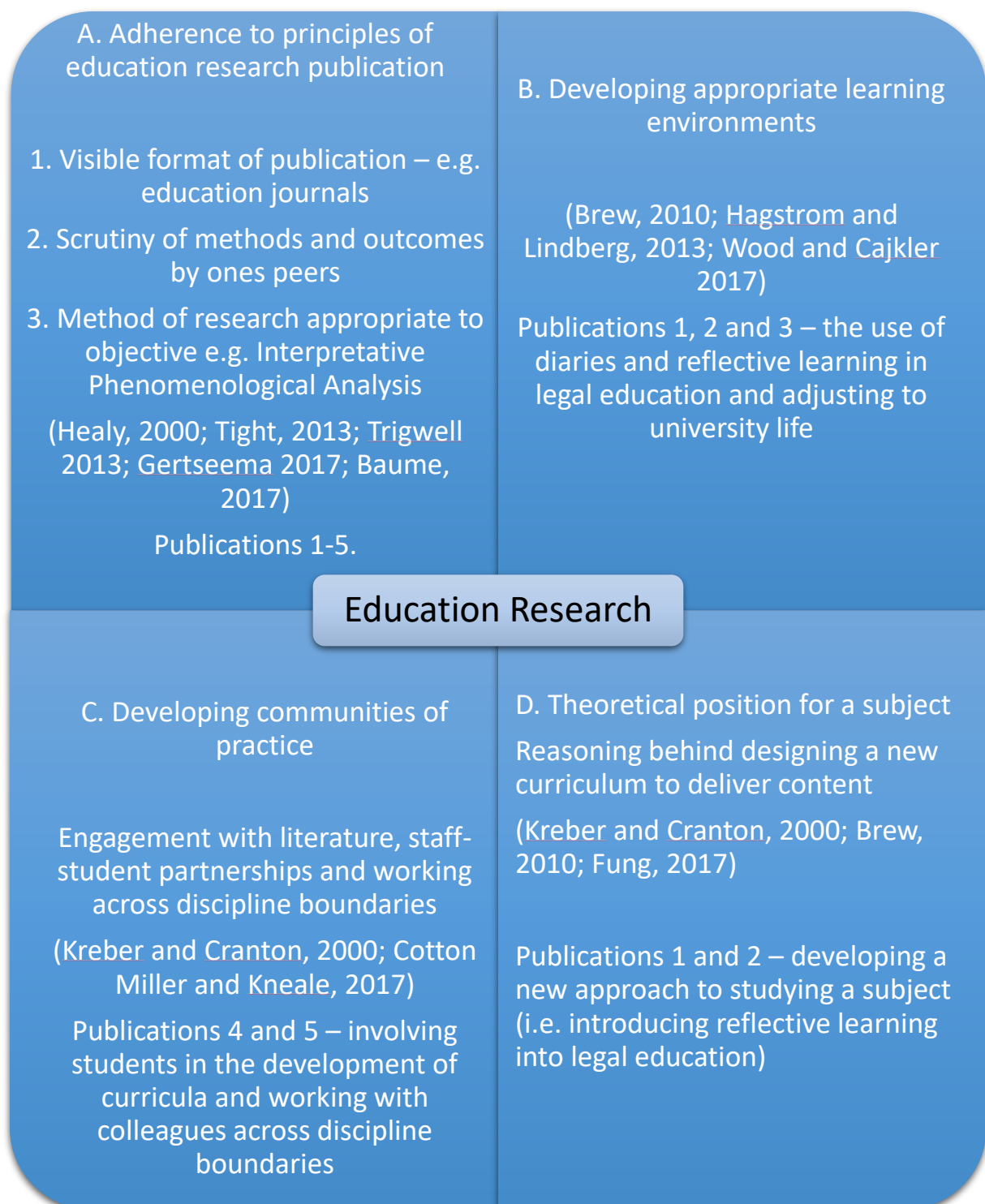
Figure 1: Definitions of education research and links to this PhD by publication

The following table details how each publication relates to the model of education research in Figure 1 and also illuminates the reasoning (i.e. methodology) behind commencing the research and subsequent moves to analyse and publish the results. This helps to illuminate how my Publications are original in terms of their methodology in trying to understand legal education. Their contribution to on-going conversations in the higher education sector generally is also indicated.

Publication	Principal relationship to definition of education research in Figure 1	Notes on development of Methodology
1. Brooman and Darwent, 2012a	Informed by desire to evaluate improvements in student retention and use of reflection according to principles of education research publication (A). Use of method appropriate to objective i.e. qualitative evaluation. Project aimed at improving learning environment of law students (B). Developed a community of practice amongst law staff to engage with education research literature (C). Analysis of new theoretical positioning of legal education to incorporate reflective practice in its higher education stage (D).	Action research to reflect upon the introduction of self-awareness literature to undergraduate legal education for the purposes of developing law students' self-efficacy and performance. 1st education research project informed by interpretative phenomenological analysis. 1st attempt to seek recognition in leading Higher Education Journal. Challenge of using new qualitative research technique in legal education. Aimed at filling the gap in knowledge relating to law student transition and retention.

2. Brooman and Darwent, 2012b	As for Publication 1.	Aimed at evaluating the effectiveness of the introduction of self-awareness diaries into legal education. Built upon the findings of Publication 1 in relation to the use of Diaries. Acted as a part of a cycle of research with one project feeding into others. Repeated successful use of new qualitative research technique (IPA) in legal education.
3. Brooman and Darwent, 2014	In addition to above: Applies Quantitative Methods in an attempt to measure the effects of curriculum changes over time (A3).	Aimed at providing a quantitative evaluation of the qualitative research and evidence detailed in Publications 1 and 2 as further proof. Aimed at building on qualitative evidence and examines measured changes due to the innovations, rather than the student perceptions approach in Publications 1 and 2. Aimed at filling gap in knowledge of legal education in relation to retention and transition. It is widely acknowledged that there are very few quantitative studies of transition that use validated scales such as used here. Very rare in law and attempted so as to fill gap in the literature.

4. Brooman, Darwent and Pimor, 2015	In addition to that detailed for Publication 1, above: Further developed notion of community of practice to include students (C).	Aimed at evaluating the reasons why enhanced student voice brought benefits. Placed in new conversations around student voice for maximum impact and coherence. Part of methodology to add to emerging conversations in a new area of research (limits and extent of student voice).
5. Nixon, Brooman, Murphy and Fearon, 2016	In addition to that detailed for Publication 1, above: Further developed notion of community of practice to include students as research subjects and as partners in research (C). Extended community of Practice beyond discipline boundaries (D).	Developed to extend knowledge of student voice gained in Publication 4. Further added to conversations in wider education research area in relation to student voice and notions of co-creation/partnership. Part of methodology to further contribute to emerging conversations in a new area of research (limits and extent of student voice).

6.2 Overview of research methods used in these publications

This section explains the methods used for gathering and interpreting the data. I present a more detailed explanation and critique of the method/methodology in the relevant chapters.

N.B. The overall methodology of this PhD is the value of using higher education research techniques in legal education. This section provides a brief outline of each method that was utilised to enact the overall methodological aims. It does not provide the full methodological critique of the methods used in this PhD. For clarity, and to avoid unnecessary repetition, this is provided in the relevant chapter for each publication. Each chapter discusses and critiques the methods employed for the relevant publication.

There is no single method of research common to all higher education research. Rather, as Malcolm Tight (2013) suggests, it is 'a field of study, researched from a number of disciplinary perspectives'.[78] It is dominated by methods drawn from the disciplines of psychology, sociology and philosophy.[79] As Baume (2017)[80] and Cotton, Miller and Kneale (2017)[81] suggest, high quality education research needs to be theoretically grounded. Tight (2013)[82] details one way in which this has been achieved through the use of 'phenomenography' – a qualitative research tool which is used to study how different individuals perceive and respond to an experience. This is a recognised method of higher education research established in Sweden in the 1970s, and specifically adopted for use in higher education research in the 1980s. My publications have a strong theoretical link with phenomenography as they all seek to identify and interpret students' actual experiences of the interventions I designed and put into practice.

Action research forms a large part of the research in this submission. This approach was utilised because it enables the researcher, often in collaboration with others, to examine a

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[78] Tight, M., 2013. Discipline and methodology in higher education research. *Higher Education Research and Development* 32(1), 136-151, p138.

[79] Kandlbinder, P., 2013. Signature concepts of key researchers in higher education teaching and learning. *Teaching in Higher Education* 18(1), 1-12, p1.

[80] Baume, D., 2017. Scholarship in action. *Innovations in Education and Teaching International* 54(2), 111-116, p114.

[81] Cotton, D, W. Miller and P. Kneale, 2017. The Cinderella of academia: Is higher education pedagogic research undervalued in UK research assessment? *Studies in Higher Education*, *43*(9), 1625-1636.

[82] Tight (2013), above n.78, p149

problem and to come up with potential solutions.[83] It has been widely used by educators in universities because it provides a practical solutions to the challenges of developing curricula in the ever-changing landscape of higher education. A particular attraction was that it often involves involving other people in finding solutions rather than imposing solutions from the perspective of the teacher. It brings a different viewpoint to a project as was particularly evident in the analysis of Publications 4 and 5.

Education research exposed me to new research techniques. My experience was similar to that identified by Tight (2014) who suggests that the underlying principles of inquiry into how students learn, for example, investigating surface and deep approaches to learning is often alien to discipline-based academics. I can also identify with several education researchers who propose that this lack of experience may have led to discipline-based academics being reluctant to engage with education research because of their lack of familiarity with the methods employed. [84] To familiarise myself with education research methods and methodology a number of years into my career in academia was necessary in order to evaluate curriculum interventions using action research, and to disseminate my work through publication in high-ranking educational journals.

Education research led to this research to being part of the continuing exploration of the link between teaching and research in higher education. Active engagement with new approaches to evaluating and developing legal education enabled enhancement of teaching and learning practice to improve the student experience.[85] Rather than self-reporting successes, evidence was sought from those experiencing the developments to strengthen the methodological basis of the research.[86] Several research approaches were utilised as they are accepted in education research literature including interpretative phenomenological analysis, case studies, focus groups, student voice work and participatory action research. Combining this with reflections on practice, and the use of critical research techniques facilitated the development of an evidence-based perspective of the area between research and teaching.[87]

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[83] Bryman, A., 2012. *Social Research Methods*. (4th Edition) Oxford University Press.
[84] Baron and Corbin, above n.53; Ching, J., Maharg, P., Sherr, A., and Webb, J., 2015, above n.54, p147.
[85] Shreeve, A., 2011. Joining the dots: the scholarship of teaching as part of institutional Research. *Higher Education Research and Development* 30(1), 63-74, p67.
[86] Sugrue, C., T. Englund, T. Solbrekke and T. Fossland, 2017, above n.62, p2342.
[87] Wood, P., and W. Cajkler, 2017. Lesson Study: A collaborative approach to scholarship for teaching and learning in higher education. *Journal of Further and Higher Education*, *42*(3), 313-326, p316.

A summary of an analysis of the various elements of education research is included in Figure 1, above (page 52). This also details where these publications align with definitions and principles that are emerging in this area.

Some examples of those research techniques utilised in the research are set out below. These are brief outlines to give an indication of the types of research methods that have been utilised. However, a more detailed critique of the methodology and methods for each publication form part of the critique of each article in chapters 7-11.

Student voice

This area of research has become a dominant feature of recent education research in higher education. The key aim is to give the student voice a greater say in areas such as diverse as the design of curricula to the governance of universities. As a relatively new area in higher education research, the opportunities and limitations of enhanced staff-student partnership are still being explored (Seale, 2010, Carey, 2013).[88] This area is summarised at beginning of Publication 3, which illustrates the potential, and limitations, of greater student involvement in designing higher education curricula.

Interpretative Phenomenological Analysis (IPA)

The objective of IPA is to research peoples' lived experience of a phenomenon as explained by Larson and Holmstrom (2007), Smith (2004) and Smith and Osborn (2008).[89] It recognises that individual experiences may differ between individuals. In terms of the research in this submission, this research technique is useful to evaluate student perceptions of diaries and

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[88] Seale, J., 2010. Doing student voice work in higher education: an exploration of the value of participatory methods, *British Educational Research Journal* 36(6), 995-1015; Carey, P., 2013. Student as co-producer in a marketised higher education system: a case study of students' experience of participation in curriculum design, *Innovations in Education and Teaching International* 50(3), 250-260.

[89] Larson, J., and I. Holmstrom, 2007. Phenomenographic or Phenomenological logical analysis: does it matter? Examples from a study on anaesthesiologist's work. *International Journal of Qualitative Studies on Health and Well-being*, 2(1), 55-64; Smith, J., 2004. Reflecting on the development of interpretative phenomenological development and its contribution to qualitative research in psychology. *Qualitative Research in Psychology* 1, 39-54; Smith, J., and M. Osborn, 2008. Interpretative phenomenological analysis. In J. Smith (Ed.), *Qualitative psychology: A practical guide to research methods*. (2nd edition). London: Sage.

self-awareness literature as evidenced in reflective essays (see Publications 1 and 2 for a full explanation of IPA).

Case Studies

All five publications are covered by this term that encompasses the intensive scrutiny of a single, or sometimes two, cases for comparative purposes. This technique was particularly useful in Publication 4 where two contrasting approaches to curriculum design using the student voice were compared. The use of a case study approach in this publication is included in the methodological critique section of chapter 10.

Thematic Analysis

This research technique is often utilised in higher education research. It involves the identification of common themes arising from a number of different data sources. Braun and Clarke (2006) describe it as the 'first qualitative method of analysis that researchers should learn'.[90] In relation to the development of the research in this submission, it was particularly useful to identify common experiences in the use of diaries and self-awareness literature in Publications 1 and 2. It was also utilised to identify common experiences for students following the redesign of a module in Publication 4. The value of this method for my research is explained in the methodology section of Publication 1 and further examined in the critique sections of chapters 10 and 11.

Quantitative research

Publication 3 utilises the support of a research assistant who was temporarily attached the School of Law. Although I designed and led the project, the raw data was produced and the writing process shared with my co-researcher in this instance and her knowledge of statistics was important. I did not develop an expertise in quantitative methods as this would require further study and training. I discuss this aspect of legal education as part of my critique of this publication and the difficulties of those in legal education to adjust to quantitative research as opposed to qualitative (see chapter 9).

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[90] Braun, V., and V. Clarke, 2006. Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(20), 77-101, p78.

Focus Groups

A commonly used method to gather evidence of the experiences of a number of number of individuals. They are beneficial in that the interaction of the group can bring useful perceptions to the fore. The questions are usually pre-determined but may allow for free-discussion. Focus groups were utilised as part of the research method for Publications 4 and 5. A methodological critique of the use of a focus group approach is provided in chapter 10 and is compared to good practice as identified by Breen (2006).[91]

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[91]Breen, R., 2006. A Practical Guide to Focus-Group Research. *Journal of Geography in Higher Education* 30(3), 463-75.

Chapter 7: Publication 1

Brooman, S. and S. Darwent, 2012. '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.

Refereed article, principal author, overall contribution 80%

Publication 1 has been further disseminated by the following conference papers:

1. Brooman, S., and S. Darwent, 2008. 'Informing first year law students about the interaction of personal qualities with academic performance and success.' European Conference of the First Year Experience, University of Wolverhampton.

2. Brooman S., and S. Darwent, 2010. 'Can 1st year law students use self-awareness literature to help them adjust to university life?' Association of Law Teachers Conference, Cambridge.

7.1. Overview and Contribution

During the period 1999-2002, the first year retention figures of the LJMU School of Law began to slip alarmingly. There was evidence that we could learn from the experiences of other discipline areas in higher education to develop initiatives to improve retention. One method that I identified to achieve this was the introduction into the first year curriculum of reflection to improve self-efficacy, reduce stress and help students to develop their personal awareness.

Publication 1 is the first study that reported on the outcomes of the interventions championed, designed and implemented on the law degree at Liverpool John Moores University. The study is based upon the research findings from a first year transition module, Independent Learning in Law. Students compared their personal and academic development to prescribed literature chosen because of its relevance to higher education transition and its accessibility for first-year students. The reasoning was that students might benefit from recognising that many share problems in transition (e.g. establishing friendships and developing self-efficacy), and they need to develop mechanisms to address emerging issues.

In combination with this, students completed a diary to record any notable events or challenges to their development. The use of literature and a diary is combined in a reflective piece to review and plan for the future. Research in the areas of social work and psychology informed this legal education development. Publication 1 was the first attempt to focus on Kreber and Cranton's (2000) second dimension of education research by reflecting on the process of learning and teaching.[92]

It was postulated that there is potential value for students in reading transition, retention, study technique and self-efficacy literature. They were encouraged to compare these to their own experience in a written analysis of their first semester. Interpretative phenomenological analysis (IPA), developed in psychology, was utilised to interpret qualitative data about students' perceptions of this process. The value of social science research methods is recognised for empirical studies in law and society.[93] However, the application of such techniques to the delivery of legal education was an original step.

The study revealed common themes showing the benefits of law students' use of self-awareness literature. Reading the literature, and comparing it to their own experiences as recorded in a reflective diary, helped these law students to develop positive personal attributes associated with the successful transition to higher education: a willingness to reflect on development, personal analysis, ways of coping with stress and the need to take positive action to remedy defects in learning techniques.

The study revealed findings that the use of such literature, in combination with a reflective diary, is a valuable intervention at this important moment in the student life cycle – at the time when they are most likely to make best use of this process. The study was important in that it revealed the crucial part played by keeping a reflective diary. This aspect of the study lead to Publication 2.

This article provides a good example of research-informed teaching feeding back into the learning process. It is one of the pieces read by students and feeds into the learning process of today's law students.

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[92] Kreber, C., and P. Cranton, 2000, above n.66, p480.
[93] Banakar, R., and M. Travers, (Eds), 2005, above n.22, p69.

7.2 Methodology

Publication 1 was based on the use of two distinct elements of extant education research in legal education. Firstly, the intervention being measured (the use of 'self-awareness literature') built upon existing knowledge in psychology and applied it to legal education. Literature in the areas of self-efficacy, personality traits and stress, was introduced to the first-year module, Independent Learning in Law. The intention was for the literature to be used as a 'sounding board' against which students might compare their own experiences, recorded in a diary, with those detailed by students in other discipline areas in previous studies. Exposure to these materials appeared to help students adjust to university life. This study was set-up to identify, through established qualitative research methodology, whether this hypothesis was well founded.

Secondly, the study itself utilised well-established empirical qualitative research techniques employed in social science research that is very rare in law – research has revealed no other instance of IPA in legal education. The method was chosen as it enables the researcher to build an understanding of the subject's experience of an intervention.[94]

The study was enhanced by the involvement of a pedagogic research assistant. This enabled the triangulation of analysis and an external perspective alleviated researcher bias. Six pieces of student work were examined initially, following the process outlined by Smith and Osborn (2008)[95] in order to enable the principal researcher and research assistant to identify themes that could then be applied to the wider sample. The data were then categorised into themes that enabled the researchers to understand students' experiences of the intervention and formed the basis of analysis in this publication.

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[94] Brocki, J. and A. Weardon, 2006. A critical evaluation of the use of interpretative phenomenological analysis (IPA) in health psychology. *Psychology and Health* 21(1), 87-108; Smith, J., 2004. Reflecting on the development of interpretative phenomenological development and its contribution to qualitative research in psychology. *Qualitative Research in Psychology* 1, 39-54.

[95] Smith, J., and M. Osborn, 2008, above n.89.

7.3 Critique

The use of self-awareness literature as defined in in Publication 1 is a unique step in legal education as there is no evidence of such work elsewhere. It was notable to pass the rigorous review process of highly regarded generic higher education journal at the first attempt. To pass such a test for publication in a journal which appears in the web of science database (*Studies in Higher Education*), is regarded by IPA's founding author as 'something of an achievement'. [96] The findings of the article are thus also transferable across discipline boundaries.

Publication 1 applied research being developed in psychology to legal education. IPA was used to analyse student essays where such methods had previously been utilised in the analysis of interviews.[97] The impact of this publication is linked with that of Publication 2. As well as being the subject of conference papers in its own right,[98] the paper is linked with supporting invitations to events and conference papers cited in relation to Publication 3.

As a relatively new research method, IPA has itself been the subject of interrogation. This study maintains a strong overall compliance with the techniques considered desirable for robust IPA. It uses diaries as data sources and a relatively small sample size to allow thorough data interrogation. A significant number of verbatim quotes are also used. Particular care was taken to create of themes and the research complies with the trend towards student-centred research to explore the way in which interventions are received.[99]

However, one of the potential weaknesses of IPA studies, that of identifying any potential for bias in the researchers' experience and characteristics might have been discussed more fully. The presence of an independent researcher from another discipline enabled us to address this, but this was not explored in the piece and would have added validity to the research. The potential for bias was subsequently discussed in Publication 3.

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[96] Smith, J., 2011. Evaluating the contribution of interpretative phenomenological analysis. *Health Psychology Review* 5(1), 9-27, p11.

[97] Brocki and Wearden, 2006, above n.94.

[98] E.g. Brooman, S., and S. Darwent. 2008d. 'Informing first year law students about the interaction of personal qualities with academic performance and success.' European Conference of the First Year Experience, University of Wolverhampton.

[99] Brocki and Wearden, 2006, above n.94.

This study also answers most of the challenges raised by the framework for describing methodologies in pedagogic research outlined by Stierer and Antoniou (2004) which identifies the problems encountered by practitioner researchers in higher education.[100]

This article is the second recommended for implementation in global legal education.[101] An invitation to join the Editorial Board of the international journal *Reflective Practice* followed the publication of this article due to its basis in developing undergraduate reflective practice. The innovation and significance of this work for legal education was recognised by invitations to: write a lead article for the United Kingdom Centre for Legal Education; to address the United Kingdom Committee of the Heads of Law Schools;   London Metropolitan University; and at a HEA national legal education event.[102] The work on undergraduate reflection in Publications 1 and 2 has also been widely disseminated at conferences.[103]

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[100] Stierer, B., and M. Antoniou, 2004. Are there distinctive methodologies for pedagogic research in higher education? *Teaching in Higher Education* 9(3), 275-85, p281.

[101] Stolker, 2014, above n.19.

[102] Brooman, S., 2007b. Retention of Law Students: Diaries, Study Skills and Reflective Learning - what works? *Directions Magazine: United Kingdom Centre for Legal Education* (By invitation); Brooman, S., 2008e. 'Retention Strategies for Law Schools Annual Conference of the Committee of Heads of Law Schools. University of Warwick (By Invitation); Brooman, S., 2007c. 'Retention Success: Developing Successful Retention Strategies.' London Metropolitan University, School of Law and Accountancy (By Invitation); Brooman S., and S Darwent, 2012e. 'Think about it!: reflection strategies to help law students adjust to university.' Higher Education Academy Conference - Legal Education in a Changing World: Engaging the Modern Law Student. Manchester Metropolitan University (By Invitation).

[103] E.g. Brooman S., and S. Darwent, 2010a. 'Can 1st year law students use self-awareness literature to help them adjust to university life?' Association of Law Teachers Conference, Cambridge.

Chapter 8: Publication 2

Brooman, S., and S. Darwent, 2012. 'A positive view of first-year undergraduate reflective diaries: focussing on what students *can* do.' *Reflective Practice*, 13(4), 517-31.

Refereed article, principal author, overall contribution 80%

Publication 2 has been further disseminated by the following conference papers:

1. Brooman S., and S. Darwent, 2012. 'Think about it!: reflection strategies to help law students adjust to university.' Higher Education Academy Conference - Legal Education in a Changing World, Manchester.

2. Brooman S., and S. Darwent, 2012. 'Reflective Learning in Undergraduate Legal Education: Using a Diary-based Assessment to Help Transition to University.' Association of Law Teachers Conference, Oxford University.

3. Brooman, S., 2008. 'Don't lean on the staff – bring them with you. How to turn a good law school into a respected and highly rated school of learning and teaching engagement.' Association of Law Teachers' Conference, Oxford.

8.1 Overview and Contribution

This publication built upon the education research methods and influences of the Publication 1. It details two distinctive steps in the knowledge of legal education: the use of reflective practice in undergraduate legal education and; a second use of interpretative phenomenological analysis as applied to written data.

A review of extant literature in the area indicated doubts as to whether undergraduate students are effectively able to reflect at this early stage of their educational development.[104] Research at the time of writing the article in 2012, revealed no existing publications relating

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[104] Cornford, I., 2002. Reflective teaching: Empirical research findings and some implications for teacher education. *Journal of Vocational Education and Training* 54(2), 219-36.

to reflection on self-development using diaries in undergraduate legal education. The initial perception, arising from students' use of reflective diaries in the Independent Learning in Law module, was that those students had obtained benefits in adjusting to the independent nature of studying law at university. A further action research study on the benefits of diary keeping by undergraduate law students appeared warranted to build upon the findings of Publication 1. The usefulness of 'action cycles', with one study building upon the work of another, is well-recognised.[105]

The findings of the study indicated that there were benefits gained by law students in the use of reflective diaries. One of the primary findings was to confirm that students do not employ the most appropriate reflective techniques recommended by the literature. However, a step in knowledge was to recognise that students are still able to obtain significant benefits in their educational development even if their method of reflection is flawed.

8.2 Methodology

This article continued and developed the application of education research methods to legal education discussed in Publication 1. A research assistant was engaged again to allow the triangulation of data interpretation arising from this evaluation of a diary-based intervention. A key element of the methodology employed in this study was to link the benefits to law students shown by the research to known contributors to student success shown by research in other disciplines. These include support in adjusting to the new demands of the university learning environment, developing effective learning strategies and the development of self-efficacy.

This study continued the use of IPA to analyse documented student accounts of their experiences. This is congruent with the suggestion by Stierer and Antioniou (2004) that higher education researchers might benefit from finding appropriate ways to adapt known methods to their discipline areas.[106]

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[105] Locke, T., N Alcorn and J. O'Neill, 2013. Ethical issues in collaborative action research. *Educational Action Research* 21(1), 107-123, p118.

[106] Stierer, B., and M. Antoniou, 2004. Are there distinctive methodologies for pedagogic research in higher education? *Teaching in Higher Education* 9(3), 275-85, p284.

Publication 2 was the second to utilise the emerging social research technique, IPA, to investigate the efficacy of interventions. It employed a similar methods to Publication 1. To my knowledge these methods have not been used in legal education except in my two studies described here. The method of using six pieces of students work to identify themes was repeated for this study (see 4.2).

8.3 Critique

The work in publication 2 is innovative in legal education as it focusses on developing law students' abilities for 'reflecting on one's self', which was highlighted a considerable time ago as being linked with developing the competence of practitioners in law, but is rarely put into practice.[107]

In terms of a methodological critique, students may have been influenced in their overall support for the use of diaries by the inclusion of such discussion in an assessed piece of work. Students may have thought that to do so would benefit their marks.[108] This might draw criticism that it could have supplemented by interview data to test the reliability of the initial findings. However, Brocki and Wearden (2006) suggest that individual self-presentational concerns might also affect data arising from follow-up interviews.[109] I suggest that the discussion and presentation of data sufficiently allowed for an 'indication of convergence, divergence, representativeness and variability' to emerge from the extracts, and that enough space was given to allow each theme to be discussed in depth in the article to alleviate these concerns as recommended by Smith (2011).[110]

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[107] Boon, A., 1998. History is Past Politics: A Critique of Legal Skills Movement in England and Wales. In Bradney, A., and F. Cownie, (eds.), 1998. *Transformative Visions of Legal Education*, Blackwell Publishing, Oxford, pp 151-69, p167.

[108] O'Connell, T., and J. Dyment. 2003. Effects of a workshop on perceptions of journaling in university outdoor education field courses: An exploratory study. *The Journal of Experiential Education*, 26(2), 75–87.

[109] Brocki, J. and A. Weardon, 2006, above n.94, p90.

[110] Smith, J., 2011. Evaluating the contribution of interpretative phenomenological analysis. *Health Psychology Review* 5(1), 9-27 p24.

Chapter 9: Publication 3

Brooman, S and S. Darwent, 2014. Measuring the beginning: a quantitative study of the transition to university. *Studies in Higher Education,* 39(9), 1523-41.

Refereed article, principal author, overall contribution 60%

Publication 3 has been further disseminated by the following conference papers:

1. Brooman, S. 2005. 'Front-Loaded Student Support on LLB Programmes.' Socio-Legal Studies Annual Conference, Liverpool.
2. Brooman, S., 2007. 'Retention Success: Developing Successful Retention Strategies.' London Metropolitan University, School of Law and Accountancy (By Invitation).
3. Brooman, S., 2008. 'Retention Strategies for Law Schools Annual Conference of the Committee of Heads of Law Schools*.* University of Warwick (By Invitation).
4. Brooman S., and S. Darwent, 2012. 'Induction and Transition Interventions: Do they work?' The Higher Education Academy: Conference on Student Retention and Success, University of York.
5. Brooman S., 2015. 'How education-focussed leadership and strategy saved one law school (at least) £0.5M in 10 years.' Society of Legal Scholars Conference, University of York.

9.1 Overview and Contribution

Legal scholars engage in doctrinal research, at the expense of education research, because the development of empirical research skills does not often feature in legal education.[111] This aspect of education research remains its most challenging to implement. However, access to a researcher with quantitative research skills gave rise to the opportunity to undertake an ambitious new study to measure the effectiveness of my front-loaded transition strategy.

The findings of this study were positive in terms of the interventions in developing students' sense of belonging. A positive correlation was also found between this and curriculum-based

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[111]Hillyard, P., 2007, above n.65, p270.

contact with personal tutors. The findings also pointed to the positive influence of creating longer transition strategies rather than those where introductory elements are front-loaded – students need time to reflect, analyse and develop the skills needed for success in higher education. However, the study also revealed that interventions had not been successful in terms of raising self-efficacy at the start of the course. The study reinforced my methodological position that learning and teaching developments in legal education need to be evaluated in order to discover whether they are effective.

9.2 Methodology

The initial aim of this study was to challenge the observation that most studies of transition are qualitative, leading to them being criticised as being based upon 'opinion and description'.[112] This study is designed to fill this gap in knowledge by measuring quantitatively the effectiveness of strategies designed to enhance factors known to be beneficial to first-year students: self-efficacy, self-regulated and autonomous learning and social integration. The study is significant and original as it is the first in the UK higher education to measure all three of these factors across the early part of the transition process. No similar studies have been discovered in legal education.

The services of a research assistant were invaluable because of her experience of using quantitative methods which facilitated the design of a study to measure the development of attributes identified by previous studies as being linked with successful transition to higher education.

9.3 Critique

This study conforms to recognised elements of high quality education research:[113] Firstly, it measures known factors of success drawn from disciplines outside the discipline of law (e.g. self-efficacy) that are not utilised in legal education. Secondly, it uses quantitative social

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[112] Bovill, C., K. Morrs and C. Bulley, 2008. *Quality enhancement themes: the first year experience, curriculum design for the first year.* Quality Assurance Agency for Scotland: Glasgow, p56.
[113] Wood, P., and W. Cajkler, 2017, above n.87.

research methods that are rarely used to measure the effectiveness of interventions in legal education. Thirdly, it employs quantitative measures of the effectiveness of induction/transition strategies that are extremely rare in higher education generally.[114]

The article reports a failure in the area of developing self-efficacy using the intervention in question. I concur with suggestions that education research should reveal all outcomes of project and not only those that show the research in a good light.[115]

The findings suggested that the design of the questionnaire to measure self-efficacy was not sufficiently specific to this group of students and we should not have picked a generic measurement tool.[116] The data would have been enhanced by qualitative data on the students' specific experiences, as it was difficult to highlight potential changes in practice from quantitative data alone. To this extent, the study shows not only the strengths and attraction of quantitative measurement of educational developments, but the lack of context that such data may provide. We were able to say 'what' had happened, but less about 'why'? A significant level of interest developed by this publication shows that quantitative studies are often viewed quite highly in the academy despite the lack of qualitative context. It is the most cited education research publication in this submission.

Quantitative research, such as that in Publication 3, tells the researcher about whether an intervention has a measurable impact. That article provides evidence that induction interventions such as group work and enhanced tutor contact had an effect on, for example, developing a sense of belonging but not on enhancing self-efficacy. This was useful information to be able to re-work the interventions but the study was unable to tell us *why* this was the case. This would have been invaluable information and would have required a collateral qualitative study to determine the cause and effect from a student perspective. However, the study had significant value in that the outcome alerted us to the fact that the interventions needed to be re-assessed and re-designed as part of an on-going process or refection and renewal.

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[114] Longden, B., 2006. An institutional response to changing student expectations and their impact on retention rates. *Journal of Higher Education Policy and Management,* 28(1), 173-87.

[115] Dawson, P., and S. Dawson, 2016. Sharing successes and hiding failures: 'reporting bias' in learning and teaching research. *Studies in Higher Education*, *43*(8), 1405-1416.

[116] Pajares, F., 1996. Self-efficacy beliefs in academic settings. *Review of Educational Research* 66(1), 543–78.

Some wider reflections can be drawn from having undertaken this quantitative study. As a single study, the paper illustrates the attraction of utilising an externally recognised research method to measure the effectiveness of interventions in legal education. However, having done so, the study revealed the lack of access to empirical research techniques in legal education. It supports the suggestion by Boon (2012)[117] that considerable work needs to be done to enhance the ability of legal educators to engage with quantitative social research methods. It also confirms Tight's (2014) assertion that this lacuna is common across many disciplines.[118]

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[117] Boon, A., 2012. Book review: *Integrating Socio-Legal Studies into the Law Curriculum*, edited by Caroline Hunter, New York: Palgrave Macmillan, 2012. *Journal of Law and Society* 39(4), 616-24, p622.

[118] Tight, M., 2014. Discipline and theory in higher education research. *Research Papers in Education* 29(1), 93-110.

Chapter 10: Publication 4

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), 663-74.

Refereed article, principal author, overall contribution 60%

Publication 4 has been further disseminated by the following conference papers:

1. Brooman, S., S. Nixon and R. Murphy. 2017b. 'Partnership with Students'. What does that mean? LJMU Teaching and Learning Conference.
2. Brooman, S., D. Fearon, R. Murphy and S. Nixon. 2015c. 'Student involvement in curriculum design: a research study across four schools – initial thoughts.' LJMU Learning and Teaching Conference.
3. Brooman, S., and A. Pimor, 2014. 'Is the student voice useful in higher education curriculum design?' LJMU Learning and Teaching Conference.

10.1 Overview and contribution

Publication 4 is published in another respected higher education journal. It begins an enhanced connection with a pathway of education research in the emerging area of 'student voice' – a wide-ranging term that is discussed in the early part of the piece. The area was under-researched in higher education, and even less so in legal education. Problems in the delivery and performance of a second year core module gave the opportunity to devise a research project that might both develop the curriculum, and contribute to new conversations in higher education around enhancing the involvement of students in such work. It represents the culmination of a four-year process of research entailing two separate stages of curriculum design, data-gathering and subsequent analysis. This publication illustrates the third dimension of Kreber and Cranton's (2000) exploration of the scholarship of teaching and learning/education research in that it attempted to understand how a course

fits together by drawing more directly on student voice research.[119] The involvement of students enabled a more premise-based examination of the curriculum – it allowed us to examine two separate processes of course design and the implications for practice.

This paper reveals the value of understanding of how law students experience tutor-designed interventions. The outcomes may not be as positive as anticipated by legal educators. The findings suggest that incorporating the law student voice more firmly into curriculum design can help avoid design mistakes and misinterpretation of literature used to inform development work. The approach taken in this study has since informed a larger LJMU-funded interdisciplinary study using enhanced student voice input to inform the development of course-level assessment feedback strategies – see Publication 5.

10.2 Methodology

The study employed mixed-method techniques drawn from social research. Focus groups were employed to gather qualitative data. Some quantitative data such as mean marks and the results of an evaluative questionnaire were also collected.

The study illustrates two ways in which educational research methodology and methods were used to inform legal education development:

1. It employs well-established methods in utilising focus groups to gather data, the interpretation of the data, and the presentation of a case study;[120]
2. It interacts with conversations emerging in the wider higher-education community in the area of student voice, and completes a two-way process by disseminating the findings of the study via a generic H.E. journal.

The qualitative data were provided by focus groups which are often favoured where the researcher wishes students to help generate ideas and to share their experience (Breen, 2006). The aim was to inform practical changes to the delivery of legal content and this became the focus of the module team's response. Although the subject context is narrow, it employed a

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[119] Kreber, C., and P. Cranton, 2000, above n.66.
[120] Kreuger, R., and M. Casey, 2009. *Focus groups: A practical guide for applied research* (4th ed.). Thousand Oaks, CA: Sage.

relatively large number of focus groups (nine) to the point that we were satisfied that data saturation had been reached.

10.3 Critique

The discipline-specific findings might have been suitable for publication in a specific legal education journal such as *The Law Teacher*. However, it was felt that a significant aspect of the research was not the subject-specific development, but the student voice context that could inform emerging conversations in generic higher education journals. It is a study of legal education but the findings appeared to have potential value for the wider development of higher education that is recognised as good practice in education research.[121]

This study provided a step in knowledge in that it examined some contentious areas within co-creative curriculum development: the nature of the staff-student power imbalance, the need for pre-existing knowledge to inform development and the nature of the distinction between co-operating with students to inform quality enhancement as opposed to quality assurance mechanisms. This study also contributes to knowledge defining the curriculum as it applies in higher education. The findings led to conclusions that curriculum development in collaboration with students has the potential to achieve more positive outcomes than 'tutor-only' interventions. It describes a case-study of one method by which this could be done.

However, the study does not answer other questions such as the practical viability of a two-year process or the applicability of this method to other discipline areas. Not every member of the legal academy (or elsewhere) has the time, or inclination, to engage in processes which demand a commitment to unfamiliar education research methodology and techniques.

The education research methods employed to gather evidence was strengthened by its adherence to previously identified good focus-group practice from other disciplines.[122] These include:

- Timing the research outside assessment periods;
- The use of an independent researcher to conduct the groups;

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[121] Geertsema, J., 2016, above n.67.
[122] Breen, R., 2006, above n.91, p466.

- The presence of a 'control' development stage which did not utilise focus-groups and could be used as a comparison;

- The quality of information provided to participants;

- The number of groups conducted and;

- The provision of this methodological information in the published study.

The use of coding and identification of themes to establish the outcome of the focus groups, whilst good practice, was not explained as clearly as it might have been.[123]

I suggest that the study missed an opportunity to ask students to discuss their part in the process which would have added to analysis of the process.[124] The process itself also fell short of what might have been achieved had the team been more willing to relinquish an element of the power-dynamic to allow students to more directly contribute to more positive construction of the curriculum itself – this remained in the hands of staff and falls short of what has been achieved in other disciplines.[125]

The method used in Publication 4 is validated by successful repetition across four discipline areas that resulted in Publication 5. Some of my recent publications can trace their roots to Publication 5. As with Publications 1 and 2, it illustrates my belief that 'action cycles' are a useful research strategy to test and re-test assumptions and findings.[126]

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[123] Breen, R., 2006. ibid.

[124] Varga-Atkins, T., McIsaac, J., and Willis, I., 2017. Focus Group meets Nominal Group Technique: an effective combination for student evaluation?. *Innovations in Education and Teaching International*, *54*(4), 289-300.

[125] Bovill, C., 2014. An investigation of co-created curricula within higher education in the UK, Ireland and the USA, *Innovations in Education and Teaching International*, 51(1), 15-25.

[126]Locke, T., N Alcorn and J. O'Neill, 2013, above n.104, p118.

Chapter 11: Publication 5

Nixon, S., S. Brooman, R. Murphy and D. Fearon. 2016. 'Clarity, consistency and communication: using enhanced dialogue to create a course-based feedback strategy.' *Assessment and Evaluation in Higher Education* 42(5), 812-22.

Co-researcher on project with overall contribution of 35%

Publication 5 has been further disseminated by the following conference papers:

1. Brooman, S, S. Nixon and R. Murphy. Co-creation with students to improve assessment feedback: course-based approaches and enhanced project leadership. Assessment in Higher Education Conference, Manchester, 2017.
2. Brooman, S., S. Nixon and R. Murphy, 2017. 'Partnership' with students: what does that mean? LJMU Learning and Teaching Conference.
3. Brooman, S., R. Murphy S. Nixon and D. Fearon, 2016. 'Addressing the "But" in the principle of co-creation.' LJMU Learning and Teaching Conference.
4. Brooman, S., D. Fearon, R. Murphy and S. Nixon, 2015. 'Student involvement in curriculum design: a research study across four schools – initial thoughts.' LJMU Learning and Teaching Conference.

11.1 Overview and contribution

This article is the most recent of the publications submitted here and is published in the highly respected journal *Assessment and Evaluation in Higher Education*. It is the first output from a funded Liverpool John Moores University research project (£8000). The aim of the project was to investigate assessment feedback across four disciplines. The project also incorporated the research methods associated with engaging the student voice first used for Publication 4 by working more closely with students. This medium-sized study involved working closely with three post-graduate project officers to gather data from second year participant students.

11.2 Methodology

The method employed for this study is an additional step in the knowledge of staff-student participatory action research. Firstly, the project built on the research methods employed in Publication 4 by utilising focus groups to gather enhanced input, or 'student voice', from participant second year students. The paper details a further step in co-creating a workable strategy that could be used to enhance the programme. Students presented their findings directly to the programme teams involved, who then implemented many of the strategies suggested by students. All meetings were recorded to enable us to analyse any themes arising from the dynamic of staff-student collaborative work.

The second student voice aspect of this study was closer collaboration with students at an organisational level. This had unanticipated value in enhancing the participative leadership of the project which is the subject of a separate article in the process of writing.

Qualitative interrogation of the data was conducted using methods employed in previous studies by using interpretative phenomenological analysis to identify themes.

11.3 Critique and reception

This study revealed a new step in knowledge related to the overall strategy for assessment feedback. The finding is deceptively simple – that any feedback strategy is best placed across the whole programme of study. Previous literature had identified that strategies are needed but placed these as the responsibility of the tutor or module team. The project revealed that students are consequently confused by the different approaches of staff.

The paper also reveals the strength of cross-disciplinary collaborative education research groups.[127] This was my first such research project and it revealed to me the benefits of such groups to provide greater insight and momentum to research. Working together allowed for peer mentoring and the sharing of particular expertise.

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[127] Wardale, D., T. Hendrickson, T. Jefferson, D. Klass, L. Lord and M. Marinelli, 2015. 'Creating an Oasis: some insights into the practice and theory of a successful academic writing group.' *Higher education Research and Development*, 34(6), 1297-1310.

The paper suffers from criticism often associated with education action research by being conducted on a relatively small scale. We aimed to involve more students as participants than the 48 who persisted through the project. However, the project benefitted from data generation in four discipline areas that mitigated the effect of low numbers. The project benefitted from the co-research involvement of three post-graduate project officers. Their involvement mitigated the effect of researcher bias and allowed a forthright student voice to be both heard and acted upon. However, the project did not measure the sustainability of the changes. It is suggested that this is a problem often faced in research related to curriculum development as changes made are sometimes short-lived. [128] Publication 5 reports on improvements during the limited time-scale of the project which may have been lost over time.

Overall, this publication illustrates that the research in this submission is often at the forefront of developments in higher education and tackles areas that are new, innovative and in the process of pioneering investigation.

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[128] Gosling, D., and Turner, R., 2015. Responding to contestation in teaching and learning projects in the Centres for Excellence in Teaching and Learning in the United Kingdom. *Studies in Higher Education*, *40*(9), 1573-1587.

Conclusion

The initial intentions of improving the law student experience in local context shifted over time and led to interaction with the wider education community. This was not the intention originally, but developed naturally as an awareness grew of the potential impact of this research was suggested. The education research conducted in these studies changed many aspects of educational development in the school, the university and finally beyond in the external education landscape.

The use of education research to improve the law student experience presented in this submission illustrates an original approach to developing legal education. This research has informed debates and conversations in the wider academy and these publications are widely cited in areas such as undergraduate reflection, retention and co-creation in curriculum development. It complies with established attributes of higher education research that are identified as exhibiting excellent practice, which is unusual in legal education where empirical education research techniques are rarely used.[129] The articles submitted for this PhD required high discipline expertise, have been tested, published and scrutinised by the academy, and contribute to ground breaking innovative practice in higher education, which is suggested as being evidence of high quality higher education research.[130]

The approach explained here has defined new research-based approaches to learning, teaching and assessment as recommended for development in legal education.[131] This research involved the use of methodologies and methods that remain relatively unfamiliar to those working in legal education. The use of interpretative phenomenological analysis in legal education is unique. This approach to measuring the effectiveness of innovations in curricula has the potential to assist legal education as it moves to prepare students for the new Solicitor's Qualifying Examination and recommendations for law teaching in the most recent QAA guidelines.

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[129] Epstein, L., and A. Martin, 2014. *An Introduction to Empirical Legal Research,* Oxford, Oxford University Press.
[130] Kreber and Cranton, above n.66, p489.
[131] LETR, 2013, above n.57; Stolker, 2014, above n.19; QAA, 2015, above n.56

Publications 1-3 contribute to knowledge by showing that all students, including those studying law, have to adapt to the context of higher education and learn new skills. Part of this submission's contribution to knowledge, is the recognition in these publications that law students are also students subject to same stressors and challenges as other students and an appreciation of them as such has been ignored. In order to succeed, they often benefit from developing their ability to critically self-evaluate, plan and gain awareness that they are not alone in harbouring doubts, fears and uncertainty about their new learning environment. Students are more likely to make the transition successfully if the early interventions intended to support them are well researched, and are investigated for impact. Findings revealed that staff, literature on retention, personal reflective diaries and access to the experience of previous students all have important places in securing a successful transition.

Impact of this research

This work has had an impact on students, colleagues, and the national and international research agenda as shown by citations of these publications. They led to a significant role in the development of the learning and teaching environment at LJMU and led to partnership work with many colleagues on projects related to the research in this submission. It has greatly enriched my professional life and opened up opportunities.

A successful application for Senior Fellow of the Higher Education Academy was made in 2013 – there are relatively few individuals in the legal academy who reach SFHEA as most concentrate on disciplinary research. Further afield, this research is recommended as a potential template for developing legal education in the future and could play a significant role as this sector undertakes a radical rethink of its provision.

Are the outcomes of education research sustainable?

The outcomes of this research have most often been maintained and show that the impact of such curriculum development projects are sustainable. Although citations are not guarantee that one's work being put into practice elsewhere, it is direct evidence that it is adding to

those ongoing conversations in the literature and is part of the thinking of other academics. This leads to the conclusion that there is sustainable impact outside the local context.

At LJMU, the research in Publications 1-3 formed the foundation of a new approach to the induction and transition of law students for sixteen years. The retention rate showed marked improvement even as the profile of students starting the degree radically changed. The impact on practice of Publication 5 was that three of the Schools involved made changes to their assessment processes that remain in place. My experience is that even though research outputs gain recognition through citations and external invitations to showcase one's work, the impact at local level can be affected by the structures, people and processes that facilitate change. I am particularly grateful for the efforts of supportive members of the programme team who were willing to take with me the journey of incorporating higher education research into our provision. The experience of Publications 4 and 5 strengthened my resolve that working with students will prove to be more influential in enhancing university provision, even if it does require a great deal of staff and student commitment. A sustainable model for such work needs to be found as barriers, such as the lack of access to independent research support, often hampers data collection and analysis.

Communicating with students

A key element that ties together the research presented here is communication with students in order to improve curricula. This continues to influence the education research that grew from these publications.

The evidence discussed in Publications 4 and 5 illustrates that students who successfully make the transition into higher education can make another transition from contributors to development, to partners in developing curricula. The research conducted for Publication 4 provided data that student involvement in improving the curriculum also improved their marks and enabled staff to more fully understand the student perspective.[132] The student is uniquely placed as the recipient of learning and teaching interventions designed by staff.

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[132] 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), 663-74, p671.

Publications 4 and 5 illustrate that members of the academy have probably underestimated the positive influence that students can provide in helping to achieve the best possible curriculum interventions. Students can give new insight into exploring literature on curriculum design and may also be able to suggest specific approaches that bridge the gap between staff and student expectations, for example, in the area of effective assessment practice. The involvement of students during the research presented in Publication 5 enabled the programme teams to develop strategies pertinent to local circumstances and took account of the student perceptions of feedback. The student voice was enhanced and enabled staff to improve its value to improve the student experience.[133]

Current and future research

Three areas of research have developed from the work presented here in the areas of reflection, leadership/student voice, and collaborative research. In the area of reflection, it has led to a collaborative project to develop a longitudinal study of students' use of reflection for retention, through to employability. This qualitative study aims to add to knowledge in this area that has now been recognised by the LETR (2013) and the QAA (2015) as being important to develop the *whole* law student, not just the student who can write an essay or sit an exam. Work in this area is beginning to emerge in different areas of the law student experience. For example, Jenny Gibbons (2015), at the University of York, has been using reflective techniques to improve student performance at a subject level.[134]

This study will build upon the approaches in Publications 1 and 2 of using reflection to develop personal skills and confidence for the purposes of retention which remains unique in UK legal education. The first two publications in this PhD identified that students can successfully employ reflective techniques to help in the transition to university. What it did not reveal is how, or whether, students continue to develop such techniques as they progress through their degree towards employment or further study. This new research aims to discover how

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[133] Nixon, S., S. Brooman, R. Murphy and D. Fearon. 2017. 'Clarity, consistency and communication: using enhanced dialogue to create a course-based feedback strategy.' *Assessment and Evaluation in Higher Education*, 42(5), 812-22, p819.

[134] 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.

law students develop their ability to reflect across two years of the degree programme. In the first year, the students involved have undertaken the compulsory reflective exercise in a module called 'Independent Learning in Law', which aims to help them develop academic and retention skills. This module is a vehicle for introducing students to reflection on their academic skills and personal development as soon as they start university and was the module through which the research in Publications 1 and 2 took place.

One of the aims of the new research is to identify how these students develop their capacity to use reflective practice when addressing issues such as employability. A secondary aim is to explore methods to develop undergraduate reflective learning and teaching in practice. A qualitative research strategy that analyses data emerging from law undergraduate focus groups and essays will be employed. This employs a phenomenological approach to textual analysis that was successfully employed for Publications 1 and 2. Phenomenology is more commonly used in relation to establishing an individual's perceptions of a phenomenon through interviews. However, the approach developed for the above publications has been successful in building a picture of how individuals perceive both diaries and the use of self-reflection literature through textual analysis. The aim of this new research is to extend this approach to issues of reflection for self-development related to employability and work-experience.

A second area of current research emerges from Publications 4 and 5 in relation to working in partnership with students. It extends research involving students in curriculum design to an exploration of the relationship between student voice, distributed leadership and curriculum development. The article explores an emergent finding from Publication 5 in relation to the above and to participatory research and further enabling the student voice. It is influenced by the desire to produce knowledge that might be useful to other educators.[135] The article suggests that working in partnership with students greatly enhanced the leadership of the project in achieving its desired outcomes. It suggests that leadership can be viewed as the effective achievement of outcomes, rather than the traditional notion of leadership as position. When viewed in this way the aspects of good leadership identified in

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[135] Somekh, B., and K. Zeichner, 2009. Action research for educational reform: remodelling action research theories and practices in local contexts. *Educational Action Research* 17(1), 5-21.

the literature a such as distributed leadership, achieving goals and stimulating involvement, were all enhanced by partnerships with students at a management and administrative level in the study. This is an exciting area of new discovery in higher education research and has the potential to reach into new studies in terms of how both staff students might be encouraged to enter such partnership and the need for education/training to allow participants to explore how such partnerships would work in practice to achieve their goals.

The third area being developed from the research in this PHD application emerges from Publications 4 and 5 and focusses upon encouraging or collaborating with colleagues in the same school, or from other disciplines in order to develop curricula. This has led to two further publications, the first being a publication in a new journal, *The International Journal for Students as Partners*.[136] Staff were interviewed prior to the commencement of the project that led to Publication 5 in order to determine their attitudes to collaborating with students in curriculum development. There followed a second interview, subsequent to the project, to determine whether staff attitudes had changed and whether any new knowledge regarding these partnerships might emerge. This revealed that staff need to be informed about such processes to alleviate doubts, may retain issues around power relationships and the overall value of partnership work in staff development. I suggest that alongside the desirability of allowing the emergence of the student voice, higher education should be mindful of the need to develop staff awareness, and their ability to listen.

The second article discussed the benefits and pit-falls of collaborative practice.[137] This is another important area of research, which revealed the importance of, for example, choosing the right people to work with, being open to negotiation and compromise, accepting feedback on work, setting ground-rules for authorship and the value of bringing different skills to a project.

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[136] Murphy, R., S. Nixon and S. Brooman, 2017. 'I am wary of giving too much power to students' - addressing the "but" in the principle of staff-student partnership. *The International Journal for Students as Partners,* 1(1), 1-13.
[137] Nixon, S., S. Brooman and R. Murphy, 2017. 'The sorrow of the struggle or joy of the journey? Seven lessons learned from an education research writing group' in *Innovations in Practice*, 11(1): 18-22.

Summary

My greatest motivation is that students should enjoy the experience of higher education and benefit from it as individuals and learners. The publications in this submission show that the student experience can be improved by innovating the curriculum using educational research. These publications continue to contribute to on-going conversations in under-researched areas such as student voice and undergraduate reflective practice. They build upon a personal conviction that the task of providing forward thinking curricula applies to law teachers in the same way as it does to all educators in higher education. This law teacher's journey tells me that legal education could gain significant value from the application of education research methods and external knowledge to improve its curricula. I previously conjectured on this issue in 2011 and suggest that this still encapsulates my motivation to highlight the need to develop legal education through education research:

> *'[T]here is a persuasive argument to be made that law teachers should engage in more pedagogical activity to examine the educational structures we build upon the bedrock so as to pass on our core values and skills. It would help to test and disseminate the effectiveness of legal education. Are the structures and methods of delivery robust? Do they engage students? How do we know? At the very least, it seems odd that a discipline rooted in 'proof' and 'evidence' should be reluctant to produce sufficient proof in relation to the design of suitable learning environments.'*

Simon Brooman (2011).[138]

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[138] Brooman, S., 2011, above n.2, p110.

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Appendices

1. Details relating to contribution to each publication.

2. Colleague account of the impact of the research in this PhD to illustrate local impact.

3. Brooman, S. and S. Darwent, 2012. '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.

4. Brooman, S. and S Darwent, 2012. 'A positive view of first-year undergraduate reflective diaries: focussing on what students *can* do.' *Reflective Practice*, 13(4), 517-31.

5. Brooman, S and S. Darwent, 2014. Measuring the beginning: a quantitative study of the transition to university. *Studies in Higher Education,* 39(9), 1523-41.

6. 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), 663-74.

7. Nixon, S., S. Brooman, R. Murphy and D. Fearon. 2017. 'Clarity, consistency and communication: using enhanced dialogue to create a course-based feedback strategy.' *Assessment and Evaluation in Higher Education,* 42(5), 812-22.

Appendix 1:

As detailed on page 10, I have complied with the regulations for the LJMU PhD by Published works.

Statements from co-authors/evidence of contribution:

'I confirm that Simon's estimate of his contribution to the first three Publications in this submission is correct. As Editor of the Liverpool Law Review and colleague, I mentored Simon throughout his move in to writing about his innovations on Independent Learning in Law. As a close colleague and member of the ILL team I witnessed first-hand the innovation process and then the writing process when Simon engaged the services of a research assistant. I am able to confirm his estimates for contribution to Publications 1-3 in this submission.' Dr Lorie Charlesworth, Reader in Law and History, LJMU. (Publications 1-3)

I confirm that the estimate for Simon Brooman's contribution to 'The Student Voice in Higher Education Curriculum Design' is correct. Alex Pimor, Senior Lecturer in Law, LJMU. (Publication 4)

'Simons contribution to this paper was integral to it being published in Assessment and Evaluation. In terms of the paper it was his work that ensured that the writing was of a quality to be consistent with the expectations of the journal.' Dr Sarah Nixon, Subject Leader, Events Management. (Publication 5)

Sue Darwent, a researcher made significant contributions to Publications 1-4. Sue was a pedagogic researcher who I employed to carry out the qualitative research in Publications 1 and 2 regarding my module Independent Learning in Law. This was done in order to reduce the risk that the student voice would be influenced by the inevitable power dynamic. Sue also took part in writing up, which is why she is credited for her input into the overall curriculum design and research process for these publications.

Although I was project leader for Publication 3, Sue undertook a greater role in data collection and interpretation as a possessor of quantitative research skills. She also co-wrote the article,

and is therefore I am credited overall at 60% taking into account the overall development of the interventions from their design to publication.

Sue Darwent has confirmed the contributions indicated in an email of 14th March 2019:

> *Thank you for your email and copies of the articles which we wrote together, as well as your Phd. I am pleased that the work we did is being used and cited. Having seen your overall contribution estimates, I am happy to agree with them.*
>
> *Kind regards*
>
> *Sue Darwent*

As the outputs from collaborative action research, the quality of these publications was improved by collaboration with other researchers and students. The research methods for all five were strengthened by mitigating the effects of researcher bias in gathering or interpreting data by using independent research support (research assistant and post-graduate students who were not teaching the students).

Appendix 2.

Colleague Account of the impact of changes made and detailed in Publications 1-3.

Fiona Fargher, Principal Lecturer in Law. Programme Leader for the Legal Practice Course (LPC) and tutor on the Graduate Diploma in Law (GDL). Tutor on ILLS 2002-15.

'I think it would be true to say that the impetus for Simon's development of the ILL module was the focus on retention in terms of level 4 undergraduates, and the recognition that the transition to University presented challenges for many students. This was particularly the case in a region where many students are the first in their family to access HE so did not have familial support. It was informed by pedagogical research and the recognition that whilst many factors influencing whether students leave University are common across all disciplines, some are specific to legal studies. For this reason the module initially invited the students to reflect on themselves as a learner, then moved on to invite them to engage with the learning of law.

The practice of allocating students to groups to complete a task at the very start of the module ensured that all students made initial contact with at least three other students. The need to complete an assessment task ensured that they made real contact and often set up groups via social media. Tutors noted in subsequent sessions that students had created support networks out of that experience, and they became more willing to share anxieties in class because they felt safe in the small group environment. This led to tutors on the LPC and GDL post-graduate courses introducing small group tasks in their induction.

Later in the module students were invited to study pedagogical research on the student experience in the first months in University, including relevant research Simon had recently completed. This had a real impact in terms of their reflection on their immediate experience, and they often commented that they felt reassured that their experience was not unusual and that other students had been there before and made it through. As programme leader for the LPC I recognised that the transition from academic to professional study presented many similar challenges as the transition to University study. It was important for students to feel part of a community of professionals who were at different stages on the continuum of

legal education. We chose to emphasise this by inviting legal professionals who were qualified solicitors, and trainee solicitors who had recently completed the LPC course to participate in our induction. This set their future learning in context and emphasised the professional nature of the course.

Finally the link to personal tutoring facilitated communication as students engaged in a dialogue based on reflection with their tutor during ILL sessions. A number of LPC tutors also worked on ILL and we used that experience to inform the creation of our structured PDP sessions. We hold meetings at appropriate points in the academic calendar and invite students to reflect on particular aspects of their experience. As an example we provide feedback on formative mock exams with a view to enhancing the exam technique of our students before they take LPC examinations. We have a PDP meeting after they receive their feedback to encourage students to adopt the required approach to ensure success in their summative assessments.

There is no doubt that teaching on the ILL module encouraged tutors to consider the student experience as a whole, as opposed to focussing on the brief classroom engagement. Recognition of potential different learning styles informed our practice and we engaged with pedagogical research with a view to becoming reflective practitioners. In the context of a teaching community who were not required to hold any teaching qualifications in order to practice this was a significant shift in emphasis that has underpinned our professional practice to this day.'