**The degree apprenticeship pathway into the legal profession: a game changer?**

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# **Abstract**

The dramatic expansion of participation in higher education over the past half-century has contributed to a crowded graduate jobs market and intense competition for access to the most lucrative occupations, such as law. Existing research in the UK suggests a strong association between attendance at elite higher education institutions (HEIs) and entry into elite law firms. With individuals from less privileged socio-economic backgrounds being less likely than their privileged peers to apply for or gain entry to more elite HEIs, they are consequently less likely to be recruited into the legal profession. This has been a long-standing issue and persists despite decades of diversity and widening participation initiatives. Degree apprenticeships (DAs) have been recently introduced as an alternative to HE as a route to a professional occupation, including access to the legal profession, and could potentially disrupt the relationship between HE and access to the legal profession.

This study investigates the perceptions and experiences of aspiring solicitors following either of two pathways, university, or degree apprenticeship. By conducting interviews with twenty-two individuals, the study builds a picture of their transitions through school, subsequent choices and pathway decision-making. The aim is to understand their perceptions of the choices available to them, their experiences through both HE and DA pathways and how this varies according to social background. Ultimately, the study reveals the uncertainty faced by many in access to the legal profession, the different strategies adopted to negotiate this across both pathways and the impact on individual wellbeing.

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# **Author’s Declaration**

I declare that this thesis is my own original work. No part of this thesis has been submitted in support of an application for an award at this, or any other, university.

Elements of this thesis (in particular, Chapter 7) were submitted as an article to a peer-reviewed journal. The article was co-authored with Professor Paul Wakeling, my PhD supervisor from the University of York. I am the first author of the article, which was based on data collected and analysed by me for this study.

**List of Publications**

1. Casey, C., & Wakeling, P., (forthcoming). University or degree apprenticeship? Stratification and uncertainty in routes to the solicitors’ profession.

**1 Introduction**

Degree apprenticeships offer a cheaper and more flexible alternative to accessing professional occupations than the ‘traditional’ graduate routes, yet uptake of this new route has largely been by those from more advantaged backgrounds, with fifty-four per cent of young degree apprentices across all sectors coming from areas of high educational advantage[[1]](#footnote-1) (McEwan, 2019; OfS, 2018, 2019). Historically, the legal profession was controlled by the profession itself, as such the degree apprenticeship (DA) route marks a beginning in the profession taking back control of legal education and training from universities. This study will explore whether alternative routes, university and DA, are likely to be successful in opening up the solicitors’ profession to individuals from less advantaged social backgrounds. Research on access to the solicitors’ profession is a “worthy topic” (Tracy, 2013, p. 230), given the historic changes to the education and training regime which includes both the introduction of the DA route and the forthcoming Solicitors Qualification Examination (SQE) (see Chapter 2), this research is both timely and relevant. With the recognition of persistent inequalities in access and social closure which have led to a policy agenda to open up the professions to people from different social backgrounds (Milburn, 2012), this research is also significant and interesting.

The focus of this study is on understanding the motivations, choices, opportunities and barriers facing those aspiring to a career as a solicitor and whether this varies according to their social class background. Ultimately, the study aims to find out whether the recent introduction of the degree apprenticeship pathway can disrupt historic patterns of inequality and social reproduction in access to the legal profession. My interest in this research extends from having been through the experience of qualifying as a solicitor myself several years ago, and from having encountered several barriers to access and progression, which included being a self-funding, part-time, commuter student and a working mother from an underrepresented background (for the legal profession). My first job in the legal sector was in a ‘matter mill’ based in a northern city office of a regional corporate law firm, where many law graduates worked as paralegals in the anticipation of being offered a training contract, much like the ‘psychological contract’ discussed by Carroll and Vaughan (see Chapter 2).

This research seeks to build upon existing knowledge in the fields of the sociology of education and the sociology of the professions, specifically legal education, access and socio-economic diversity in the legal profession. However, the findings may resonate more widely across the field of UK higher education in terms of access and graduate transitions to other professional occupations. This is a relatively new area of research due to the context of the recent changes to the regime of education and training for lawyers, and in a climate where the need for ’widening participation’ is recognised by the government, the regulator and also increasingly by employers. The literature on the geography of the legal profession is particularly limited (Carroll & Vaughan, 2016) and focuses largely on the globalisation of legal services (Faulconbridge et al, 2008; Terry et al, 2008). Whereas, studies on access to the legal profession tend to focus on social reproduction, gender, race and class inequalities in access to elite law firms (Ashley 2010; Ashley et al, 2015; Ashley and Empson, 2013, 2017; Sommerlad, 2002; Sommerlad et al, 2012; Sommerlad, 2016). This study focuses not only on those who have achieved access to the profession but includes those in positions of liminality, aspiring to qualify as solicitors through either the graduate pathway or the degree apprenticeship pathway, through different types of institution, of different status and in different locations in England. The study here challenges the notion that old inequalities in access to the solicitors’ profession are being disrupted by new pathways to qualification. I argue that the expansion of routes into the solicitors’ profession adds another layer of complexity to post-school education and career choices which, thus far, is little known about or understood by individuals who could benefit from the new pathway and those who might influence them in their pathway decision-making, i.e. teachers and parents.

This research will be of interest to the Solicitors Regulation Authority (SRA), the Law Society, the Centre for Transforming Access and Student Outcomes in Higher Education (TASO), the research community, prospective entrants to the legal profession and their parents, school and university careers advisors and recruiters.

The transitions of young people leaving school in the contemporary UK context have changed significantly over the past fifty years. Previously, young people could expect to find local employment in manufacturing or industry with relative ease. Whereas, today’s neoliberal, post-industrial, economy presents a significant transformation of the transition from school into work, based on competition for jobs in the knowledge based economy (KBE). This competition is central to the ‘war for talent’ in which employers seek to employ the brightest and best candidates for jobs in the KBE. This also requires individuals to invest in their own employability - including a financial investment through student tuition fees - and assumes that there is equality of access to educational and career opportunities through an expanded higher education sector to enable those who work hard to demonstrate their employability and access high skill, high wage jobs (Brown and Hesketh, 2004).

This simplistic account is problematic. Firstly, it does not recognise the differential social distribution of educational achievement and, therefore, inequalities in access to more prestigious educational and career opportunities, which tend to be based on academic attainment (Breen and Goldthorpe, 2001; Reay et al, 2005; Shavit and Blossfeld, 1993). Additionally, the dramatic expansion of the higher education system over the course of the latter half of the twentieth century, increasing participation from 140,000 in the 1960’s to 2.34 million by 2018, has resulted in a crowded graduate labour market and increased credentialisation to stand out. In the context of access to the legal profession, ‘standing out’ typically comprises having attended an elite university and having access to other capitals valoured by law firm recruiters (Ashley et al, 2013; 2015; 2016). Expansion of the HE sector, rather than creating opportunities for all in access to lucrative jobs in the KBE, such as those in law, has led to differentiated pathways which act to divert individuals from less privileged backgrounds into less selective, lower status institutions, with limited access to higher status jobs (Boliver, 2013; Britten et al, 2016; Shavit et al, 2007; Wakeling and Savage, 2015). A further concern about HE expansion is that the institutional positioning, massification and hierarchical stratification of universities has resulted in a multitude of educational providers and programmes seeking to satisfy continuing student demand for places, particularly in the case of law. However, the educational experience and outcomes are qualitatively different across both institutions and degree subject (Britton et al, 2018), which raises concerns about standards, accountability and, perhaps most importantly, unethical practices and promises in relation to graduate outcomes (Hazelkorn, 2012, p.12).

The negotiation of the transition from school into the Legal profession is, therefore, significantly more complex than it has been for previous generations and can have profound and long-lasting consequences for future career trajectories. Pathway choice, therefore, constitutes a risk at an early stage in the lives of young people. Concerns about fairness in access to high skill, high wage jobs have been framed in discourses of meritocracy, widening participation and social mobility. Successive governments have been monitoring attempts to widen access to the professions for those from less privileged backgrounds for several years and have recognised that progress in this respect has been slow, particularly in the legal profession, and that access to professional jobs and progression in professional careers is still dominated by a privileged elite with recruitment dominated by Oxbridge graduates (Milburn, 2012, p. 2). Milburn made recommendations for opening up a range of opportunities for people to enter the professions, including apprenticeships. Milburn also called for the ongoing “evaluation of the effectiveness of existing diversity initiatives” in the collection of socio-economic data in profiling the professions (2012, p. 38). Such data, however, give only a general overview of the profile of a profession as it stands, i.e. those who achieved entry to the profession, not those who, for whatever reason, did not, and do not provide any detail of the people the data represent, their experiences and beliefs, which is a gap that this study aims to partially fill. Increasing understanding of how individuals from different social backgrounds perceive and experience alternative routes in access to the legal profession is the contribution to knowledge that this study seeks to make. I intend to achieve this by bridging various concepts, cultural reproduction theory (CRT), rational action theory (RAT), and the capabilities approach (CA) to understand how social background influences the knowledge of and dispositions towards alternative pathways, variations in decision-making approach and attitudes towards risk, and the impact on individual wellbeing.

The rest of this thesis is organised as follows. The initial chapters provide the background context for the rest of the study. Chapter 2 outlines the historical development of the solicitors’ profession from its roots in medieval apprenticeship and subsequent transition to a graduate profession, with a focus on post-WWII education and training in England. The chapter outlines the degree apprenticeship policy which now provides an alternative route to qualification as a solicitor in England and Wales, and which emphasises a return of control of legal education and training from the universities back to the profession. I briefly outline the Solicitors Qualifying Examination[[2]](#footnote-2) (SQE), which is being introduced as an endpoint assessment for all routes into the solicitors’ profession and represents a controversial and historically significant development at the point of access to the profession. The chapter then moves on to look at the marketisation of the legal profession and its impact on the organisation of law firms. This is followed by a discussion of organisational differences which have led to a stratification of law firms based on the type of work carried out and the geographic location of offices.

Chapter 3 outlines the development of the UK higher education sector from the mid-twentieth century, where university participation was transformed from a minority pursuit to one of mass participation. This is important as this development contributed to the intense institutional stratification of the university sector, which is effectively mirrored in the structure of law firms (discussed in Chapter 2). Universities have acted as cultural sorters, whereby individuals from less advantaged backgrounds are more likely to attend lower status institutions (Boliver, 2011; Boliver, 2017; Brint and Karabel, 1989). This impacts on social diversity in access to the legal profession, for instance in access to training contracts, as processes of social exclusion and cultural matching (Rivera, 2012; Empson & Ashley, 2013; Ashley et al, 2015; Ashley et al, 2016) work to reproduce social inequalities in access to the legal profession. The chapter then introduces theoretical concepts from the sociology of the legal profession, in particular, professional closure as manifested in the recruitment strategies of law firms (Rivera, 2012; Empson & Ashley, 2013; Ashley et al, 2015; Ashley et al, 2016). Overall, this chapter provides the context for the opportunities and challenges that participants in the study may face in access to the legal profession.

Chapter 4 provides the theoretical background to the thesis and introduces the concepts and theories that frame the analysis and discussion of the empirical data. Firstly, I discuss the concept of CRT (Section 4.2.1) and how decision-making is influenced by the socio-cultural, economic, historical backgrounds of both individuals and communities. Secondly, I discuss RAT (Section 4.2.2) which maintains that individuals make calculated decisions based on cost-benefit analysis aimed at reducing the risk of downward social mobility. These theories both have something to offer individually as partial explanations, as RAT assumes that individuals have agency in their choices, whereas CRT can show how choices are constrained or extended by social background. While these theories are often in opposition, taken together they can provide a fine-grained understanding of individuals’ perspectives, experiences and decision-making, and I use this approach to inform the analysis and discussion of the data in chapters 6 to 8. This chapter outlines the capabilities approach to consider the impact on the wellbeing of individuals’ decision-making and experiences on their chosen pathway, the focus of Chapter 9. Following this, the chapter then discusses research concerned with young people’s aspirations and expectations for their careers, which are shaped by their socio-cultural context. The chapter then considers the contribution of previous research on decision-making and choice in transitions from school and university into professional work, with a focus on understanding the influences and processes involved. The studies reviewed suggest that decision-making is complex and that individuals from more advantaged backgrounds have access to more relevant forms of knowledge and, therefore, make better-informed decisions than those from less advantaged backgrounds. This chapter then reviews studies on career strategising of young people in their transitions from school and finds that those from more advantaged backgrounds use their social networks to help them get on.

Chapter 5 outlines the methodology and research design. This chapter provides a consideration of the underpinning ontological and epistemological assumptions for this study and justifies the methods for obtaining and analysing the data. This is followed by a discussion of the difficulties in accessing particular sub-categories in the sampling frame and how this was managed.

The next four chapters introduce the qualitative data from interviews conducted with aspiring solicitors. In Chapter 6, data are presented from semi-structured interviews which traced individuals’ biographies, including home and school background, to identify key experiences in the development of their dispositions and influences on the motivations for their chosen pathway into the legal profession. The data are analysed using Ball’s typology of choice (Ball et al 2005). Social class origin appeared to influence the disposition of individuals in the study towards different pathways, as access to various capitals, in the form of economic, social and cultural resources, enabled or constrained both choices and decision-making to a greater or lesser degree.

Chapter 7 consider the prevailing concept of risk, which affected all individuals in the study in varying ways, with those from less privileged backgrounds viewing the apprenticeship route as too new and, therefore, risky, and others viewing the apprenticeship in terms of removing uncertainties and risks faced in a competitive graduate jobs market (Chapter 7).

Chapter 8 presents data on how individuals negotiated the opportunities and barriers, perceived and actual, and how these were mediated by access to mentors, internships and sponsorship. The data are analysed and discussed using an employability typology which I adapted from the ‘player/purist’ typology (Brown and Hesketh, 2004) and the ‘purist/pragmatist’ typology (Hancock et al, 2017). The types ‘player/purist/pragmatist’ represented the various strategies of those in the study towards achieving their educational and career goals in accessing the legal profession across both pathways. The chapter discusses how not all participants could be neatly categorised into just one type and some individuals developed other traits based on their experiences, for instance, a ‘purist’ developed ‘player’ type behaviour to secure a training contract. While the objective of using a typology was not to quantify the numbers of each type, it was interesting to note that most individuals following the DA route were more associated with ‘pragmatist’ type behaviour.

Chapter 9 considers the impact of the various strategising, identified in Chapter 8, on the wellbeing of those in the study pursuing both routes. The capabilities approach is used as a framework for analysis and discussion, using a list of capabilities adapted from Walker’s (2006, cited by Wilson-Strydom, 2017) ‘ideal-theoretical list of capabilities for equitable transitions to university’.

I conclude the thesis in Chapter 10, drawing the key findings together, highlighting how these contribute to knowledge, and their implication for policy and practice, before reflecting on the limitations of the study and opportunities identified for future research.

The next chapter commences by contextualising the changes to legal education and training.

# **2 Understanding access to the legal profession**

**2.1 Introduction**

The Solicitors’ branch of the legal profession provides an interesting case for an exploration of the opportunities for individuals to access a professional occupation. Many studies over several years have established that those entering the professions in the UK, particularly the legal profession, are predominantly from advantaged backgrounds and that the privately educated are disproportionately overrepresented (Ashley & Empson, 2017; Milburn, 2012). A longstanding discourse of equality of opportunity and commitment to meritocratic principles from successive governments have failed to deliver the outcomes to evidence improved social inclusivity, particularly in the legal sector, despite more than a decade of initiatives aimed at widening participation in the professions (Ashley & Empson, 2017; Milburn, 2012).

The relative social exclusivity in the legal profession is an important issue, not only because of business pressures for increasing diversity (Ashley, 2010; Ashley & Empson, 2013, 2017) but also for reasons of social justice (Adams, 2015; Parkin, 1974). Higher education qualifications currently provide the most significant entry credentials to many professions, including law, and often confer more secure professional jobs with higher salaries and better conditions (Holmes & Mayhew, 2016; O’Leary & Sloane, 2005). Social background and educational attainment are strongly associated (MacMillan et al, 2015) with those from more privileged backgrounds attaining higher qualifications and gaining access to the more selective universities (see Chapter 3). With many law firms recruiting only from a narrow range of universities (Milburn, 2012; Bridge Group, 2020), opportunities for training contracts tend to be restricted to those from more advantaged backgrounds. This suggests that, despite a discourse of widening the pool of talent in legal recruitment practices and an acknowledgement of a ‘business case for change’ (Ashley, 2010; Ashley & Empson, 2013, 2017), there are persistent inequalities of opportunity rooted in social background. Alternative pathways, such as the DA route into the solicitors’ profession, could provide a means to disrupt such processes of recruitment into the legal profession and, thereby, achieve the aim of the government to open up socio-economic diversity in the legal profession. However, on the flip side, it could also provide the means for creating more distinction, stratification and further entrenchment of social reproduction in the distribution of opportunities to access a professional career. Although it is too soon to assess the long-term impact of these alternative routes into law, the generation of finely-grained data through a qualitative study could provide valuable insight and greater understanding as to whether the DA route is likely to succeed in achieving this disruptive aim. Additionally, there is a need to understand the influences on those seeking to enter the solicitors’ profession as the opportunities that are available to them and the choices they make will have an impact on their longer-term career, for instance, better job security and conditions, higher earnings and prospects for future high earnings (Goldthorpe & McKnight, 2006; Bukodi & Goldthorpe, 2011a).

Insights from the sociology of the professions can help in understanding the persistence of social inequality in access to the solicitors’ profession. Several prominent theories could provide useful analytical insight into how social class differences in education arise and are sustained. In particular, cultural capital theory (CCT) as developed by the French sociologist Pierre Bourdieu (Bourdieu, 1996; Bourdieu & Passeron, 1977, 1979), and the concept of relative risk aversion (RRA) (Breen & Goldthorpe, 1997; Goldthorpe, 1998, 2000). CCT and RRA can help in our understanding of individuals’ choice of a pathway into law. Additionally, the concept of institutional stratification (IS) (Shavit et al, 2007) can help explain the influences on individuals’ decision making in respect of the choice of higher education institution (HEI) or law firm (in the case of solicitor apprentices).

**2.2 Organisation of this Chapter**

This chapter gives an overview of the historic development of the Solicitors’ profession from its roots in medieval apprenticeship and subsequent transition to a graduate profession with a focus on post-WWII education and training in England (Section 2.3). I then move on to look at the marketisation of the legal profession (Section 2.4) and its impact on the organisation of law firms. Next, I discuss the organisation of law firms (Section 2.5), fragmentation of law firms (Section 2.6) based on the type of work carried out, the location of offices and the geography of law firms (Section 2.7). This is followed by a discussion of theoretical concepts from the sociology of the legal profession, in particular, social class and professional closure (Section 2.8) as manifested in the recruitment strategies of law firms. I then outline the degree apprenticeship policy (Section 2.9) which now provides an alternative route to qualification as a solicitor in England and Wales, and which emphasises a return of control of legal education and training from the universities back to the profession. This is followed by a brief discussion of the Solicitors Qualifying Examination (SQE) (Section 2.10), which is being introduced as an endpoint assessment for all routes into the solicitors’ profession, the first assessments are to be available from 2021. The chapter is summarised in Section 2.11. Overall, this chapter outlines the context of the current legal professional field and the opportunities and challenges participants in the study may face here.

**2.3** **Historic background to legal education & training**

Historically, the apprenticeship model was the traditional and most common route into the solicitors’ profession. Additionally, there was no requirement to have a degree in order to gain entry to the profession. Apprentice Masters, practising solicitors in law firms, would recruit apprentices to train under them. This would involve the aspiring apprentice paying a premium to the master in a sum equivalent to one year’s average salary, and require the apprentice to serve a period of 5 years unpaid; as such this would restrict opportunities to enter the profession to those from wealthy backgrounds (Abel, 2015). The master was also free to exercise bias in choosing an apprentice and this also acted to restrict the number and control the characteristics of those entering the profession based on such attributes as social class, gender, race and religion (Abel, 2015).

At the turn of the 20th century, the Law Society introduced examinations for would-be solicitors and a small number of universities competed with the legal profession as a means of gaining entry, as law firms could also provide tuition in preparation for these examinations. The legal profession, through its professional body (the Law Society), could control the numbers entering the profession through restricting (or relaxing) the number of Law school places available, and through flexibility over the Law Society Final examination pass marks. For example, in 1920 the pass mark for the Law Society Final examination was 97%, dropping to an average of 87% overall between 1918 and 1939, then further reducing to 54% in 1939 (Abel, 2015, p.208). Abel (2015) suggests that this flexibility over the examination pass mark was to enable the profession itself to regulate entrants to the profession by responding to socio-economic factors which impact either the number of those who sought to enter the profession or the demand for legal services, such as the losses in WWI and WWII, the financial crash of 1929, and the Depression in the 1930s. However, this control over the number of entrants accessing the profession was loosened somewhat following the post-war expansion of the higher education sector. Following the post WWII period, participation in the UK university sector expanded (see Chapter 3), resulting in the growth of university Law departments and an increase in the number of overall places from 3000 to 14,500 (Abel, 2015). Abel (2015) attributes this expansion to an increase in demand for legal services and lawyers, following the post-war economic boom and the introduction of the legal aid scheme – both factors contributing to the growth of the legal sector and consequent increased demand for lawyers.

As described above, there have been pressures on the cycle of supply and demand for lawyers. Successive government cutbacks to the legal aid budget have led to a downward pressure on the growth of this sector of the legal services market. More recently, various other factors influence the demand for lawyers, including new business structures (ABSs), information technology replacing lawyers for routine tasks, economic downturns and contraction of the large law firm sector all indicating an oversupply of lawyers (Abel, 2015). Indeed, an indicator of a healthy system of supply and demand for new lawyers could be a balance in the number of training contract places in relation to the number of law school graduates passing the LPC and seeking training contracts. For instance, in 1996/97 the number of training contract places available was 4826, by 2007/08 the number of places rose to 6303; however, there was a shortfall of 1797 in those passing the LPC (Lawyer Watch, 2010, cited by Abel, 2015, p.207). This imbalance between supply and demand has brought criticism to this aspect of the training of lawyers which has been rebutted by an argument of having to rely on market forces to control the numbers of those entering the solicitors’ profession (Webb et al, 2013).

The Legal Education and Training Review (LETR 2013) (Webb et al, 2013) is the first review of the education and training regime for solicitors in over 40 years since the Ormrod Report was published in 1971. LETR 2013 ostensibly addresses issues of restricted access to the legal profession by introducing alternative and flexible routes to achieving legal qualification through the apprenticeship model and equivalent means pathways, opening up the bottleneck at the entry point to a legal career (usually the point of obtaining a training contract). The equivalent means pathway allows previous experience and education sufficient to satisfy the knowledge and skills criteria for the educational or vocational stages of qualification to be accredited and provides an opportunity for exemptions from stages in qualification as a solicitor (SRA, 2016). The education and qualification routes into the Solicitors’ profession, focusing on the Solicitor Apprenticeship route and the more traditional higher education route, are illustrated in Figure 2 (Appendix 16).

Perhaps the most significant factor influencing the legal services field has been the introduction of the LSA in 2007 and the opening up of the market for delivery of legal services which impacts on the organisation of law firms.

**2.4 Marketisation of Legal Services**

The LSA has achieved three major changes to the regulation and representation of solicitors in England. Firstly, the introduction of the Solicitors Regulation Authority (SRA) - this has split the representative and regulatory functions of the professional body which were both previously under the umbrella of The Law Society. Secondly, it established an independent body for legal complaints, the Office for Legal Complaints (OLC), as a mechanism for quality control and consumer protection. Thirdly, the introduction of Alternative Business Structures (ABS) - the registering of an ABS, through one of a number of regulators such as the SRA or Council of Licensed Conveyancers granting a licence, allows business entities comprising both lawyers and non-lawyers to offer legal services. Essentially, the LSA has weakened the powers of the solicitors’ professional body (The Law Society), ended the monopoly position of solicitors in the legal services market by opening this up to a range of service providers, potentially increasing competition for the benefit of consumers. This, essentially, is the capitalisation, or financialisation, of the legal profession (Abel, 2015; Faulconbridge & Muzio, 2015; Galanter & Palay, 1991; King, 2015). The effect of this is that the ‘social contract’ function of solicitors as mediators between the public and the state is replaced by a system which prioritises profit and focuses accordingly on delivering only those legal services which are profitable.

Economic pressures and technological advances have led to the development of new roles in the support and delivery of legal services. Susskind (2013) suggests that these roles would include paralegals, legal process analysts, legal project managers, legal fees analysts. Many of those working in the legal services sector, particularly in commoditised services, for example, debt recovery, do not necessarily need to hold traditional legal qualifications, such as those leading to qualification as a solicitor, barrister or legal executive, and that the mix of people in the organisation should be determined by the business strategy of the firm (King, 2015, p.189). This mix of people, skills and qualifications will be something for managers of firms to determine what their requirements are and how these might be sourced – through in-house/external training, recruitment of people with those skills and qualifications already (King, 2015). King (2015) suggests that in a competitive business environment organisations are under pressure from clients, through price sensitivity for commoditised legal services, in particular, and also for normal ‘course of business’ legal services (see Furlong’s Breakdown of Law firm work, King, 2015, p. 186), to reduce the overhead on training legal advisors. This could indicate an incentive for a shift in focus from the recruitment of trainee solicitors to training people on the job, for instance through the apprenticeship scheme. The marketisation of legal services and the creation of a competitive market bring pressures on firms to increase efficiency, as we discussed above. This can impact the organisational structure of law firms which is considered below.

**2.5 Organisation of Law firms**

Ackroyd and Muzio (2007) contend that external pressures on the legal profession to widen participation and diversify act as a trigger for the elite of the profession to rework professional closure to preserve profits and rewards. They further suggest that there has been an extension of the hierarchy of the profession with distinctions between salaried and equity partners, trainees and assistant solicitors. Additionally, they contend that there is a greater polarisation between salaried lawyers and equity partners, with the former being excluded from key decision-making processes, facing increasing supervision of work and deteriorating employment conditions (Muzio and Ackroyd, 2005). This echoes Galanter and Palay’s (1991) argument of the structure of the firm being used as a device to control status and rewards, discussed below.

A US study of corporate law firms envisaged a changing landscape for law firms based on exponential growth in the size of firms during the 1980s (Galanter & Palay, 1991). The study used secondary data on the size of law firms, based on the number of lawyers employed. Galanter and Palay speculate that the big law firms, driven by a competitive ‘promotion to partnership’, or ‘tournament’ model of organisation, will lead to an exponential growth in the size of the firms and that this will, accordingly, lead to ‘greater diversity and experimentation in the organisation of firms’ (1991, p.121). Essentially, any barriers to entry into the legal profession based on elite social constructs would diminish due to the demands of the firm to have ‘workers’. Galanter and Palay pose interesting questions in relation to the multidisciplinary development of firms, asking whether this may be “another device for adding employees outside the partner-associate core [or…] for changing the character of that core by including non-lawyers within it” (1991, p. 121). These arguments are similar to those we shall be seeing in Chapter 3 regarding the stratification of higher education, where the effects of the expansion of the sector could be viewed as inclusive and opportunity enhancing, or diversionary.

**2.6 Fragmentation of the Legal Profession**

Carroll and Vaughan (2019) describe the fragmentation of the legal profession that has occurred in the UK and the introduction of ‘onshoring’ as “a radical reorientation of a division of labour and of what it means to be a profession and a professional” (p. 27). The recent phenomenon in the UK legal services market known as ‘onshoring’, whereby rather than outsourcing legal services to offshore locations, as has been quite common practice in recent decades due to cost savings on salaries and rents, for instance, some larger law firms are now opening up satellite offices in regional cities here in the UK. This onshoring, they argue, is due to continuing business pressures for efficiency and cost reduction which, due to salary increases over time in offshoring locations has made the UK a viable option whilst being able to present as a move to maintain quality and control. Additionally, onshoring, or ‘near-shoring’ is a process whereby routinised, commodified legal work is ‘unbundled’ into discrete packages of legal work which can be diverted away from City (London) lawyers and trainees, leaving them with higher quality, higher status work, thus reinforcing traditional hierarchies in the UK legal market (Carroll & Vaughan, 2019, p. 7). Carroll and Vaughan discuss the lack of homogeneity among lawyers where some are subordinate to others based on the type of work conducted, type of office (‘London’, ‘London Lite’, ‘Matter Mill’) and location (2019, p. 5). They discuss the ‘othering’ of lawyers, particularly women lawyers and other underrepresented groups, whereby individuals from these groups can access the legal profession but end up side-lined in lower status offices, conducting lower status legal work, resulting in “a new class of lawyer: the sideliner” (Carroll and Vaughan, 2019, p. 24). Further differentiation between lawyers occurs based on the type of employment contract, for example, the precarious temporary, fixed-term, flexible zero-hours and consultancy-based contracts which they claim characterise the employment of the ‘sideliner’ in a form of “flexploitation” (p. 14).

Carroll and Vaughan highlight a ‘potential discrepancy’ between the perceived benefits of working in a regional office of a global law firm and the work role that materialises for individuals. The possibility of obtaining a training contract through working in an onshore office exits but only for a few ‘star performers’ and, then, only after proving their worth in the onshore office over two or more years. However, the potential ‘prize’ of the training contract forms the basis of an unwritten ‘contract’ between the employee and the employer, whereby the employee accepts lower pay, lesser quality work and less opportunity for progression but if they prove their worth they may be recruited and trained as a Solicitor in the London office (Daly & Silver, 2007). This unwritten ’psychological’ contract concerning reciprocal expectations, obligations and assumed goals can lead to conflict if there is a misunderstanding of the terms, as defined by the employee (Leventhal, 1988; Parks, Kidder & Gallagher; Robertson, Cassandra & Burke, 2011; all cited by Carroll & Vaughan, 2019).

Social mobility scholars have recently focused on London as a dominant elite. This is particularly pertinent to the legal sector as many opportunities for training contracts are with law firms in London, particularly large corporate law firms. This is discussed in relation to the geography of law firms in the next section.

**2.7 Geography of Law firms**

Savage et al (2015) discuss the concept of spatial inequality, where “class is geographical” and “capital is accumulated, stored, transmitted and traded in, and across, specific locations” (p.261). In particular, London is highlighted as the “unquestioned centre of elite geography” (Savage et al, 2015, p. 295), where a previous regional divide between North and South has given way to new highly segregated urban elite zones, on the one hand, and the dominance of central London, on the other. This recognises an urban-rural divide whereby the process of dominance, as witnessed in London, now extends to other cities - these other cities being defined by their distance from London (Savage et al, 2015, p.297). The dominance of London has been recognised by Carroll and Vaughan in the onshoring model which identifies two types of law firm: firstly, ‘London Lite’ which effectively mirrors the London office in terms of the type of work carried out and the organisational structure but has lower costs due to being located outside of London. Secondly, ‘Matter Mills’ where the type of work carried out is structured by routine, lower quality, lower value, typically document management task-based work. This work is carried out by a team of ‘legal professionals’, who may have Law degrees or even an LPC, although many do not have legal qualifications. This type of office is characteristically heavily supervised by a “small elite group of ‘team leaders’ primarily recruited from Oxbridge/City of London backgrounds” (2016, p.16). Both types of office, therefore, are distinguished by the type of work conducted and the organisational structure – who works there and how they are supervised. Carroll and Vaughan suggest that little work has been done to date on the geography of law firms (2019) and this indicates a significant research gap to address through an examination of the stratification of opportunities according to the type of law office, geographic location (London/the regions), type of university attended and pathway into Law.

**2.8** **Social Class & professional closure in the legal profession**

Some scholars argue that the expansion of HE, discussed in Chapter 3, has been viewed as a threat to the “exclusivity and high status [of] the professions by reducing their control over the supply-side” and increasing the number of graduates seeking entry to professional occupations (Ashley & Empson, 2017, p. 214). Other scholars suggest that employers have responded to this threat to exclusivity by adopting informal, cultural, barriers to entry, rather than relying on formal credentials alone (Bolton & Muzio, 2007).

Several studies in recent years focusing on exclusionary recruitment practices in law firms have identified social class as a crucial factor, particularly in respect of the types of capital (e.g. educated at a prestigious university, good social connections, manner, dress and way of talking) desired by law firms being mostly found amongst individuals from middle-class backgrounds (Ashley, 2015; Francis, 2011; Friedman & Laurison, 2015; Savage, 2015; Zimdars, 2010). One implication is that those individuals from a background considered as non-normative by the profession, are likely to experience some form of discrimination in both their ability to achieve entry to the profession and to progress within it. Discrimination in selection processes is natural and not an issue if the reasons for it are legitimate and sanctioned by legislation. However, there is no protection from the state against discrimination based on social class, unlike the protections for gender, race, age and disability for instance, although arguably these forms of discrimination persist despite anti-discrimination legislation. Furthermore, individuals can self-discriminate and opt-out of pursuing opportunities on many levels, for instance by not applying to certain universities on the basis that they feel they would not fit in, or by not applying to particular types of law firm for similar reasons. Additionally, the costs of attaining qualification through postgraduate study can be off-putting for many potentially talented individuals, especially where they do not have access to sufficient economic resources to self-fund their courses as the student finance[[3]](#footnote-3) available for undergraduate courses is not available for the GDL or the LPC[[4]](#footnote-4). Some law firms recruit their future trainee solicitors during the second year (and increasingly from the first year) of undergraduate study through competitive summer internship programmes and, for those students who succeed in this process, the financial burden of legal qualification is taken on by their future employer who also guarantees a training contract place for the student. This method of recruitment appears attractive as it takes away much uncertainty and risk from the student. However, employers using this type of recruitment tend to focus on a narrow range of universities (such as Oxbridge and Russell Group) and such opportunities can be beyond the reach of talented students from other universities. This is an issue as law firms have tended to justify their discriminating selection criteria to choose the best individuals based on merit (Empson & Ashley, 2013), which is problematic in that this is often based on criteria which favour those from more advantaged social backgrounds.

The link between social capital and professional success has been explored by a growing body of literature which has sought to analyse the demographic profile of the legal profession. Bourdieu’s sociology has been largely concerned with developing an understanding of the dynamics of historically based social division, domination and exclusion, and how these are maintained. Bourdieu developed a framework for the analysis of such dynamics using the key concepts of habitus, field (or fields of power) and capital – where habitus is the predisposition to act in a particular way, patterns of behaviour being structured according to a set of tacit rules, rather than specific intentions. The concept of field can be defined as a structured social space, for example, a workplace or particular occupation, “with people who dominate and people who are dominated […] constant, permanent relationships of inequality operate inside this space” (Lin & Erickson, 2008). Success in the 'field', being accepted as an insider, is dependent upon achieving specific forms of 'capital', recognised as legitimate by others in the field and would include: economic capital, in the form of financial, wealth, income and assets; cultural capital - high culture such as attending the opera or ballet, embodied (manners, dress, speech, accent) and objectified or institutionalised (formal education, university attended); social capital, in the form of socially useful networks of people, social connections; symbolic capital- recognised differences in prestige, authority and lifestyle (Bourdieu and Wacquant, 2013).

In considering issues of meritocracy in access to the legal profession, scholars have noted the imprecision by which this is often defined and identified. For example, Zimdars noted that 'one needs more than educational credentials - flair, advocacy skills, confidence, the 'X-factor'… These skills are in turn associated with one's starting point in life and transferred to children through social and cultural capital' (Bourdieu & Passeron, 1977; Jackson, 2001; Rogers, 2009; cited by Zimdars, 2010, p.119). Other scholars have highlighted markers of high-status cultural capital purposively sought by law firm recruiters, for instance, Ashley et al (2015) found that the recruitment strategies of elite law firms were based on recruiting from a small number of elite universities and to 'appoint graduates with [these] markers of high status cultural capital' (p.3). This strategy was used to achieve a competitive edge by conflating particular types of cultural capital as a mark of quality (Ashley et al, 2015, p. 3). However, this research related only to top tier firms and may not be representative of the strategies of smaller firms, those in different market sectors, or those outside of London. This implies that entrants to the legal profession are competing based on their respective accumulated capitals, but also that one needs some non-specific magic ingredient or ‘social magic’ (Sommerlad, 2016), an X-factor that is recognised by recruiters but also difficult to define.

Sommerlad discusses the operation of overt closure strategies in Law schools and describes the control, by the profession, exercised over the training and qualification of lawyers as “[comprising] sufficient indeterminacy to facilitate exclusion…” (2008, p.2). This control is potentially being weakened with the introduction of more flexible routes to qualification, but the impact on the profession remains to be seen, for example, where and how individuals end up working (see Carroll and Vaughan, 2019). On achieving entry to the profession, a culture of ‘hegemonic professionalism’ persists where ‘micro level interactional processes convey the terms of inclusion into the dominant culture, thereby inducing assimilation’ (Beagon, 2001; cited by Sommerlad, 2008, p. 3). Sommerlad argues that this effectively erases diversity, even where a firm’s intake of recruits appears more diverse on the surface.

Recent literature has focused on examining recruitment strategies, career trajectories, salary, distribution of rewards and segmentation of lawyers by gender/ethnicity and class (Empson & Ashley, 2013; Francis, 2011; Sommerlad et al, 2012). Sommerlad et al (2012) highlight indirect discrimination in the legal profession, based on gender and ethnicity, due to embedded cultural practices, for instance, a 'lad culture' or 'long hours culture' which indirectly serves to exclude people from certain groups. Moreover, structural reproduction has become embedded as individuals seek to negotiate their place in the professional field through any of six key strategies influenced by gender, ethnicity, and career stage - assimilation, compromise, playing the game, reforming the system, location/relocation, and withdrawal (Tomlinson et al, 2013). Bolton and Muzio (2007) discuss the gendered segmentation of legal work with women more prominent in sectors such as family, employment and less contentious legal work, with other, more commercial, areas of law being male domains “entrenched and fortified in a nexus of masculine rituals and symbols, including long hours … and a drinking culture, which serve to reinforce a male identity, question women’s presence and favour auto-exclusion” (Bolton & Muzio, 2007, p.12, citing Kay and Hagan, 1995; Sommerlad, 2002; Sommerlad & Sanderson, 1998). How individuals on alternative pathways experience and respond to such an environment is important both for their wellbeing and longer-term career success (see Chapter 9 concerning wellbeing). Degree apprenticeships present an opportunity to disrupt the social processes in legal training and recruitment described above and this is the focus of the next section which outlines the policy changes.

**2.9 Degree Apprenticeships: back to the future**

Apprenticeships have a long tradition in the UK and are particularly associated with trades and craft guilds (see for instance Fuller and Unwin, 2016; Mirza-Davies, 2015) but have also become an alternative, non-graduate, route into many professional occupations, such as accountancy, banking, business consulting and more recently the solicitors’ profession. Longstanding concerns in the UK about varying quality standards of apprenticeships has led to a succession of reviews into the structure and duration of apprenticeships (McNally, 2018). This section outlines the most recent restructuring of apprenticeship policy, following the publication of the Wolf Report (2011) and the Richards Review of Apprenticeships (2012), highlighting the changes to the funding structure and how this new model connects to the government’s industrial strategy (2015) as a vehicle for increasing productivity and social mobility. Additionally, Department of Education data on apprenticeship starts (CBI, 2019) indicates a trend towards investment in higher-level and degree apprenticeships at the expense of lower and intermediate-level apprenticeships with a consequential negative impact on social mobility. I conclude that the relationship between the UK’s industrial strategy and the apprenticeship system is overly reliant on large firms and organisations, missing the opportunity to contribute more widely to social mobility through investing in progression routes between lower, higher and degree apprenticeships.

In the UK, recent policy changes aimed at increasing productivity, addressing labour market skills shortages and boosting social mobility (Hinds, 2018) have emanated from Theresa May’s Conservative government’s Industrial Strategy (2017). The Government commissioned Wolf Report (2011) highlighted a mismatch between labour market requirements and the provision of vocational education, as well as differential returns to education and apprenticeships. The recommendations regarding funding reforms for apprenticeships were taken up by the Richards Review (2012) which recommended:

* the introduction of the apprenticeship levy to incentivise employers to invest in training.
* Apprenticeship standards, describing the skills, knowledge and behaviours to do the job
* End-point assessment of apprentices against the standards[[5]](#footnote-5).

By bringing groups of employers, known as Trailblazers[[6]](#footnote-6), to the foreground of standards and skills development (McEwan, 2019), apprenticeships provide a model of vocational education and training (VET) which is, ostensibly, responsive to employer needs and helps “young people develop the skills they need to do the high-paid, high-skilled jobs of the future” (Powell, 2018, p. 27). Degree apprentices are categorised as employees rather than students and work alongside other more experienced employees learning on-the-job for four days each week, in addition to receiving off-the-job training by an approved training provider one day per week. This model replaces the previous apprenticeship frameworks and is controlled by a new organisation called the Institute for Apprenticeships (IFA).

Changes to the funding arrangements for all apprenticeships, introduced in 2017, including degree apprenticeships, created a division between firms and organisations based on the size of the wage bill. Since 2017, those firms having a wage bill greater than three million pounds are required to pay 0.5% of their wage bill into a new ‘Apprenticeship levy’[[7]](#footnote-7). Non-levy payers, those firms and organisations with a wage bill less than three million pounds, are eligible for government funding of ninety-five per cent (from 2019) of training costs, with the employer making up the difference (McEwan, 2019).

These new apprenticeships have been criticised by stakeholders as being too inflexible and as having created barriers for non-levy payers to address their skills and recruitment needs through this scheme (Powell, 2018). According to Powell (2018), although sixty per cent of all UK employees work for a levy-payer, these firms account for only an estimated 1.3% of UK businesses. This means that just a few large firms have the most influence on the development of apprenticeship standards which could skew the skills training towards the requirements of those large firms. This has implications for the type of work available to apprentices, for example, the solicitor apprenticeship tends to have opportunities at larger firms engaged with commercial and corporate legal services rather than public interest legal services. This matters as, given what is already known about the recruitment strategies of large law firms in terms of social reproduction (discussed earlier in this chapter), the apprenticeship scheme may work as a device to select those young people at an earlier stage who would have been recruited anyway through the university system, rather than accessing a previously untapped talent pool of individuals who may not have gone on to study for a degree.

Technical education, including apprenticeships and degree apprenticeships, has been recognised as a potential vehicle to increase social mobility for young people in the UK (the Skills Commission, 2019; the Office for Students, 2019; the Sutton Trust, 2015). However, public perceptions of apprenticeships as a lower status pathway in comparison with the university pathway could undermine the legitimacy of the apprenticeship system sought by government and institutions, thereby potentially frustrating a key part of the UK’s Industrial Strategy through a lack of uptake. For instance, a recent report from the Social Mobility Commission found that young people had negative perceptions of apprenticeships and were more likely to view higher education as offering a “better opportunity” [for progression in life] (2018, p.1). Despite this, a more recent report from the Sutton Trust (2019) suggests that awareness and perceptions of apprenticeships are changing among a younger age-group as 64% of 11 - 16-year-olds reported that “they would be interested in an apprenticeship rather than going to university, if one was available for a job they wanted to do” (Havergal, 2019). This suggests that perceptions of apprenticeships may be shifting and the perception of university as the only means of accessing aspirational job opportunities might now be being questioned by young people. This is particularly significant at a time when students, as noted by the Chair of the Sutton Trust, “incur debts of over £50,000 and will be paying [these] back well into middle age and in many cases [they] will end up with degrees that don’t get them into graduate jobs” (Havergal, 2019).

**2.10 The Solicitors Qualifying Examination**

A significant change to the qualification regime is being introduced –the SRA is launching a new centralised endpoint assessment for entrants to the Solicitors’ profession called the Solicitors Qualifying Examination (SQE). The SQE will replace the existing system of qualifying, after a transitionary period, and from 2021 all those seeking to qualify as a solicitor from any pathway will have to complete the SQE assessment at the point of entry to the profession (see Appendix 1). Although a full discussion of the SQE is beyond the scope of this thesis, it represents another significant development to the education and training of solicitors which purports to level the playing field on access to the profession. This is a controversial claim and it is too soon to predict the likely success of this development on issues of access and socio-economic diversity in the profession. However, insights from the sociology of the legal profession, particularly the contribution from Carroll and Vaughan (see Section 2.7), suggest that the most significant impact to be observed will be how patterns of inclusivity change, or remain the same, in terms of where and how those accessing the profession end up working (see Carroll and Vaughan, 2019, p. 4).

**2.11 Summary**

This chapter has established the background context to the solicitors’ profession and the development of the university and degree apprenticeship pathways to qualification. This chapter also explored the marketisation, expansion and fragmentation of the legal profession and found distinct types of law firm in which the large, elite, corporate law firms tend to dominate both university and DA qualification pathways. These firms tend to control access to the profession via the university route in terms of who obtains a training contract, as well as who gets to work in law, where they work and in what capacity. On the other hand, large law firms also dominate the DA route, both in terms of involvement in setting the apprenticeship standards for solicitors and in providing apprenticeships. Might the introduction of the DA pathway to qualification as a solicitor disrupt longstanding patterns of social reproduction and inclusion in the solicitors’ profession? This is challenging as insight from the literature from the sociology of the legal profession discussed in this chapter would suggest a deep resistance to change. The next chapter considers the higher education sector, which has much in common with the development of the solicitor’s profession in terms of expansion and institutional stratification and is the route followed by most would-be solicitors.

**Chapter 3 Understanding the UK higher education sector**

**3.1 Introduction**

The previous chapter (Chapter 2) sought to provide a context for the English legal profession, legal education and training pathways, including an exploration of the marketisation, expansion and stratification of the legal profession. The chapter discussed concepts from the sociology of the professions to understand how processes of social closure worked to exclude individuals from less-advantaged, non-normative backgrounds, and where previously excluded groups were now included, how fragmentation and institutional stratification of the legal profession served to sort, or culturally match individuals from these groups to lower-status institutions and lower-status work. The chapter discussed the recent introduction of the DA route and the forthcoming SQE as potential disruptors to inequalities in access and inclusion in the legal profession, concluding that, although it is too soon to predict the longer-term impact, the legal profession is likely to be resistant to change.

This chapter focuses on understanding the relationship between higher education (HE) and access to the legal profession. Given that legal education predominately takes place in HE, the chapter describes how the HE system has developed and explores the influence of this on graduate labour market outcomes for those seeking to access the legal profession. Additionally, the literature in this chapter includes references to both UK and English data, as such the distinction will be made as appropriate. While recognising that the trends in higher education, in terms of growth and expansion, have occurred both internationally and here in the UK, the focus of this chapter is on England. University attendance in the UK, effectively a minority pursuit at the start of the twentieth century with fewer than one per cent of young people attending (Wakeling and Savage, 2015). The HE system in England saw a near doubling in the numbers of young people participating in the years following the publication of the Robbins Report in 1963 up to 1970 (Walford, 1991, cited by Bathmaker, 2003, pg.9). The HE sector has since grown dramatically, such that it is now a system of mass participation (Harrison, 2018; Trow, 1989), resulting in stratification both in terms of the hierarchical structure of institutions and also socially in terms of where students from different backgrounds are likely to attend (Boliver, 2011; 2013). Government interventions in HE over several decades have sought to strengthen the link between university, society, and the national economy (Harrison, 2013; Murphy, 2019; Silver, 2009; Trow, 1989; Willetts, 2017). However, the labour market has failed to accommodate the supply of graduates produced by the expanded HE system (Abrahams, 2017; Brown, 2013). A crowded graduate labour market (Brown, 2003) and differential return to university education (Boliver, 2017; Britten et al, 2016) contribute to a renewed focus on social mobility in the UK and “difficult questions concerning how diversity [in HE] may, on the one hand, be about the democratisation of HE, but on the other may be about the diversion of certain students to preserve elite, more prestigious forms of HE for a select minority” (Bathmaker, 2015, pg. 64). This is particularly relevant in an era where students as consumers of HE are “investing in their employability [to take up a] high skill, high wage job in the knowledge-based economy” (Brown and Hesketh, 2004) which, for many, just does not deliver on expectations (Boliver, 2017; Britten et al, 2016; Brown et al, 2010). This is also an important issue as education has been widely promoted as a means for achieving social mobility, reducing inequalities, and maintaining meritocratic legitimacy in access to lucrative graduate jobs (Goldthorpe and Jackson, 2007). Given this background, the increasing focus on apprenticeships to deliver government policy objectives for occupational skills formation, social inclusion and economic growth (Fuller and Unwin, 2003, 2010), could apprenticeship routes into professional occupations disrupt the role of the university in its function to be responsive to the demands of society (Trow, 1989) and disrupt longstanding barriers in access to the legal profession? Friedman and Laurison suggest that “there is now a growing consensus that class divisions are hardening, and a widespread concern that the dynamics of inequalities […] are taking severe turns that demand urgent political action” (2019, pg. 7). These issues are explored further in this chapter which aims to provide some historical context to this study.

**3.2 Organisation of this chapter**

The chapter begins with an exploration of the development of the HE sector as this is currently the main site in which legal education and training are provided. While this chapter does not provide a historical outline of legal education (see Chapter 2 for a discussion), it does provide an outline of the development of HE from the mid-twentieth century, which witnessed a dramatic expansion in participation and a transformation from a minority pursuit to a system of mass participation (Section 3.3). The chapter then discusses the expansion, stratification, and emergence of distinct types of HE institutions (Section 3.5), which has similarities with the expansion and stratification of the legal profession (see Chapter 2 for a discussion). Research addressing HE policy for widening participation (WP) among disadvantaged groups, increasing diversity and inclusion are discussed in terms of HE outcomes, social mobility and access to graduate jobs and provides some context for the issue of access to the solicitors’ profession. The next section provides a brief outline of the historic development of HE.

**3.3 Expansion of higher education**

This section outlines the development of the higher education sector, which is the main site of professional education for many occupations, for example, teaching, medicine and law, which historically had taken place through apprenticeships and specialist training colleges but gradually became incorporated into the HE sector (Willetts, 2017). This section discusses HE expansion from the inception of general participation and the provision of state funding in the early 1960s through to the present day. As there are differences in state provision of funding across national jurisdictions in the UK, the focus here is on English domiciled students where the system of undergraduate funding has shifted the financial burden from the state to the student. Access to university education for all those “qualified by ability and attainment and who wished to do so” (Willetts, 2017, pg.45) was a key principle of the Robbins Report (1963) and reflected post-war social-democratic ideals “offering a vision of social mobility and greater social equality through wider access to educational opportunities” (Bathmaker, 2003, pg.9). Following the recommendations of the 1960 Anderson Committee, the Education Act 1962 mandated that local authorities must fund course fees and maintenance awards for undergraduate students studying at university in the UK. This funding removed financial barriers to accessing higher education. However, the funding of the HE sector did not keep pace with the growth in the number of students attending university and various reforms to the funding regime have taken place over several years. These reforms date back to 1988 with the introduction of ‘top-up’ loans for students, the introduction of tuition fees by the Education Act in 1998, following the recommendations of the Dearing Report in 1997, the 2004 Higher Education Act which introduced a market based on competition for tuition fees and a policy focus on fairer access to the top universities (Harrison, 2011), the raising of the tuition fee cap to £9000 a year following the Browne Review in 2010, and further reforms withdrawing undergraduate funding (Browne, 2010). Undergraduate tuition fees for English domiciled students have risen to £9250 per year and have been frozen at this level since 2017. Murphy, Scott-Clayton and Wyness (2019) suggest that, despite these changes to undergraduate funding, the number of students attending university in the UK has grown dramatically.

In 1938, less than two per cent of young people were attending university, which is characteristic of an elite HE system (Trow, 2007). However, following the introduction of means-tested grants and local authority funding of course fees through the introduction of the Education Act 1962, there was a rise of fifty per cent in attendance between 1963 and 1968 (Reay et al, 2005). This rose by 150 per cent between 1970 and 1989, however, Reay et al note that, despite this expansion in university attendance, there has been a “persistent over-representation of middle-class students” (2005, pg.2). By 2017-18 the total number of students studying at UK universities had reached 2.34 million (including the UK, EU and Non-EU domiciled students from both undergraduate and post-graduate, full-time and part-time modes of study) (UUK, 2018). The expansion in university attendance during the decades since the 1960s witnessed an increase in the number of people from both advantaged and less advantaged backgrounds attending university and becoming graduates, such that the HE system is one of mass, almost universal, participation based on Trow’s definition of universal participation including at least fifty per cent of the age group attending university (2007).

The HE sector has seen dramatic growth in the number of institutions from 31 in 1963 (Robbins, 1963) to 164 in 2019 (UUK, 2019). Much of this growth has been achieved since the introduction of the Further and Higher Education Act 1992 which upgraded former polytechnics to university status to form a unitary system of higher education (Boliver, 2013). However, as noted by Boliver (2013), despite this unitary system, differences in prestige have been persistent between those universities that existed before 1992 (the ‘Old’ universities) and the post-1992 universities (the ‘New’ universities). I now discuss the distinctions between the different types of university.

The four key objectives of the Robbins Report (1963) underpin the rationale for a more universal higher education system:

* Instruction in skills suitable to play a part in the general division of labour
* Promote the general powers of the mind to produce cultivated men and women
* Advancement of knowledge
* Promote a common culture and citizenship.

The post-WWII expansion of the university sector in England has, arguably, democratised HE and access to lucrative graduate careers, on the one hand. On the other hand, this expansion has changed what it means to go to university; changed the nature of universities; changed the relationship between students and the university; changed the nature of the university curriculum and devalued the currency of a university degree (Trow, 2007). Research into the impact of HE expansion is discussed in the next section.

**3.4 Stratification of higher education**

While HE has undergone dramatic expansion during the past 75 years, it has also changed in many respects, in particular, it has stratified. Higher education institutions have adopted an informal hierarchy which together with published league tables of university rankings, bestows varying degrees of prestige and institutionalised symbolic capital on graduates of particular institutions. The New universities, comprising the former polytechnics, tend to focus more on technical subjects and have a more regional identity (Wakeling and Savage, 2015). The Russell Group of 24 research-intensive universities form another more elite group. However, there is further stratification within the Russell Group with the ancient universities of Oxford and Cambridge being the most prestigious and competitive in terms of entry tariffs. Boliver (2015) identifies a further hierarchical structure within the university categories described here and proposes four clusters in which “distinction is based on research activity, teaching quality, economic resources, academic selectivity, and socio-economic mix” (pg. 610). In this proposed hierarchy, the universities of Oxford and Cambridge are in the first cluster of the most prestigious institutions; the second cluster comprises the remaining twenty-two Russell Group universities, together with seventeen of the ‘Old’ universities; a third cluster comprises thirteen of the ‘Old’ universities and fifty-four ‘New’ universities; and a fourth cluster contains nineteen ‘New’ universities (Boliver, 2015, pg.620). Having such rankings may give an impression that university is a buyer’s market and that prospective students can make an informed choice of which university to apply to. However, rankings do not take account of the role played by universities in selecting students which might disadvantage individuals from underrepresented backgrounds or the value placed by prospective employers, and other universities, on degrees from particular HE institutions. This is important as several scholars have focused on the exclusionary recruitment practices of law firms, particularly in the elite sector (see Chapter 2 Section 2.11), which suggests that recruitment tends to be limited to a narrow range of selective universities (Ashley et al, 2015). Additionally, given the increased number of law graduates seeking entry to the profession (Ashley and Empson, 2017), law firm recruiters place greater reliance on informal, cultural indicators of talent and suitability, rather than formal credentials alone (Ashley, 2015; Bolton and Muzio, 2007; Ashley and Empson, 2013; Francis, 2011; Friedman and Laurison, 2017, 2019; Savage, 2015; Zimdards, 2010). This has implications for the study here and raises questions about the awareness of those on the university pathway of the significance of their chosen university, and their degree, in achieving their future career goals.

A key principle of the Robbins Report (1962) in admitting students to university based on “ability and attainment” reflects a traditional view of equal access and opportunity (Boliver, 2013, pg.346). On the one hand, this represents a positive development in terms of allowing individuals access to graduate jobs and professions, providing ‘enhanced opportunities’ for those from working-class backgrounds (Doherty, 1994; cited by Shavit et al, 2007, pg. 2). However, this view of equal access does not take account of the effect of socio-economic background on academic attainment and how this can work to favour students from more advantaged backgrounds and exclude students who might otherwise have the ‘potential to benefit’ from attending university. Boliver (2017) highlights the persistent inequalities of access to HE, both generally and particularly, to prestigious universities which “compromises the in-theory potential of higher education to serve as a vehicle for social mobility” (pg. 424). Whilst participation in HE has generally increased, Reay (2016) highlights the troubling issues in widening access to HE, where greater numbers of students from working-class and ethnic minority backgrounds go the university, but specifically to lower-status and less well-resourced institutions. This distinction has led to an intensification of inequalities based on class and race between different strata of higher education as students from underrepresented, particularly lower socio-economic backgrounds are less likely to attend university (Reay in Stitch and Freire, 2016). Where they do access university, they are less likely to attend more selective, elite universities, are more likely to discontinue their studies, less likely to engage in extra-curricular activities, and less likely to achieve a 2:1 or a first degree classification, typically a pre-requisite for a good graduate job or post-graduate study (Hordosy and Clark, 2018; Purcell et al, 2013; Bathmaker et al, 2013; Crawford et al, 2017; Reay, 2017; Croxford and Raffe, 2013, 2014). While a discussion of the mechanisms which drive these issues can be found in Chapter 4, there are implications for the study here in terms of the differences in university choice and experience between students from different socio-economic backgrounds, which supports a focus on different types of HEI.

As described above, university participation has dramatically increased over the past half-century. Government policy for HE during the past few decades since the incoming Labour government of 1997 has been framed by a discourse of widening participation (Burke and Hayton, 2011), yet the proportion of students from low-participation neighbourhoods remains low relative to areas of high participation. For instance, in 2006 the participation rate for eighteen-year-olds in areas of the UK with the lowest rate of university participation was 11.6%, this grew to 20.7% in 2018 (UUK, 2018). While participation in HE has increased, it has been acknowledged that access has been highly stratified based on social class, gender and ethnicity (Harrison, 2018). However, according to Harrison (2018), the policy aims to increase the overall numbers of students from ‘disadvantaged’ backgrounds through ‘widening participation’ and ‘fair access’ (for elite universities), although largely consistent, have shifted the discourse from one of “social justice based on equality of opportunity to social mobility based on meritocracy and national competitiveness”, (pg.2). Harrison (2018) highlights a continued strategy for widening participation based on aspiration-raising to encourage disadvantaged groups to apply to HE. This policy discourse of widening participation has been problematic in several ways. Differential HE participation rates have been explained by some as being due to class-culture and the differential valuing of HE and perceived cultural accessibility of HE between social classes (Edwards and Roberts, 1980, cited by Archer et al, 2003). This perspective has been common in widening participation and frames the issue of low participation of particular groups as being a problem of low aspiration and a lack of awareness of opportunities (Archer et al, 2003; Harrison, 2018). However, more recent studies have indicated that there is little difference in the aspirations between advantaged and disadvantaged groups of young people (Archer et al, 2014; Baker et al, 2014) and that participation in HE is more strongly attributable to differences in educational attainment at the age of sixteen (Crawford and Greaves, 2015). Some scholars argue that the above perspectives are problematic as they offer simplistic accounts for low participation and fail to address the “macro hegemonic structures that create inequality” (Harrison, 2018, pg. 3). Similarly, as argued by Hannon et al (2017), widening participation initiatives aimed at addressing the social and cultural capital deficits of those from disadvantaged backgrounds ignore the role of structure in the reproduction of inequalities in both access to and progression in HE and frame inequalities in terms of individual responsibility, discussed below.

**3.5 Individualisation and differentiated outcomes**

Following a neo-liberal perspective, HE ties the individual, their investment in the development of their employability, skills and social mobility through participation in HE, to issues of national competitiveness in the global knowledge economy (Burke and Hayton, 2011; Naidoo, 2003). This perspective frames an individualist approach to HE participation based on the concepts of choice, aspiration and diversity (Archer et al, 2003). However, this is troubling as labour market outcomes have been shown to vary according to both discipline and the prestige of the HE institution attended, with particular advantages in the labour market for privately-educated men from higher-earning households who attended the most selective universities (Britton et al, 2016; Crawford and Vignoles, 2014). Additionally, research on labour market outcomes suggests that “graduates of lower status disciplines and institutions - many of whom are from working-class backgrounds - [are] increasingly struggling to obtain graduate-level jobs, or indeed any job at all” (Boliver, 2017, pg. 424).

There is a need to understand the effects of HE on social and economic outcomes in a differentiated way rather than focusing on the role of the university more generally, as graduate outcomes have been found to vary between those attending different types of university, location and degree subject. Wakeling and Savage (2015) examined the association between social background, university attended and the attained social position of more than 85,000 graduates in the UK and found a distinct stratification of outcomes based on the university attended, even within the elite Russell Group institutions. A key finding from their analysis indicates that the return to HE varies by discipline and “that social science and law graduates are systematically advantaged over those in the natural sciences and engineering [while] graduates of arts and humanities subjects are shown to be especially relatively disadvantaged” (Wakeling and Savage, 2015, pg.291). Wakeling and Savage (2015) identify a wide disparity in graduate destinations between different types of university and also by location, for instance, whether based in London or elsewhere (pg. 245) and discuss a ‘London vortex’ effect “which conveys an advantage to those caught up within it” (pg. 316); this has echoes in the legal profession, discussed in Chapter 2. This suggests a clear advantage for those attending Russell Group universities; high stratification among members of the Russell Group; a strong regional bias where Russell Group members based in London and the South East outperform regional Russell Group institutions; and an advantage for graduates of the University of Oxford above any other university (Wakeling and Savage, 2015). This aligns with the findings from Britton et al (2016) in respect of earnings advantages for those who attend private school, particularly men. These inequalities in outcomes have not gone unnoticed.

In respect of legal education, scholars have explored the role of the HEI attended and subject studied in securing access to the legal profession. For example, Mountford-Zimdars and Flood (2016) highlight the gatekeeping and access function of elite universities in access to the legal profession and argue that the HEI attended rather than degree subject are significant for access to the most lucrative and prestigious parts of the legal profession, with particular advantages to Oxbridge graduates (p. 46). This relationship between elite law firm recruitment and attendance at more selective HEIs echoes the discussion in Chapter 2. Researchers have explored the effects of HE expansion on inequalities in access and outcomes, discussed in the next section.

**3.6 Impact of higher education expansion and stratification**

Vast numbers of students are directed towards the expanded HE system, yet the experiences and outcomes for many do not deliver on their expectations in a system of mass participation and credential inflation, as highlighted by Bourdieu:

In a period of ‘diploma inflation’ the disparity between the aspirations that the educational system produces and the opportunities it really offers is a structural reality which affects all the members of a school generation, but to a varying extent depending on the rarity of their qualifications and on their social origins (Bourdieu, [1984] 2010, p. 139)

Scholars have been concerned with assessing and evaluating issues of application and admissions to different types of university and whether expansion has led to a reduction in inequalities in both access and outcome (Bathmaker, 2015; Boliver, 2013; Shavit et al, 2007; Wakeling and Savage, 2015).

Boliver’s seminal study (2011) sought to address the link between the expansion of HE and the reduction of inequality using the largescale British Household Panel Survey (BHPS) from 2002. In exploring inequalities in HE enrolments between different social classes in the period of expansion from the 1960s to the early 1990s, Boliver used Raftery and Hout’s (1993) thesis of ‘maximally maintained inequality’ (MMI) and the ‘effectively maintained inequality’ (EMI) thesis which contends that:

socio-economic inequalities of access to education are unlikely to decline simply as a result of expansion because those from more advantaged socio-economic backgrounds are better placed to take up the new educational opportunities that expansion affords (MMI) and to secure for themselves qualitatively better kinds of education at any given level (EMI)

(Boliver, 2011, pg. 2).

Boliver’s findings suggest that there has been no closing of the gap between individuals from different social backgrounds in the likelihood of enrolment on a degree programme. Boliver found that while quantitative inequalities in the odds of HE enrolments were steady during the 1960s, this declined during the expansion of the early 1990s due to the saturation of applicants from advantaged backgrounds. Boliver suggests that the expansion of HE has not made the odds of enrolment more or less equal between the different social groups and suggests that the expansion is inclusive, rather than exclusive, as the chances of access to HE have increased to a similar extent (2011, pg. 240). Boliver’s findings are supported by Wakeling and Savage (2015) who explored the expansion of UK higher education and found that there was no closing of the opportunity gap between the advantaged and less advantaged as both groups had seen an increase in university attendance, such that the relative advantage of one group over the other persists. These findings are unexpected and contrary to what might be predicted following Brint and Karabel (1989) who suggest the expansion of higher education potentially acts as a ‘process of diversion’, diverting those from less advantaged backgrounds away from elite opportunities towards positions of lower status (cited by Shavit et al, 2007, pg. 2). However, qualitative differences in the odds of enrolment in more prestigious universities had persisted throughout both expansion periods (Boliver, 2011, pg. 240), which supports Brint and Karabel (1989).

While individuals from disadvantaged backgrounds are recognised as having been left behind in the expansion of participation in HE, particularly in respect of elite universities (Chowdry et al, 2013; Boliver, 2013; Budd, 2017), recent scholarship has focused on the experience and outcomes of widening participation (WP) initiatives aimed at increasing university attendance among students from disadvantaged backgrounds. For example, Budd (2017) found that students from WP backgrounds were less able to access selective universities due to disadvantages in attainment at school, not through lack of ability but due to the effects of their social background. Additionally, where WP students had accessed elite universities, they were hindered in their experience of HE by being in an uncomfortable minority and disadvantaged in the graduate labour market by being less attuned to the rules of the game than their more advantaged peers (Budd, 2017, p. 114). Ultimately, while WP initiatives provide opportunities for undergraduate study in an expanded HE system, they do not deliver on the aspirations and expectations of those from disadvantaged backgrounds (Budd, 2017). Bathmaker et al (2013) and Abrahams (2017) discuss how students from more advantaged backgrounds are better positioned in the graduate labour market through knowing the ‘rules of the game’, having networks that can help them and the financial backing to access and develop employability enhancing extra-curricular activities and internships. Budd (2017) highlights the consequences of a lack of success in the labour market for the repayment of income-contingent student loans, these are currently written-off after 30 years (p. 114). Students from less advantaged backgrounds are, thus, hindered in their ability to access universities valued by employers, less able to exploit employability enhancing opportunities while at university and, consequently, doubly-disadvantaged in the graduate labour market. Might the DA pathway represent a fairer, more accessible route to securing a degree and a professional occupation by delivering ‘success’ to both the apprentice and the employer, in terms of matching talent and skills requirements?

These findings suggest the increased importance of the status of the HEI attended and the role of social background. The implications for the study here is to understand the perceptions of university status and the impact of HEI attended on outcomes for those from different social backgrounds following the university pathway.

**3.8 Summary**

This chapter explored the development of the HE system in England, finding similar patterns of expansion and institutional stratification that had developed in the legal profession (discussed in Chapter 2). Much of this development, particularly in respect of funding HE, has been framed by a neoliberal discourse of students as consumers investing in their human capital development in the expectation of access to the graduate labour market. However, a crowded graduate labour market has led to differences in labour market outcomes based on HEI attended. The literature highlights debates about the impact of HE expansion and whether it has reduced inequalities in access and outcomes between individuals from different social backgrounds and finds that, while access to HE has increased dramatically, there remain qualitative differences in the type of university attended which privileges those from more advantaged backgrounds. This has significance for access to the legal profession, where institutional matching restricts access to more elite sections of the profession to those attending more selective universities (See discussion in Chapter 2). Given the relationship between HE and graduate outcomes, access to university is an important dimension for individuals’ education and career decision-making. The findings here raise questions about how individuals from different social backgrounds navigate the HE system and how it might exclude (or include) them and whether new routes, such as the DA, can disrupt social reproduction in access to the legal profession. This has been investigated by several scholars and is the focus of the next chapter (Chapter 4).

**4 Decision-making: the contribution of previous research**

## **4.1 Introduction**

The previous chapter explored the historic links between the legal profession and the university. It outlined the development and expansion of UK HE from the mid-twentieth century from a minority pursuit to a system of mass participation, which, in addition to shifting the burden of tuition fees from the state to the student, has led to intense social and institutional stratification of the university sector. In the contemporary HE context and with a policy agenda of widening access to the legal profession through the provision of an alternative pathway (the DA route) and in restructuring legal education and training through the Solicitors Qualifying Examination (SQE) (see Chapter 2 for a brief discussion), questions arise as to whether the apprenticeship pathway can meet government expectations by meeting the demands of society and the economy in terms of matching skilled workers with the skills required by employers. With pressures on universities and law firms to widen access to underrepresented groups, and given the relationship between HEI and graduate outcomes, what are the influences on aspiring solicitors’ pathway decision-making? This is an important question relating to class-based inequalities in access to both university and the professions and for understanding whether the degree apprenticeship pathway is likely to disrupt longstanding barriers in access to the solicitors’ profession. Of course, it is impossible to answer this question definitively at this early stage as the first cohort of the DA route has a six-year pathway which ends in 2022. Additionally, the planned introduction of the SQE is 2021 (see Chapter 2 for a discussion), however, it may take several years to assess the impact of the pathway choices on the disruption of barriers in access and progression in the solicitors’ profession.

This chapter considers the contribution of previous research on decision-making and choice in post-school transitions, to better understand the influences and processes affecting those in this study in their pathway choices. The rest of this chapter proceeds as follows. I begin by outlining the theoretical background within which discussion of the empirical data will be framed (Section 4.2). Firstly, I discuss the concept of Habitus (Section 4.2.1) and how decision-making is influenced by the socio-cultural, economic, historical backgrounds of both individuals and communities. Secondly, I discuss Rational Action Theory (RAT) (Section 4.2.2) which maintains that individuals make calculated decisions based on a cost-benefit analysis aimed at reducing the risk of downward social mobility. These theoretical approaches both have something to offer in understanding individuals’ perspectives, experiences and decision-making, as RAT assumes that individuals have agency in their choices, whereas habitus can show how choices are constrained or enhanced by social background. Next, (Section 4.3) I discuss research concerned with young people’s aspirations and expectations for their careers, as shaped by their socio-cultural context. In Section 4.3.2, I review studies on graduate employability and strategising and find that individuals from more advantaged backgrounds have access to more relevant forms of knowledge and, therefore, make better-informed decisions than those from less advantaged backgrounds. In Section 4.3.3, I review studies on career strategising of young people in their transitions from school and find that the advantaged use their social networks to help them get on. In Section 4.4 I outline and critique the capabilities approach (CA) as a framework to increase understanding of the pathway choices and wellbeing of individuals from different backgrounds in this study which is used to inform the analysis and discussion of Chapter 9. Finally, I summarise the chapter in Section 4.5.

Decision-making in post-school pathway choices has been of interest to scholars for several decades, with key areas of research focusing on which universities young people from different backgrounds choose to apply to. However, there is only a small amount of research focused on both theoretical and empirically-based studies of decision-making in pathway choice, particularly regarding the choice between university and degree apprenticeships in the English context. This study makes a rich empirical contribution and engages with theoretical perspectives to understand pathway choice, highlighting not only the practical aspects informing decision-making among would-be solicitors but also illuminating the deeper feelings, attitudes and perspectives that shape their actions. There is a need for empirically-based studies to inform policy in respect of the likely impact of policies on particular groups, especially those that policy seeks to target, for instance, those from disadvantaged backgrounds. In addition to making a scholarly contribution to the literature in this emerging field, this study seeks to make a potentially significant contribution to policy debates as degree apprenticeships are a key feature of the UK’s Industrial Strategy[[8]](#footnote-8).

Making an informed ‘choice’ between pursuing a degree apprenticeship or university pathway, in principle, involves an assessment of the likely outcome of each route. Popular perceptions of universities as the only option for accessing good jobs (as discussed in Chapter 3) appear to be changing, as noted in a recent report from the Sutton Trust (2019) which indicates that 64% of eleven to sixteen-year-olds report “that they would be interested in an apprenticeship rather than going to university, if one was available for a job they wanted to do” (Havergal, 2019). The Chair of the Sutton Trust highlighted the financial risks posed by the university pathway and called for better advice and guidance for young people in helping them to make better decisions for their future:

[young people] face a dilemma … [if] they go on to university, they incur debts of over £50,000 and will be paying back their loans well into middle age. And in many cases they will end up with degrees that don’t get them into graduate jobs … Young people need better advice and guidance on where different degrees and apprenticeships could lead them, so they can make the right decision regarding their future (Havergal, 2019)

However, the influences on young people’s decision-making are complex. The positioning of young people as ‘homo economicus’, making rational calculations as to the potential of different options on their lifetime earnings (Marginson, 2015) is too simplistic. Rather, as suggested by the Sutton Trust (2019), young people are increasingly aware of the experiences of family members who have been through the university system and yet not achieved a graduate job. On the one hand, this highlights a focus on the utility of university education in terms of future employability. On the other hand, while there may be increasing doubts about the likely employability outcome from attending university, HE has delivered social mobility for some and research indicates a significant graduate premium attributed to attending university, especially those of Oxford, Cambridge, and those in London (Wakeling, 2015). So, the decision-making for university has an increased significance, not only on whether to go to university but where to go.

Previous research on decision-making indicates a need for a better understanding of the ways in which young people transition through their post-school options into the world of work. Much of the research reviewed on career planning, employability and strategising is influenced by a Bourdieusian perspective, which is concerned with the persistent influence of social class origin on individuals’ class destinations (see Friedman and Laurison, 2019). According to Bourdieu, class background is defined by parents’ access to three forms of capital: economic, in the form of wealth and income; social, in the form of social connections and friendships; and cultural, including educational credentials, legitimate knowledge and skills. It is relatively straightforward to make the connections between economic and social capital and how these convey advantage by, for instance, enabling the uptake of an unpaid internship or sponsored opportunities through a parents’ professional and social network, for example. Individuals’ choices are influenced by access to such resources. In a more complex way, cultural capital influences individual dispositions and approaches to utilising these resources which impact on decision-making by constraining or enabling depending on social background. However, scholars have also been concerned with educational decision-making from a rational action, or rational choice, perspective (discussed in Section 4.2.2). The next section (Section 4.2) outlines the influential concepts useful for understanding the complexities of decision-making and behaviour of the individuals in this study.

## **4.2 Complexities of decision-making: Influential concepts**

### **4.2.1 Cultural reproduction theory**

The research question seeks to understand the perceptions, experiences, choices and decisions of aspiring solicitors in the study. Bourdieu’s conceptual tools, particularly the concept of ‘habitus’, could help to answer the research question. Bourdieu’s definition of habitus as “systems of durable, transposable dispositions, structuring structures predisposed to function as structuring structures” (1977, p. 72) is complex. An alternative way of understanding habitus is as an evolving process through which individuals think, perceive and act - their disposition - which is embodied both individually and collectively (Costa and Murphy, 2015). The key sites for the development of habitus, according to Bourdieu (1977), are the family and the education system (although other social spaces also contribute to habitus too).

Although the use of the concept of habitus can be useful as a useful tool for accessing internalised beliefs, perceptions and actions of individuals, it is not universally accepted and has been the subject of criticism. Many commentators regard the concept of the durability of dispositions as a rather structurally deterministic account of social actions (see Archer, 2007; Di Maggio, 1979; Goldthorpe, 2007). Additionally, while some scholars argue that habitus seeks to bridge the subjective and objective social worlds (Costa and Murphy, 2015), others argue that it fails to reconcile the contradiction between structure and agency - how can individuals be free agents on the one hand, while, on the other hand, they make structurally predetermined decisions? Such critique argues that social structure, which is durable through being continuously reproduced and, as such, has limited scope for change, has a directive influence on actions (Jenkins, 2002), effectively predetermining decisions and actions. It is this durability of dispositions that characterise the structural nature of actions, or “socialised subjectivity” (Bourdieu, 1992b, p. 126), and which adds to a sense of contradiction in the concept of habitus. However, Burke (2015) argues that this bridging approach is more compatible with the disorganised social worlds that are being studied and necessary to achieve a greater understanding.

An interesting and potentially significant feature of habitus is that, although durable, it is also malleable as an “open system of disposition” (Bourdieu, 1992b, p. 133) which can be modified through experiences. This suggests that habitus does not predetermine people’s fates. Although, as noted by Burke (2015), people are more likely to engage in experiences that reinforce, rather than modify, their existing habitus. This is relevant to the study here and could be useful in tracing the influences on the development of habitus and dispositions towards pathway choices. This suggests a need to collect data regarding the family background, schooling and education of all participants in the study to facilitate analysis, discussion and understanding of the development and effect of habitus on decision-making and practice, for instance, by identifying particular experiences which reinforce, or contest, the norms and values of the individual as generated through their family and education. For this study, as suggested by Burke (2011), identifying key points in the narratives of participants that indicate their habitus and tracking this for signs of modification might be helpful. Although Burke proposes a particular methodological approach and use of the biographical interview method (Burke, 2011, 2015), as developed by Rosenthal (2003, 2005) and Schutze (1992, 2008), this approach was not adopted for this study (see Chapter 5 for a discussion of the methodological approach). However, I propose that habitus is still a useful concept for understanding the influences on participants’ choices and decision-making as the biographical data from the interviews provide rich data to facilitate a meaningful analysis. The next section (Section 4.2.2) considers RAT, which is often set in opposition to a Bourdieusian perspective to explain motivations for decision-making.

### **4.2.2 Rational Action Theory**

RAT is potentially fruitful as an explanatory mechanism to understand the motivations of those from different social backgrounds in their pathway choice. RAT makes particular assumptions about the motivations for educational and career decision-making. Firstly, that individuals make an informed cost-benefit analysis of their educational/career options. Secondly, individuals seek to achieve at least the same socio-economic status as their parents (Breen and Goldthorpe, 1997). This has differing implications for individuals depending on their social starting points. For instance, those from more advantaged backgrounds, maintaining the same status as their family of origin would typically require more years of education to achieve the necessary educational credentials for status-maintaining occupations. Whereas, for those from disadvantaged backgrounds, status maintenance is typically easier to achieve with less (or no) years of additional education. As such, the rationality of decisions is to be understood in relative terms, according to individuals’ social starting point (Keller and Zavalloni, 1964). Such differences in perceived costs and benefits between people from different backgrounds arguably lead to unequal participation at universities, such that disadvantaged students are more likely to attend less prestigious institutions and achieve lower levels of educational qualification (Boudon, 1974) (also see Chapter 3 for a discussion), which in turn is likely to impact on individuals’ positioning in the competition for graduate jobs (discussed in Section 4.3). The concept of relative risk aversion in individuals’ motivations for educational decision-making has been further developed by Breen and Goldthorpe (1997) to argue that social class influences motivations in that rational decisions are made to avoid downward social mobility, i.e. to end up in a lower social position than one’s parents, such that middle-class individuals prioritise status-enhancing objectives, while working-class individuals prioritise the minimisation of financial risk. Given the assumptions of rational action and relative risk aversion, I would expect to find that individuals in this study from disadvantaged backgrounds would have a positive attitude towards the degree apprenticeship, as this route provides a cost-free route to qualification, thereby minimising potential financial loss. Additionally, I would expect that those from more advantaged backgrounds would choose to apply to the more selective universities for status enhancement, particularly as popular perceptions among young people in the UK are of apprenticeships being a lower track pathway (Sutton Trust, 2019).

This section has outlined the theoretical background for understanding the perceptions, experiences and decision-making of individuals in this study, which is the focus of Chapter 6. The assumptions and limitations of both habitus and RAT have been noted. However, in terms of achieving greater understanding, a combination of both approaches using the notion of ‘subjective rationality’ (Glaesser and Cooper, 2014, p. 467) may be helpful and this is discussed below (Section 4.3). The next section discusses career strategising and social background.

## **4.3 Career strategising**

The previous section outlined the concepts of habitus and RAT and discussed how these theories do not on their own provide a full account for people’s decision-making, suggesting that an approach which combines both theories, as proposed by Devine (2004), will facilitate a better understanding of perceptions, experiences and decision-making of individuals in this study.

### **4.3.1 Influence of socio-cultural background on career decision-making**

This section considers research on young people’s career decision-making and the influence of their dispositions, shaped by their habitus (Bourdieu, 1977; Bourdieu and Wacquant, 1992) and generated by their socio-cultural background (see Section 4.2.1). Previous research suggests that personal dispositions can provide constraining ‘horizons for action’ which limit individuals’ choices (Hodkinson, 1998, 2008) and that ‘subjective rationality’ plays a role in structuring aspirations, motivations and choices in decision-making (Glaesser and Cooper, 2014). Recent research by Harrison (2018) and Barg et al (2020) explores inequalities in UK students’ aspirations to attend university based on future self-concept, personal beliefs, elaboration and roadmaps.

Research by Hodkinson (1998, 2008) suggests that personal disposition has a strong influence on how young people make career decisions.  He describes decision-making as involving dispositions and being “partly tacit or intuitive and partly discursive, partly rational and, above all, [they were] pragmatic, making use of information, advice and opportunities perceived to be available and relevant at the time” (p. 558). Decisions were “bounded by the person’s ‘horizons for action’ in an inseparable combination of educational and labour market opportunities and the person’s perceptions of what was available and/or suitable” (p. 558). This is similar to other scholars who relate individual’s aspirations and motivations to influences from their socio-cultural context, for example, Glaesser and Cooper (2014), who suggest that decision-making is based on ‘subjective rationality’ shaped by individuals’ socio-cultural experience in their family of origin and, significantly, that the habitus provides “upper and lower boundaries on their expectations and aspirations, and on their sense of what is possible or impossible for them" (p. 467).

Harrison (2018) proposes a conceptual model for understanding young people’s decision-making, in the context of access to university. Harrison’s model is based on Markus and Nurius’ theory of possible selves (1986) and explores how individuals perceive themselves in the future, in both positive and negative possible states (2018, p.4). These possible future states include a ‘like to be’, ‘like to avoid’ and ‘probable’ future self-concepts (Harrison, 2018, p. 5). Harrison describes the mechanisms by which individuals make assessments of the desirability and probability of their future selves as being constructed through their personal experiences and socio-cultural contexts which normatively shape what is deemed appropriate, in other words by their habitus (discussed in Section 4.2.1), this also being “influenced by class, gender, and ethnicity” (2018, p. 5). The implications of this, Harrison suggests, are that young people from different social backgrounds will have “very different views of what selves are possible for them, which are desirable, and which are probable” (2018, p. 5). In the context of this study, individuals from different backgrounds may have varying degrees of expectation of achieving their aspirational career goals and this may be reflected in differing levels of commitment towards their goal, or pragmatism in respect of other possible options. Harrison’s model based on Markus and Nurius’ (1986) theory of possible selves has recently been extended by Barg and colleagues (2020) to further explore the mechanisms that generate inequalities in decision-making based on social background, with a focus on the strategies, resources and circumstances of students from both advantaged and less-advantaged social backgrounds to understand how persistent barriers to accessing HE are negotiated. It was interesting to note the distinction between the advantaged and less-advantaged students, whereby the less-advantaged group articulated a ‘like-to-avoid’ possible future-self as a motivation for pursuing university and more advantaged students foregrounded arguments that were framed more positively towards a ‘like-to-be’ possible-self (Barg et al, 2020, p. 11). Especially interesting and pertinent to this study here is the focus on two additional aspects. Firstly, ‘personal beliefs’ in the form of levels of self-efficacy and an internal locus of control; and secondly, ‘elaboration and roadmaps’, including the differences between advantaged and less-advantaged students in the kind of future elaborated self and the influences on this and the duration (Barg et al, 2020, p. 13). Barg et al (2020) found differences in the elaboration process between those from different social backgrounds such that the pathway to university for those from advantaged backgrounds was longstanding and elaborated through family and school, whereas those from less-advantaged backgrounds tended to have one source, such as a teacher, and a high level of elaboration for a negative future self which motivated the decision to go to university (p.13).

### **4.3.2 Decision-making: Knowledge and choice**

This section considers the role of social background in privileging access to particular forms of knowledge in decision-making, which enables those from more advantaged backgrounds to make better-informed decisions about their post-school options.

Access to information about pathways and opportunities plays an important role in young people’s decision-making. Research exploring the background characteristics in relation to the choice of university by Ball et al (2002) contends that young working-class individuals, having limited links to social networks with experience of higher education, tend to rely more on ‘cold knowledge’, for example in the form of prospectuses. In contrast, Hutchins (2005) argues that young working-class people tend to rely on ‘hot knowledge’ from their existing social networks, with relevant knowledge, as this is more trusted. These concepts have been further developed by Slack, Mangan, Hughes and Davies (2014), in relation to the UK government’s policy focus on providing prospective students with access to “good quality advice, information and guidance” (p. 204) to enable and empower them, as consumers, to make better informed decisions as to which institutions provide good value for money. Slack et al (2014) are concerned about what information students actually access, its characteristics in terms of “breadth, relevance and quality, and how this may vary between students from different backgrounds” (p. 204). They find that access to social networks with ‘hot’ knowledge of the university experience, or knowledge of particular institutions, is “socially structured and patterned” (p.208). This manifests in the decision-making process depending on an individual’s access to a relevant social network and is, therefore, more complex than simply providing prospective students with information (Connor et al,1999). Moreover, Reay et al (2001) argue that the choice process between non-traditional applicants and their more advantaged peers is qualitatively different. Thus, the notion of ‘choice’ is problematic. It “masks the effects of inequality that is embedded in different life-histories and ‘opportunity structures’” (Ball et al,2002).

The concept of choice in relation to the social background has been extended by Ball, et al (2002) to construct two broadly ideal types of chooser which they call ‘contingent’ and ‘embedded’ choosers. Distinguished on the basis of social class, ‘contingent’ choosers are, by definition, constrained by uncertainty and young people with no family tradition of HE belonging to this type are characterised by a lack of social capital and support, relying heavily on a small network for ‘hot’ knowledge but, due to the limited nature of direct links to the university experience among their network of family and friends, end up relying more on ‘cold’ knowledge (Ball et al, 2002, p. 208). Choices for ‘contingent’ choosers are vague and expectations unrealistic, loosely connected to imagined futures, rather than part of a long term strategy (Reay et al, 2005). Whereas, ‘embedded’ choosers have direct links with parents, other relatives, and friends with HE experiences and so can use a combination of both ‘hot’ and ‘cold’ knowledge, based on extensive research and a wide range of sources to inform their decision-making (Ball and Vincent, 1998). The implications of this for the ‘embedded’ chooser is that career aspirations are “often longstanding and vividly imagined, part of a coherent and connected personal narrative” (Reay et al, 2005, p. 119). This has clear connections with social and cultural capitals, where access to relevant social networks has a developmental role on the habitus of more advantaged individuals, inculcating dispositions and values that match the institutions, and occupation, aspired to.

Of course, getting into a university, even an elite one, is not the end of career decision-making. Constraints on the rationality of decision-making due to differences in access to information, as well as differences in motivations for higher education, are the focus of Hordosy and Clark (2018) who draw on qualitative data from a longitudinal case study of an English university over four years. Their study tracked the career planning of 40 students during and their studies and following graduation to demonstrate how this continues to emerge and develop, how this can become disrupted, particularly after graduation and among lower-income students (Hordosy and Clark, 2018, p. 2). Hordosy and Clark (2018) situate their study in the context of mass participation in HE (Marginson, 2016a, 2016b), income-contingent loans (Barr, 2017; Palfreyman and Tapper, 2016), a competitive, global graduate labour market (Brown, 2003; Brown et al, 2011), and an HE policy trend which frames undergraduate study as a ‘human capital investment’ where the returns of a degree are monetary (Hordosy and Clark, 2018, p.2) (see also Tight, 2003; Tomlinson, 2016; Marginson, 2016, 2017). They argue that the current HE system positions students as “rational actors who are expected to make economically-informed decisions to fill ‘skills gaps’ and aim for the best possible employment outcomes” (Hordosy and Clark, 2018, p. 2). This, they argue, ignores non-monetary drivers for education and the persistent inequalities in access, participation and outcomes among students from different backgrounds. Their findings challenge “assumptions of a linear progression from HE to work underwritten by a rational economic imperative” (p. 3), and they maintain that the rational decision-making abilities of students are constrained by “information asymmetries” (Hordosy and Clark, 2018, p. 2) (see Davies, 2012; Slack et al, 2014). Moreover, their findings highlight the risks of HE participation for women, students from lower socio-economic backgrounds and black and minority ethnic students, as they are more likely to drop out of university, less likely to obtain a ‘good’ degree classification (Boliver, 2013; Croxford and Raffe, 2014; Bhopal, 2017) and less likely to gain a well-paid graduate job (Purcell et al, 2013; Bathmaker et al, 2016).

The arguments above highlight qualitative differences in choice, knowledge and opportunities in access to universities. Such differences are also apparent in recent research by Friedman and Laurison (2019) on social mobility, income gaps and access to elite occupations in Britain which indicates the relative social exclusivity of particular professional occupations, such as law (also see Chapter 2 for a discussion). Friedman and Laurison (2019) found that occupations such as medicine, journalism and law have a workforce with the largest proportion of people from privileged backgrounds (p.32) and that, statistically, the children of lawyers are seventeen times more likely to go into law than those whose parents worked in other occupations (p. 34). Parents in professional occupations are particularly well-placed to provide their offspring with valuable forms of knowledge on how to negotiate the transition from school to a professional job, being familiar with the’ rules of the game’, as well as brokering opportunities such as internships and career openings (Friedman and Laurison, 2019, p. 35). Access to such knowledge and opportunities is clearly beneficial in terms of competitive positioning for success in the graduate job market. However, not all young people come from backgrounds that have the type of knowledge and networks that could help them to access a professional career, for instance, the solicitors’ profession. Perhaps recognising the need to improve their chances for success in the competition for decent (graduate) jobs, some individuals adopt strategies to compensate for a lack of social capital, for instance by developing their social network or engaging in valued extracurricular activities and this may be something to be observed in the study here (see Chapter 8). The next section (Section 4.3.3) explores research on how young people strategise their future career positioning.

### **4.3.3 Disposition towards employability**

The previous section highlighted how individuals from advantaged backgrounds were positioned to make better-informed decisions about their post-school education and employment options. This section considers research that explores how young people strategise their career transitions in an increasingly competitive graduate labour market and finds that those from advantaged backgrounds are more likely to use their social networks to help them get ahead.

Research by Bathmaker, Ingram and Waller (2013) (the “paired peers project”) explores how university students from different class backgrounds respond to the increasingly competitive graduate labour market. Their research involves a longitudinal, comparative, case study of working-class and middle-class students from two universities in Bristol to explore the effect of attending an elite versus a non-elite university on students’ movement through and progression beyond HE. This study is similarly concerned with the experiences and perceptions of students from different class backgrounds, and their responses to the competition in access to the solicitors’ profession. Some of the themes relating to how students adopted different strategies in the paired peers project may arise in the study here.

Students from different class backgrounds are positioned differently in the competition for graduate jobs, as those from middle class backgrounds have privileged access to capitals valued by employers, for instance, high grades, attending a prestigious university, accrued work experience, and knowledge of the ‘rules of the game’ (Bathmaker, et al, 2013). With a focus on students’ ‘feel for the game’, how students respond and how aware they are of how the nature of the ‘game’ is changing, their study explores what resources and strategies students use to help them succeed, examining “processes of capital mobilisation and acquisition by students and their families” (2013, p. 724). This draws on Brown, Lauder and Ashton’s (2010) concept of the ‘opportunity trap’ (p. 135), which refers to the increased intensity of tactics by students to get ahead and stand out in the competition for decent graduate jobs, for instance attending an elite university, volunteering and other extra-curricular activities. Brown et al (2010) note that such tactics only work if adopted by just a few as, otherwise, no-one stands out. Bathmaker et al (2013) find that middle-class students, in addition to having access to valued capitals, adopt strategies of capital accumulation to enhance their future positioning through knowing how to package their various capitals and combine cultural capital with social capital in ways that working-class students were not able to. They argue that as the graduate labour market has not kept up with the supply of graduates, this has led to “social congestion in the competition for decent jobs [and that] increasing efforts to get ahead are contributing to the very social congestion that individuals and families are trying to avoid” (Brown, Lauder and Ashton, 2010, p. 135). This makes the “transition from university to a well-paid graduate job uncertain” (Bathmaker et al, 2013, p.723). In this competitive climate for graduate jobs, when having a degree is not enough to succeed, it is difficult for individuals to stand out from the crowd and there is a risk that some will leave university without having secured a graduate job. How individuals negotiate this uncertainty and risk through the strategies they adopt and their disposition towards accumulating and mobilising capitals will help answer the research sub-question (c) in this study.

Other research draws on Bourdieu to argue that middle-class students’ habitus is more aligned to the graduate labour market and that they are more likely to use social networks to secure ‘a foot in the door’ (Abrahams, 2017, p. 631). Abrahams discusses the disposition of students from different social class backgrounds and their differing approaches to strategising their future employability, with working-class students potentially more sensitive to values of meritocracy and honour and having to prove themselves in a middle-class field and “present themselves as individuals of value and moral worth” (2017, p. 632; Hey, 2005).

Disadvantaged students face profound inequalities in accessing graduate jobs. Not only are they much less likely to apply and be accepted at elite higher education institutions (“HEI”) (Boliver, 2013; Reay, David & Ball, 2005), but HE is dominated by those from middle-class backgrounds (Roberts, 2010) such that middle-class dispositions and values are better aligned with both the elite HEI and the graduate employers who recruit from these institutions. This suggests that even where students from lower socio-economic backgrounds do access HE, particularly elite HEIs, they may still experience inequalities in access to graduate jobs where their values do not appear to align with those sought by law firm recruiters. While previous research focused on access to higher education, Abrahams argues that this does not deal with inequalities in access to graduate jobs and focuses on the inequalities in graduate outcomes. Following Bathmaker et al (2013), Abrahams is concerned with students’ mobilisation of capitals for their future social positioning, in particular, the ‘affective’ side of social capital and how students ‘feel’ about using their networks. This is relevant to the study here and suggests that an approach that is sensitive to the affective nature of decision-making in pathway choice would be useful. This connects to the next section (Section 4.4), which outlines and critiques the CA as a framework to explore the extent to which individuals are free to make choices that they value and to achieve wellbeing, the focus of Chapter 9.

## **4.4 The Capabilities Approach**

The capabilities approach (CA) has been described as a counter-theory to challenge dominant theories that influence and shape policy choices, seeking to respect and empower real people, rather than reflecting the biases of elites, and is “concerned with entrenched social injustice and inequality”, especially capability failures that result from discrimination or marginalisation (Nussbaum, 2011, p.19). The CA has been adopted to critique access and participation in higher education in South Africa by Wilson-Strydom (2016) who proposed a list of seven capabilities for equitable participation (see Harrison et al, 2018, p. 681). The CA has more recently been used as a theoretical framework to explore and evaluate widening participation in HE in both an Irish context (Hannon et al, 2017) and a UK context (Harrison et al, 2018), with the aims of informing policy and practice.

The CA starts by considering what people can do and can be, i.e. their ‘functionings’, which may be chosen or forced upon an individual, for instance through a lack of choice of pathways, and considers “what real opportunities are available to them?” (Nussbaum, 2011, p. x). According to Sen (2001), ‘capabilities’ represent the freedoms or opportunities for people “to achieve outcomes that they have reason to value” (p. 291). An individual’s capabilities can be constrained or enhanced by, for example, access to financial resources, knowledge, societal norms - capitals and dispositions (see Chapter 6). Access to such resources can limit, or extend, the possible functionings (or outcomes) depending on the opportunities available and the degree of agency that an individual can exercise. The CA differs from other approaches used to evaluate quality of life, such as utilitarian or Rawlsian approaches, in that it is pluralist in respect of value. Essentially, capability achievements can be qualitatively different for each individual, according to what they themselves value. CA focuses on the freedom of choice which individuals can choose to exercise, or not, respecting people’s powers of self-determination (Nussbaum, 2011, p. 18).

According to Sen (1999, 2004, 2006, 2009), the CA respects individual agency, freedom and choice, whereby individuals identify their valued capabilities for themselves, rather than having a prescribed list. However, this is somewhat contentious as differing notions of success can result in continuing inequalities in outcomes, for instance, based on social background. In recognition of this, Nussbaum (2000) argues that having a specified list of capabilities can avoid the inadvertent (or deliberate) omission of important capabilities that may serve to advance the advantaged at the expense of the disadvantaged, for instance, by capabilities being framed in terms of academic merit which can favour those from more advantaged backgrounds (see Chapter 3). Further, Nussbaum (2011) suggests that collections of capabilities be defined by which individuals can measure their lives in terms of well-being and flourishing. Nussbaum (citing Wolfe and De-Shalit, no reference given) proposes that, rather than focusing on the presence or absence of key capabilities, a focus on the security of capabilities is more helpful, whereby individuals are not just given a capability but can rely on it and use it to enjoy other capabilities (2011, p.43). This is described as ‘fertile functioning’ which leads to the development of other key capabilities, however, on the flip side of this is ‘corrosive disadvantage’ - or capability failure - where “disadvantages can cluster, with one disadvantage leading to another” (Nussbaum, 2011, p. 145). In the context of this study, an example of such a capability failure might include an individual gaining access to higher education but not having the time, disposition, or money to participate in the social side of university life and consequently missing out on opportunities to build networks of mutual support, share informal knowledge of opportunities, feel valued by peers and emotionally supported. The CA thus provides a useful framework for understanding human flourishing and wellbeing (Sen, 1993, 2001, 2009) and can be applied to the study here.

Having provided an outline of the CA, as presented by Nussbaum (2011), it is important to note that this version of capability analysis is not without criticism. Most notably, Robyns (2016) argues that Nussbaum focuses on the options that individuals can choose from and not the actual outcomes. Robyns presents a justification for a focus on functionings in addition to capabilities, asserting that irrational, habit-driven choices resulting in the unintentional harm to self-interest provide a sound reason to protect people against systematic irrationalities (2016, p.6). Additionally, while Nussbaum (2011) focuses on the achievement of capabilities and not the number of people achieving functionings, Robyns (2016) argues that reasons of a political or pragmatic nature justify applying a numerical scale to the achievement of functionings (p. 7). An analysis of access to the solicitors’ profession must be concerned with the numbers of people from different social backgrounds being recruited, as that has been identified as a persistent inequality (see Chapter 2 for a discussion), and acknowledge that it is problematic for the legal profession and professional practice if lawyers are drawn from only a narrow, privileged range of social backgrounds. However, the study here is small scale and based on qualitative data and does not seek to make any quantitative claims in this regard. Rather, this study seeks to generate a greater understanding of the choices and experience of those from different social backgrounds that could usefully inform policy and practise (see Chapter 10 for an outline).

## **4.5 Summary**

This chapter discussed previous research which included the influence of personal disposition on careership (Hodkinson, 2008); the relationship of social background and access to different forms of knowledge (Hutchins, 2005; Ball et al, 2002); the relationship between background, aspiration and expectation for future self-concepts (Harrison, 2018); career strategising of young people in the transition from school to work during and beyond university (Hordosy and Clark, 2018), all largely influenced by Bourdieu. This chapter finds that knowledge, choice and decision-making in post-school pathways are complex, with individuals from more advantaged backgrounds better positioned to make well-informed decisions for their future by utilising access to a more extensive and relevant network, in terms of having experience of HE and professional knowledge, as well as a more strategic approach to future employability. Additionally, individuals’ sense of what pathway might be appropriate is shaped by their socio-cultural context, whereby possible aspirations for particular elite universities[[9]](#footnote-9), for example, maybe deemed too risky for someone from a less-advantaged background. The CA provides a useful framework for exploring issues of inequalities in access, choice and wellbeing. The CA, as presented by Nussbaum (2011), recognises each individual as an end in themselves and is pluralistic about values and qualitative differences in capability achievement that individuals vary in their capacity to achieve wellbeing in several ways, in particular, their ability to convert their resources to achieve outcomes that they value and the real opportunities that they can access, given their circumstances. However, I tend to agree with Robyns’ (2016) argument that a ‘Capabilitarian theory’ could focus on functionings (outcomes) as well as capabilities, as it is unacceptable that inequalities in outcomes, in terms of access to both university and the solicitors’ profession, based on social class origin continue to persist. The concepts explored can increase understanding of the choices, decision-making processes and impact on wellbeing explored and discussed in the empirical chapters (Chapters 6 - 9). The next chapter introduces the methodology for this study.

# **5 Methodology**

**5.1 Introduction**

This chapter discusses the research methodology, the philosophical approach, research design, sample design, recruitment of participants, use of interviews in the collection of data, transcription, and preparation of the data for analysis, ethical issues, and the role of the researcher. I have used Tracy’s ‘eight “big-tent” criteria for excellent qualitative research’ (2013, p. 230) as a framework to evaluate my research and refer to this through this chapter.

The purpose of this study was to understand the perceptions and experiences of individuals from different backgrounds seeking qualification as a Solicitor in England through either of two pathways – the ‘traditional’ graduate pathway and the Solicitor Apprenticeship pathway (see Figure 2, Appendix 16, for an overview of these pathways). The research question can be stated as follows:

**How are university and degree apprenticeship routes into the solicitors’ profession understood, experienced, and negotiated by individuals from different backgrounds?**

The research question can be answered by being broken down into three sub-questions:

1. What are the influences on aspiring solicitors’ motivation in their pathway choice?
2. How do aspiring solicitors understand the opportunities and barriers of their pathway?
3. How are the opportunities and barriers experienced and negotiated by individuals from different backgrounds?

Specifically, the study investigates the motivations to follow, and influences on the choice of a particular pathway (university or apprenticeship), how individuals perceived, experienced and negotiated the opportunities and barriers on their chosen pathway, and how this varied by social background. Given the historically significant changes to the education and training pathways for solicitors in England, discussed in the preceding chapters of this thesis, this is a worthy topic as it is relevant to recent policy changes, timely, significant, and interesting (Tracy, 2013, p. 230). The next section outlines the philosophical approach adopted.

**5.2 Philosophical approach**

All research starts with certain epistemological assumptions about the nature of knowledge and how it should be studied; this can vary across disciplines with the natural sciences applying epistemological assumptions about the nature of knowledge being measurable, favouring research that is objective (Bryman, 2016). Research also requires an ontological orientation, i.e. are social entities objective and independent of social actors, or based on the individual perceptions and actions of social actors (Bryman, 2016)?

This research involves accessing individual participants’ perspectives and is concerned with how they subjectively perceive, understand, and negotiate the opportunities and barriers encountered on the pathways. This suggests a subjectivist ontology and interpretivist epistemology. An interpretivist approach assumes that the nature of reality is socially constructed, that knowledge is value-laden and subjective. Additionally, the goal of research in an interpretivist paradigm is to understand participant perspectives, rather than to measure, predict or generalise (Tracy, 2013, p. 48), as was the goal in this study. The subjective, socially constructed, knowledge required to achieve the research purpose suggested that a qualitative approach would be appropriate.

**5.3 Research Design**

This section explains how the research was carried out and commences with an explanation of the research design. Creswell (2007) suggests that qualitative approaches are particularly useful in allowing access to the "deeper thoughts and behaviours, and [enables sensitivity] to individual differences in participants" (p.40). The study was not attempting to achieve statistical representativeness[[10]](#footnote-10) but, rather, sensitivity to individual perceptions and experiences (as outlined above) and, therefore, approaches emphasising criteria such as causality, generalisability and replicability (Bryman, 2012) were not appropriate. Therefore, a qualitative, idiographic (Waring et al, 2012) research approach, which emphasises the unique features of each case (Bryman, 2016, p. 61) was chosen as most suitable for this study. In this study I investigated in-depth the details of the motivations to follow particular pathways into the Solicitor’s profession - the family backgrounds of participants, type of school attended, qualifications achieved, work experience, etc. and explored the interrelationship of key issues to understand the perspectives and experiences of participants. These details are complex, and the idiographic approach provided an opportunity to unravel the complexities of a situation and allowed for more biographical detail and nuance than could be achieved with, for instance, a survey (Bryman, 2016).

**5.4 Sample design**

I adopted a purposeful maximum variation sampling strategy (Emmel, 2013, p. 38). Emmel (2013) discusses a purposeful sampling strategy as being useful for seeking out the richest information and making the most appropriate comparisons within the resources available (p. 3), rather than adopting a strategy that might result in participants with no relevance to the research question. This strategy allows for the comparison of diverse experiences by the collection of two types of data: (1) descriptions of the uniqueness of cases, for example, social background characteristics, school attainment; (2) shared patterns across cases (Emmel, 2013, p. 38).

Crouch and MacKenzie (2006) maintain that the purpose of the research is pertinent to considerations of the sample size and that a smaller sample can lead to generating finer-grained data (cited in Bryman, 2012, p. 426).  However, Emmel (2013) suggests that a consideration of sample size is the wrong approach in qualitative research and that “it is far more useful to show the ways the working and reworking of relationships between ideas and evidence in the research are a foundation for the claims made from the research” (p. 137). Additionally, Patton (2002) discusses the key considerations in justifying the sample size, suggesting that these “focus around: validity, meaningfulness, and insights generated from qualitative inquiry (which) have more to do with the information richness of the cases selected and the observational/analytical capabilities of the researcher than with sample size” (p. 245, cited by Emmel, 2013, p. 142). However, rather than claiming validity in this research, I seek to achieve credibility by “seeking out insights that illuminate both variation and common patterns” (Patton, 1990, cited by Emmel, 2013, p. 39). Credibility is a quality criterion used to assess qualitative research (Tracy, 2013, p. 230) and this is demonstrated here.

A sampling matrix was therefore devised which comprised an initial plan of thirty-two participants across each pathway: university, degree apprenticeship (see Table 1). The matrix was divided into three categories: (1) student, comprising undergraduate law students; (2) graduate, comprising trainee solicitors; (3) apprentice, comprising solicitor apprentices. These categories were further sub-divided into elite and non-elite based on relative institutional prestige, which for students and graduates related to the higher education institution attended, and for apprentices related to the law firm employing the apprentice. These three categories would provide a range of perspectives and experience of individuals seeking access to the solicitors’ profession. Also, I wanted to access participants from a range of different geographic regions in England - the north, south, midlands and London - and from different types of law firm and types of university - Russell Group, Pre-1992 and Post-1992 - as previous research indicates that institutional stratification and geography are important in accessing the legal profession (see discussion in Chapters 2 and 3). This section has outlined the planned sampling strategy. The next section discusses how this plan was put into action and pragmatically adapted to the constraints of time and resources.

**5.5 Recruitment of participants**

I planned to recruit potential participants in the first category (undergraduate law students) via institutional gatekeepers, for instance, heads of law departments and law lecturers. Where I had an existing contact at a university, I was able to generate support in the form of email circulation of my call for participants amongst undergraduate law students and opportunities to speak to groups of students about my study at the start/end of a lecture. This support was from three northern universities and included three categories of university - Russell Group, Pre-1992 and Post-1992. Although having existing contacts at a university provided the support outlined above, the process of recruiting participants was pain-staking and time-consuming, involving several rounds of calls for participants by email, time spent arranging attendance before lectures and following up on expressions of interest. This process resulted in only four participants across the three northern universities. This was disappointing but I understood that students have many pressures on their time and involvement with my research may not have been timely. Additionally, as I had not incentivised participation by offering some reward, for instance, a prize draw or compensation for interview time, students may have felt disinclined to participate. On reflection, it may have been better to offer a small token incentive for participation, other than the coffee and cake I referred to in email circulars, although evidence to support the use of incentives is scarce. Emmel (2014) discusses the importance of building a trustful relationship with the proposed sample and how difficulties in recruitment may be experienced with a sample suffering from research fatigue, as may be the case with students, particularly where there may be a “conflict with the primary aims and interests of the researched group” (p. 2), for instance, in terms of time and other resources. The importance of building trustful engagement became apparent in recruiting potential participants and relates to the use of social media in connecting with, and bypassing, institutional gatekeepers in recruitment and snowballing the sample, discussed below.

In respect of other universities, email addresses for institutional gatekeepers were found through institutional websites. I emailed the heads of a small number of law departments (as a way of trialling this approach) to request support in recruiting participants by sharing a link to my research website. This approach resulted in no response at all. Following this failed approach, I decided to use social media - LinkedIn and Twitter - to connect with individuals and groups at institutions who I anticipated would be able to facilitate access to potential participants, such as Heads of Law departments in universities and student law societies. In sending requests to connect on LinkedIn, I included a message about my research and a request to share a link to my research webpage. This approach was more successful in that individuals were prepared to connect. Gaining such connections on social media enabled me to post my call for participants and link to my webpage (see Appendix 2) which could then be shared more widely across this new network. This had benefits in terms of time and cost, as I did not have to travel anywhere to pitch my call for participants.

In respect of access to law graduates on training contracts and degree apprentices, both working in law firms, I initially contacted two individuals that I had met in London at the 2016 Law Society Briefing on the Apprenticeship Levy. These two individuals were from two different large corporate law firms and had responsibility for apprenticeships at their firm. Following several unsuccessful email requests for support with my call for participants, I decided that I needed to reduce the role of institutional gatekeepers in accessing potential participants for the study. Using social media - Twitter, LinkedIn and Facebook - I provided a link to my research webpage, which included information about the study and a link to the participant information and consent form (PCIS), with a request to share the link with anyone interested in participating. The use of social media was surprisingly successful in the recruitment of Apprentice Solicitors, a group that I had anticipated would be difficult to recruit. All but one of the Apprentice Solicitors were recruited initially through LinkedIn and then through snowballing the sample, whereby one participant introduced other prospective participants with similar background characteristics to themselves  (Bryman, 2012, p. 424; Creswell, 2007, p. 127; Miles & Huberman, 1994, p.28, cited by Creswell & Poth, 2018), by asking their colleagues to participate in the research. This had limitations in that most of the Apprentice Solicitors in the sample were from the same law firm, albeit from different offices across England. Additionally, the use of Twitter and LinkedIn led to participants ‘following’ and requesting to ‘connect’ to my network. This was useful in terms of growing the sample through snowballing and asking participants to share the link to my research webpage with their networks. However, I was conscious that participants risked identifying themselves as being involved in this study and so advised them not to disclose their involvement.

All individuals who responded to the call for participants and met the criteria of being a current undergraduate Law student, a student on the Legal Practice Course/Graduate Diploma in Law, a Solicitor Apprentice or Trainee Solicitor, were included in the study. I had initially been worried about over recruitment of student participants and not achieving a balance of those on different pathways. However, students were the most difficult to access and engage. Emmel (2013) discusses the use of a pragmatic approach to sampling in qualitative research which requires:

judgements to be made about how to expend resources, for example whether to conduct an in-depth study with a small number of sources, and judgements as to whether these pragmatic choices lead to a sufficiently rigorous and valid account of the subject of investigation (Emmel, 2013, p. 142)

Despite my continued efforts over twelve months to recruit undergraduate law students across the different types of university, the returns on this effort were not resulting in new participants and I took a pragmatic decision to adapt my research plan and to progress the research with the twenty-two participants that I had successfully recruited (see Table 2). Transparency about the challenges faced in the study contributes to the sincerity of the research, a criterion for assessing the quality of qualitative research (Tracy, 2013, p. 230). The next section discusses the collection of data.

**5.6 Data Collection**

The research collected data on participants’ experiences, motivations and perceptions of their transition into the Solicitors’ profession, for instance through work experience opportunities whilst at school or through university, careers seminars, applications for law firm vacation schemes, training contracts or apprenticeships, or prior knowledge through personal networks.  The main method of data collection was semi-structured interviews and the rationale for this is discussed in the next section.

**5.6.1 Interviews**

To achieve the research objectives in seeking to discover and understand the motivations and perspectives of the participants, I chose to adopt qualitative semi-structured interviews as the main method of data collection for this study, as the focus of the study was clear and this type of interview allowed specific issues to be addressed (Bryman, 2012, p. 472). According to Tracy (2013), respondent interviews can be particularly useful in attempting to “understand similarities and differences within a certain cultural group”, in that “respondents are relied upon to speak for and of themselves about their own motivations, experiences and behaviours” (p.141). Additionally, where the researcher is seeking rich, detailed responses, qualitative interviews provide a suitable and flexible means of collecting data (Bryman, 2012). A semi-structured approach is preferable to the alternative of structured interviewing, designed to “generate answers that can be coded quickly” (Bryman, 2012, p.467). Although a structured approach offers convenience and reliability in terms of standardisation of the data collection process, it is inflexible in that the interview schedule must be adhered to, to avoid “[compromising] the standardization of the interview process and [...] the reliability and validity of measurement” (Bryman, 2012, p.467). Adopting a responsive interviewing stance, such as the model devised by Rubin & Rubin (2012) (Creswell & Poth, 2018, p.165) allows for both flexibility and responsiveness to emerging issues (Bryman, 2012; Creswell & Poth, 2018). This approach also facilitates the collection of the rich and detailed participant perspectives required, whilst also affording a degree of flexibility in departing from the interview guide where appropriate.

The focus of the research was the perceptions, motivations, and experiences of the aspiring solicitors in the study. An interview guide was designed to loosely structure the topics of the interviews (see Appendix 1). This provided the focus for the interviews on the exploration of the motivations and influences on educational and career decision-making processes, including both home and school backgrounds, together with reflection on experiences and perceptions of their chosen route. I was particularly interested to explore any previous legal work experience that individuals had, the role that family and social networks played in access to such experiences, and the impact that any experience had on education and career decision-making. My rationale for these topics was based on a Pragmatist approach. However, I found that the interview guide, which took a chronological approach from school and family background through to participants’ current position on their chosen pathway, provided a useful structure which would allow the questions to flow and generate the rich data necessary to answer the research questions. This approach allowed for rich rigor in the study through the data collected, the sample, context, data collection and analysis processes (Tracy, 2013, p. 230).

The interview schedule was piloted in January 2017 with three face to face interviews involving two apprentices and one university student. This was useful in highlighting the balance in the amount of speaking between me, as the interviewer, and the interviewees. I found that I had been talking too much and needed to reduce my input to have more of the interviewee’s voice. I felt that my talking too much was due to the informal setting, desire to build rapport and a possible lack of confidence in my previously unpiloted interview guide - two of the pilot interviews were conducted at lunchtime in quiet bars. Bryman (2016) discusses the demands of successful interviewing and the issue of balance between talking too much “which may make the interviewee passive” or too little “which may result in the interviewee feeling he or she is not along the right lines” (p.473). Following the pilot interviews, 23 semi-structured interviews were conducted (either in person or by telephone) between January 2017 and May 2018. Based on my experience in the pilot interviews, I tried to be conscious of the balance of turn-taking in subsequent interviews and to be sensitive to the interviewee as to whether the balance was right. This required skill, for instance, active listening, which was relatively unproblematic with face to face interviews. However, for telephone interviews, this was harder to achieve. One instance of this was a university student (Gavin) who was not very talkative and proved difficult to probe during the interview. I sensed that Gavin did not have the same confidence as some other participants regarding the likelihood of success in achieving his goal of qualifying as a solicitor. From my knowledge and experience of self-funding legal qualifications, I was sensitive to issues of risk, hopes and fears, and I felt that I could not probe as far as I would have wished. Had this interview been conducted face to face, it would have been easier to ‘read’ Gavin’s reaction to my questions and my judgement in showing restraint in probing may have been different. This experience highlights one of the differences between face to face and telephone interviews, which are discussed further below. Additionally, the sincerity of this research has been demonstrated through self-reflexivity about my subjective values, biases and inclinations, and transparency about the methods used and challenges faced (Tracy, 2013, p. 230).

Bryman (2016) discusses the differences between face-to-face and telephone interviews, including the benefits, potential issues and whether the mode of interview affects the quality of the data collected. For instance, where participants are widely dispersed, as in this study, telephone interviews provide benefits in terms of saving on the costs and time involved in travelling to conduct face-to-face interviews, and potentially reducing anxiety in answering sensitive questions (Bryman, 2016, p. 485). Bryman (2016) suggests several possible issues with telephone interviews in that some potential interviewees may have limited access to phones, there may be technical difficulties beyond the control of the researcher, no opportunity to observe body language or context, and no opportunity to capture additional data through leaving the recorder running (p. 485). Although in my experience in this study, this did not present an issue, for example, Callum’s interview generated some highly illuminating data towards the end of the interview when I asked whether there was anything else he wanted to discuss and he went on to talk about the influence of his dad’s university experience in his own educational decision-making. Bryman also discusses “mode effects for telephone and face to face qualitative interviewing” and concludes that “concerns about data quality in the telephone mode are not as great as sometimes feared” (2016, p. 485). Overall, I agree with Bryman as there were no great differences in the quality of data generated dependent on the mode of the interview.

Each interview typically lasted between 30 minutes and 1 hour, with the face to face interviews typically lasting longer than the telephone interviews, as found in Irvine et al (2013, cited in Bryman, 2016, p. 485). Interviews were recorded using audio recording equipment for both face to face and telephone interviews (using the loud-speaker function to pick up the interviewee’s voice on the recording equipment). The recording equipment comprised a digital voice recorder which had the capacity for multiple folders to save the individual audio files. The device was battery operated and I carried spare batteries to ensure that the device would remain operational during interviews. Additionally, a back-up recording device was available in the recording function of my mobile phone, together with a notebook and pen, in case of any equipment failure.

Demographic data, comprising economic, social and cultural indicators of socio-economic position, were collected from participants during the interview using a short demographic questionnaire (see Appendix 3), based on the “Great British Class Calculator”, the online version of the “Great British Class Survey”[[11]](#footnote-11) (GBCS) (Devine and Snee, 2015; Savage et al, 2013). Using questions from an existing questionnaire is a “common practice among researchers” (Bryman, 2016, p. 261) and has several advantages in that the questions will have already been piloted in the research that the original questionnaire related to; reliability and validity testing will already have taken place; and using the same questions can enable comparisons to be drawn with existing research, which may be illuminating (Bryman, 2106, p. 261). However, my purpose in using the existing questions was not to seek comparisons with the large data set of the GBCS, but, rather, to provide additional context to the interview data. In addition to the five questions taken from the online class calculator, which I adapted to ensure that the fixed answers concerning property values, income and savings did not overlap (as recommended by Bryman, 2016, p. 249), I included four further questions asking the highest level of parental qualifications (this is a commonly used indicator of social class origin - see Section 5.7 in this chapter relating to how social class is operationalised in this study), age, gender and ethnicity - these last three were open response type questions. Denscombe (2007, p. 168 - 169) proposes four criteria for evaluating questionnaires: (1) the likelihood that the questionnaire will provide full information on the research topic; (2) that accurate information will be obtained; (3) that the response rate will be adequate to gain a representative picture; (4) the ethical stance adopted concerning the information provided. However, Denscombe’s criteria presume that the purpose of the questionnaire was to collect research data that would encompass the topics of the research, whereas, I intended to collect only socio-demographic and cultural data to contextualise the interview data. As in anonymised postal or online surveys, where the accuracy of the data is a concern, accuracy in the responses were also a concern in this study. As the participants were not anonymous to me, although I reassured them in respect of their questionnaire responses and the security of the data, this may have influenced responses to questions, particularly relating to economic and social capital. Additionally, I am not using the data generated to draw any wider conclusions about the population of aspiring solicitors as a whole and am interested in the responses only as they relate to the individual participant, to give a greater understanding of their background context. In this sense, a response rate is not applicable as I was not seeking a representative picture of a target population.

By collecting demographic data during or after each interview, as described above, the study did not limit data to the perspectives of those from a widening participation background, i.e. those from disadvantaged groups traditionally underrepresented at university (see Chapter 3, section 3.8 for a discussion of widening participation in higher education), which assisted in illuminating potential differences in the motivations and experiences of participants from a variety of backgrounds.  However, asking demographic questions during the interview can put the interviewee on the spot, particularly with potentially sensitive questions relating to income, qualifications of parents and house values, as they do not have time to prepare answers and may not have the necessary information. Whereas, post-interview questionnaires to collect such data provides participants with additional time in which to consider their responses, using pre-coded answers to questions (such as the first five in the demographic questionnaire - see Appendix 6) makes completion a relatively easy task which also benefits the researcher in the ease of collation and analysis of responses (Denscombe, 2007, p. 170). However, a post-interview questionnaire approach risks a reduced response, as discussed above concerning Denscombe’s evaluation criteria (2007), potentially limiting the study in terms of loss of contextual demographic characteristics of the non-responsive participants. This happened with two telephone interviews, despite several email reminders.

**5.6.2 Ethical Issues**

This research has been conducted following the University of York Ethics guidelines and the Socio-Legal Studies Association's Statement of Ethical Research Practice (Jan 2009).  Ethical approval for the research was granted by the University of York Ethics Committee in December 2016.

The ethical aspects of research are extremely important because, as noted by Denscombe (2007, p.139), not only does it concern the need for compliance with current legislation (in this context the Data Protection Act 1998 – replaced by the General Data Protection Regulation “GDPR” on 25th May 2018) which covers the collection, use and storage of personal data, but also concerns issues of human rights and the ethical and moral treatment of participants. An ethical issue arose during this research whereby a participant requested to withdraw from the study. This request came following the interview transcript having been sent to the participant for comment. Participants are not obliged to give a reason for wishing to withdraw and researchers must comply with such requests by following the appropriate ethical guidelines. However, this created an ethical dilemma between the rights of the researcher and the researched. I was concerned not to lose this data as a considerable amount of time and effort had been expended in recruiting the participant, coordinating the date and time of the interview, conduct and transcription of the interview and initial analysis. Fortunately, codes and standards of conduct for researchers have been developed by professional research organisations which makes compliance much more convenient. The PCIS (see Appendix 1) specifically refers the participant to their rights to withdraw their data at any time during the data collection period and within six weeks of the collection of the data. In respect of the request to withdraw from the study, the six weeks period had elapsed and so the right to withdraw had expired. However, rather than simply rely on the PCIS, I referred the issue to the Chair of the Ethics Committee (and my Supervisor) at the University of York, in addition to emailing the participant to reassure them about how the data would be used and how their anonymity would be protected. I received confirmation from the Chair of the Ethics Committee that the right to withdraw the data had elapsed and I could, therefore, continue with the analysis. This experience challenged my attempt to adopt a feminist research framework (Bryman, 2016, p. 488) in that I had intended the interviewer/interviewee relationship to be non-hierarchical and defined by rapport, reciprocity, and the interviewee perspective. This caused me to reflect on how I should approach the final point of the Consent Form (see Appendix 1), which refers to participants being allowed to comment on a written record of their interview responses. In giving participants this opportunity, it may be preferable to ask whether they would like to receive a copy of the transcript, rather than sending one automatically. My approach to the procedural, situational and relational ethics in this study demonstrate the ethicality of my research (Tracy, 2013, p. 230).

**5.6.3 Informed Consent**

I designed a Participants’ Information Sheet (PCIS) (Appendix 3) & Consent Form (Appendix 4)(PCIS). This document provided detailed information that any prospective participant would have needed to consider in deciding whether to consent to participation in the study. Some completed consent forms were received by email from participants who had accessed my research webpage (Appendix 5) which contained a link to the PCIS and my contact email address. The consent form contained a series of tick boxes which allowed potential participants to confirm their consent by checking each box. Denscombe (2007) suggests that this acts as a proxy signature and a more convenient means of signalling agreement to participation than the alternative of requiring the form to be downloaded, signed and returned by post – which could act as a deterrent to participation (p. 148).

All participants in the study had initially received information about the aims and purposes of the study through the PCIS at least 24 hours before each interview was conducted. Interviews were by arrangement for mutual convenience rather than at short notice. To enhance rigour in respect of consent, I recorded oral voluntary consent at the start of each interview, where participants had agreed to be recorded, in addition to the signed consent form. This also provided an additional opportunity to explain to individual participants the nature of the research and to assess that participation was following the requirement for voluntary informed consent.

At the end of each interview, participants were thanked for their involvement and reminded of their rights in respect of their data by reference to the PCIS provided at the start of the data collection phase which contained information on the research process and how they will be updated. Additionally, participants were contacted by email with an opportunity for them to comment on the interview transcript and/or emergent findings from the study. This stage in the study provided another opportunity to keep participants up to date with the ongoing research and to validate issues of consent.

**5.6.4 Potential for Harm**

The research questions related to the topic of social class, which can be quite a sensitive topic. Participants might have been unwilling to acknowledge class as an issue, as in the study by Ashley et al (2015).  One area of concern was the potential for social/psychological harm that this issue may have held.  Participants may have felt uncomfortable, stressed or had feelings of humiliation, for instance, if they had a negative experience or feelings of being an 'outsider' which may have been a topic during an interview exploring participants' experiences and perceptions.

Asking participants directly to specify which social class they belong to and offering predetermined choices of Upper/Middle/Working-class or socio-economic groups as in the National Readership Survey (NRS), could risk incorrect responses being given by respondents for a variety of reasons, such as possible feelings of class disassociation (Loveday, 2015). To reduce this risk, many studies relating to social class use proxy indicators, such as level of parental education/income/occupation to identify a participant’s class, using, for example, the NRS criteria on class. This project used a combination of self-definition of social class and additional proxy indicators, such as level of parental qualification and social/cultural data (Savage, 2015), to give a more nuanced perspective on the social class backgrounds of participants (see Section 5.8 for an explanation of how social class is operationalised in this study).

Further, to minimise the potential for causing harm or distress, the participants' perspectives must not be misinterpreted or misrepresented.  The rights and dignity of the participants can be respected by seeking verification from them in terms of the accuracy of, for instance, the interview transcript and the researcher’s interpretation of key findings - this can be achieved by the researcher verifying their understanding of the data with the participant, initially, through a member reflection question during the interview, and, thereafter, with the provision of a written summary of key findings.  Participants were asked for their comments in respect of the researcher’s interpretation of the data and whether they had any additional comments to add during each interview and by offering an email of the interview transcript.

It was not anticipated that there would be any potential for physical harm to the participants or to the researcher as data collection took place in public spaces - university premises, law firm office, cafe, or via telecommunications.  To avoid undue feelings of inconvenience on the part of individual participants, the procedures concerning interviews, data and verification were addressed in the initial literature dealing with informed consent (the PCIS).

**5.6.5 Right to withdraw**

Participants must also be aware of the extent of their right to withdraw. This is a requirement of the University of York Ethics Committee and data protection regulations (GDPR). The right to withdraw was made clear in the PCIS when initially seeking to obtain informed consent, which specified the limit of the extent of the right to withdraw to a period of six weeks following the date of the interview.  Additionally, the contact details of the researcher were provided on the PCIS, together with a statement that the participant could contact the researcher or project supervisor if they had any queries relating to the research or if they wished to withdraw their consent to participate in the research (see earlier discussion in section 5.5.2 relating to a participant who requested to withdraw from the study).

**5.6.6 Anonymity & Confidentiality**

All reasonable efforts have been made to maintain participant anonymity and the security of the data collected. Pseudonyms were assigned to protect interviewees’ anonymity and any identifying characteristics were removed from the interview transcripts. Transcripts are kept in a password-protected file and will be kept for the period required by the University of York. In addition to this, confidentiality has been enhanced by keeping a list of participants, identifying pseudonyms, and participants' contact details in separate password-protected files. To further enhance confidentiality, following the data collection period, email correspondence between myself and the individual participants was deleted, rather than keeping such emails on the email server. In the transcripts, the names of institutions - law firms and universities - have been removed or replaced by pseudonyms. However, where interviewees discussed institutions other than the one which they attended, the names have been retained to aid understanding of the context of individual decision-making. I have control of the data generated and act as custodian of this. The research supervisor has access to the anonymised transcribed data.

These measures do not guarantee that any participant or institution will not be identified and, although every care has been taken to avoid presenting any identifying characteristics, it may transpire through the course of the study that certain characteristics (e.g. geographic location, ethnicity) are significant to the research and should be included in the write-up.  Given that the pool of possible participants is quite small, writing up research that discusses any such identifying characteristics risks inadvertently revealing the identity of a participant or institution.  However, writing up meaningful research must assess and balance the risk of exposure of the participants and institutions against the likelihood of harm that would result (Bryman, 2012).

**5.6.7 Over-exposure of Participants**

Anonymity and confidentiality in respect of the participants have been respected.The subject matter of the research was not related to highly sensitive issues where there might have been repercussions from overexposure. However, certain aspects of the data that were not relevant to the research, and which could potentially have exposed the identity of the participants, were suppressed. Additionally, a screening question on the PCIS was included asking whether the individual has previously been a subject in similar research. A final screening question was asked on the demographic questionnaire, completed at the end of the interview, to ensure that this issue has been addressed.

**5.6.8 Researcher’s role**

Tracy (2013, p.89) describes the role of the researcher as a research instrument, collecting, analysing, and interpreting the data.  My role as a researcher was to be self-reflective during the process of selecting participants and interview questions, being aware of my assumptions and biases which could influence both the collection and analysis of the data.  Additionally, participants may not have been comfortable answering certain questions, particularly those involving sensitive experiences where obtaining full or accurate data may have proven difficult. Researcher influence in an interview situation may be reduced by using a semi-structured interview format which allows the interviewee to express their response in their own words and manner whilst maintaining a focus on the specific issues that the interview needs to address (Bryman, 2012). However, I found that, although I could choose which points in the interview I wanted the interviewee to elaborate on, it was easier to build rapport with some participants than others, which affected the flow of the interview and degree of probing that could be achieved (for instance, see the discussion of Gavin and Callum in Section 5.5.1). For some interviews, such as Gavin’s, this led to my assumption that a particular topic was sensitive and I should probe further with caution, as I did not wish the interview to harm the participant or to overly influence their beliefs (for instance, in the likelihood of success). This was also an issue with another interview where I wanted to find out what the participant’s prior academic achievement was before attending university. Despite probing, I did not manage to find out what grades the participant had achieved but received a detailed response as to what subjects were studied and how he had underachieved on expectations. Relying on my assumption that the exam grades were a sensitive topic, I decided to move the interview on, rather than cause the participant further discomfort. In this way, I have demonstrated sincerity in my approach to the research (Tracy, 2013, p. 230), but this has affected the collection of data in that some interviews were much richer than others. The next section outlines the approach to data analysis.

**5.7 Data Analysis**

Denscombe (2007, p. 288) discusses the variability in guidance as to how systematic data analysis should be in respect of qualitative data but indicates that there is broad recognition of this involving five stages: (1) data preparation, (2) initial exploration of the data, (3) interpretation of the data, (4) verification of the data, and (5) representation of the data. Additionally, Denscombe notes that in practice, qualitative data analysis is not as linear as suggested by these five stages and can be better described as an iterative process whereby the researcher moves back and forth between coding, interpretation and verification of the data. Before proceeding to outline my approach to data analysis, it is important to point out that data collection and analysis occurred simultaneously and was ongoing through both the data collection period and the writing up, as I moved from an inductive involvement with the data in the coding of transcripts and creation of categories and themes to a more deductive approach in making connections between the data and the literature. This approach has much in common with a constructivist grounded theory approach to analysis (Charmaz, 2006, 2014) in that it follows both an inductive and deductive approach to the research through an ongoing process of simultaneous data collection and analysis, resulting in abductive reasoning, with the overall aim being to understand the decision-making and actions of those in the study through interpretation, rather than seeking causality.

The first stage was to prepare the data for the analytic process. The interviews were transcribed as soon as practicable after each interview/set of interviews, a process which I undertook myself and which took at least three hours for each interview, several taking more than one day to transcribe and edit. All audio files and anonymised transcripts of the interviews were uploaded to Nvivo (a popular qualitative data analysis software package) in readiness for the next stage of data analysis.  The audio files will be preserved until after examination of the thesis in case any material is required for cross-referencing with the transcripts. Additionally, I made a backup Nvivo project to preserve the organised data in case recovery was needed (Denscombe, 2007).

After uploading each interview transcript to NVivo, I printed the transcript and read this closely to familiarise myself with the data. I adopted an open approach to coding chunks of text to NVivo codes. This was followed by an inductive approach to identify categories and themes in the data. The themes and sub-themes related to employability, competition, risk, uncertainty, access to knowledge and work experience, fear of debt, costs and trade-offs. These themes are further explored and elaborated in the empirical data chapters (Chapters 6 - 9). While NVivo was useful in pulling together themes in the data from different participants and also for managing a large amount of data, I felt that the coding process decontextualised the data which created a sense of loss of connection to individuals.

The issue of reliability in qualitative research is not feasible here (Lincoln and Guba, 1985) and is a criterion used to judge the “stability and consistency of a researcher, research tool, or method over time” (Tracy, 2013, p. 228). This is applicable in quantitative research but is problematic to qualitative studies. However, credibility, as an alternative to reliability, in research is something that must be demonstrated and can be achieved through the process of conducting the research (Silverman, 2000, 2006). Moreover, Tracy (2013) proposes credibility as a marker of quality in qualitative research, which can be achieved through the thick description of, for instance, participants’ narratives in the empirical data chapters; triangulation or crystallisation through engagement with multiple theoretical positions, as is the case in this study; the multivocality of participants by the inclusion of a variety of participants’ points of view; and engagement with member reflections. While this study has attempted to demonstrate credibility throughout the process of data collection, analysis and writing up, it is this final aspect of credibility which may be a potential limitation of this study as in-process member reflection during the interviews may not be sufficient. Activities that engage participants with the findings and provide an opportunity for them to critique or collaborate in the formulation of a developed analysis or the conclusions, noting the participants’ reactions and responses, enhance credibility (Tracy, 2013, p. 238).

**5.8 Social class - Operationalisation**

The focus on class background presents the need to operationalise social class. Recognising the complexities in defining social class, individuals were classified using a combination of self-definition, type of school attended, the highest level of parental education and parental occupation (where these were mentioned in interviews). On this basis, participants were divided into two simplified groups: working-class and middle class. Inevitably, not all individuals fitted neatly and unambiguously within the working-class or middle-class categories (such as those who had graduate parents in lower-paid occupations or parents who were self-employed but lacking qualifications). This has been observed by Ball (2003) who noted that “classes are not … fixed and rigid, and indeed we must acknowledge the existence of ‘class fractions’ whereby some individuals fell solidly within either middle-class or working-class categories and others “were located at the margins of these groups” (Ball, 2003, cited by Abrahams (2017, p. 628). For the minority of interviewees in this position, a best-approximation was made to assign the individual to one category or the other, middle-class or working-class, in addition to using the terms advantaged and less advantaged/disadvantaged. Having outlined the methodological approach to the study, the following four empirical chapters present and discuss the research findings.

**6 Influences on motivation for pathway choice**

**6.1 Introduction**

This chapter explores the influence of socio-cultural background on aspiring solicitors’ post-school education and career decision-making, by exploring how their background was implicated in their access to different forms of knowledge, influencing their aspirations, expectations and attitude towards risk. This chapter demonstrates that socio-cultural background plays an important role in personal dispositions towards education and career choices and is a key influence on decision-making. From the findings presented here, I argue that individuals from advantaged backgrounds are more likely to have social networks that can help them with both information and knowhow in the navigation of their pathway and, thereby, are privileged in their ability to make better-informed decisions on their future education and career choices. This privilege starts early in the school career, as those from disadvantaged backgrounds are more likely to face challenges in their schooling and family backgrounds, affecting both school attainment and access to opportunities for work experience and career insights. Such opportunities can have a profound impact on access to information about, and attitudes towards, alternative pathways, shaping individuals’ aspirations and expectations (Barg et al, 2020; Harrison, 2017).

Bourdieu’s conceptual tools are useful to draw on here, particularly the concept of habitus. A key aspect of habitus is that it is conditioned by social class (see Chapter 4 for a discussion of habitus and Chapter 5 for social class) which shapes individuals’ goals and the means for achieving them, providing upper and lower boundaries on aspirations and expectations (Glaesser and Cooper, 2014). As suggested by Keller and Zavalloni (1964, cited by Glaesser and Cooper, 2014), individuals’ aspirations need to be understood in relation to their social starting point. This is significant as maintaining the socio-economic status of one’s family of origin is an important motive in educational and career decision-making and leads to different social classes aspiring to different educational goals (Goldthorpe, 2007d).

Before presenting the data, I briefly discuss my expectations of the findings and provide an explanation of the selection of cases for the chapter.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Pathway** | **Working-class** | **Middle-class** | **Male** | **Female** |
| **Elite Apprenticeship** | 2 | 4 | 2 | 4 |
| **Non-elite Apprenticeship** | 1 | 2 | 2 | 1 |
| **Total Apprenticeship** | 3 | 6 | 4 | 5 |
| **Elite University** | 1 | 3 | 2 | 2 |
| **Non-elite University** | 3 | 1 | 3 | 1 |
| **Total University** | 4 | 4 | 5 | 3 |
| **Elite Graduate** | 2 | 0 | 0 | 2 |
| **Non-elite Graduate** | 3 | 0 | 2 | 1 |
| **Total Graduates** | 5 | 0 | 2 | 3 |
| **Total** | 12 | 10 | 11 | 11 |

**Table 4: Pathway by Social class and gender**

As can be seen from Table 4, above, there were twice as many middle-class individuals than working-class on the apprenticeship route. This was surprising but given the nature of my sample, it was not possible to generalise the pattern to all aspiring solicitors. It was also surprising as I had initially expected to find that the apprenticeship pathway would be taken up by individuals from working-class backgrounds due to concerns about incurring student debt through the university route and also in light of the theoretical expectations of Rational Action Theory and Relative Risk Aversion that these individuals would seek to minimise financial risk (discussed in Chapter 4). Additionally, I anticipated that the apprenticeship model was something more likely to be familiar and, therefore, more acceptable to individuals from working-class backgrounds, possibly something that their parents may have experienced. Therefore, I expected that this route would appeal culturally to those from working-class backgrounds (see discussion of habitus in Chapter 4). This deviation from what I expected to find prompted a need to understand the influences and motivations of aspiring solicitors’ in their choice of route, particularly related to social background and this is the focus of this chapter.

The data presented in this chapter demonstrate the influence of individuals’ socio-cultural background and provide a greater understanding of how this shapes their choices. The data here are based on a typology of choice, comprising two ideal types: embedded and contingent choosers (Ball, Reay and David, 2002). Briefly, the contingent chooser is characteristically from a working-class background, with no family tradition of participation in higher education, decisions are founded on a narrow range of informational sources, which includes stumbling across information, and a weakly imagined future-self. The embedded chooser is typically from a background where there is familial experience of attending university, information for decision-making is based on a wide range of sources and university is a well-established and expected route. The typology theoretically relates to social class and has also been used in relation to ethnicity in the choice of higher education institution (Ball, Reay and David, 2002; Reay, David and Ball, 2005). Here, the typology relates to social class background and pathway choice, although this could also apply to intersections of class, gender and ethnicity.

The six participants who have been quoted in this chapter have been categorised in Table 5 (below) as either an ‘Embedded’ or ‘Contingent’ chooser. Their biographies are explored to help answer research sub-question a). These participants were chosen from different social class backgrounds (see Chapter 5, Section 5.8 for an explanation of the operationalisation of social class) to explore, “through a strategy of maximising a relevant contrast” (Glaesser and Cooper, 2014, p. 469), how their pathway decision-making was conditioned by class.

|  |  |  |
| --- | --- | --- |
| **Pathway** | **Embedded Chooser** | **Contingent Chooser** |
| Elite university | Vic | Ulrika |
| Non-elite university |  | Steve |
| Elite apprenticeship | Dilys | Callum |
| Non-elite apprenticeship |  | Harry |

**Table 5: Pathway and chooser typology**

**6.2 Embedded choosers**

**6.2.1 Vic: Keep moving up**

(Private school, Elite university, middle class, male)

A private school education provided access to university open days for Vic to consider his options, and having university-educated parents, Vic is an exemplary case of an embedded chooser, destined for a university pathway into law. Vic’s father was not directly employed in the legal profession but had a close professional network with large law firms, useful for valuable insights and work experience at a large international law firm. Vic’s aunt was a solicitor and an important source of information about the legal profession, providing knowledge of how to navigate the route from university to training contract:

I know what I want to do. I see, everything I see myself wanting to do starts from doing a Law degree. My aunt’s a solicitor… She was saying ‘you’ve got to go on a Vac Scheme in the second year’. She also advised me to pick my second-year module off the back of ‘you’re going to have to explain it and why you picked it to whoever is interviewing you’, and it meant that I picked something different from what I otherwise would have chosen.

(Vic,Private school, Elite university, middle class, male)

This knowledge gave Vic an advantage over his peers without similar access to such knowledge of how to access vac schemes and training contracts. Vic pointed out that his university had not highlighted the importance of vac schemes in accessing training contracts:

Well, it’s kind of something that fell into my lap, it’s not something I sought out and it wasn’t something that … I don’t think the university has ever been clear about that, they’ve never gone ‘Vac Schemes are the way to get the job’.

(Vic,Private school, Elite university, middle class, male)

Vic’s intended destination into law had been cultivated in the family and his legal internship experiences, shaping his aspirations, expectations and goals. There was little evidence in the interview of any doubt that he would achieve his goal as the following extract shows:

I will probably be a solicitor, I would say that’s 80% sure… a few people have said to me in my life, especially my mum, that I should be a barrister.

(Vic,Private school, Elite university, middle class, male)

Going to university was an expectation, longstanding and elaborated by both school and his parents (Barg et al, 2020) as is typical of those from middle-class backgrounds:

I mean coming to university and doing Law was the path of least resistance. It was what I was expected to do … there was such a tight focus, there was never any question that I wasn’t going to go to university.

(Vic,Private school, Elite university, middle class, male)

Recognition of the status of the chosen pathway was significant and Vic had an awareness of his own family’s social mobility and sensed a need for each generation to do better than the previous one.  When asked about the importance of having the distinction of attending a Russell Group university, the issue of social progression and doing better than one’s parents was evident:

Ah, I wish I wasn’t that vain because it did mean something to me… Yeah, there was always this thing where I felt that I had a big progression because my dad went to Hull and my mum went to Plymouth, and I’ve done one better than that. It’s kind of … I don’t know, I felt there was a need for progression because even though I consider myself middle class, there’s almost the familial memory of the fact that that’s a recent development. So, there’s always that in the back of the mind, well, try and keep it moving forward, keep moving up.

(Vic,Private school, Elite university, middle class, male)

The above extracts clearly illustrate the upper and lower boundaries of Vic’s aspirations and expectations, shaped by his familial habitus. Institutional status as a measure of success, as seen above, was of such importance that deviation into an unknown pathway would have been too great a risk to take. Vic’s habitus influenced his disposition towards alternative pathways, such as the DA route, which was perceived as being below the lower boundary of his aspirations. For example, when asked whether he would have chosen the DA pathway, Vic replied “I wouldn’t want to do it myself. I think I would have, rightly or wrongly, a perception of it being a lesser path”. Vic’s habitus was also clearly implicated in his perception of an upper limit on the type of university he aspired to attend, whereby he felt that going to an Oxbridge university would be a step too far for him:

It was always going to be at least Russell Group. There was a bit of pressure at school for me to go for Oxbridge … it’s funny, I felt that Oxford and Cambridge, what I’d seen of them and what I knew about them, were almost, even though I am middle class, it did feel a little bit like I would be out of place. Maybe I’ll get to the point where if I go down the path where I’m currently on and become a professional solicitor and become a partner, it could be something that I see my children doing because they would have been raised in a different environment. But for me, it would be a step too far … it’s not something that I ever articulated but I think probably subconsciously there is a social consideration around it that I made.

(Vic,Private school, Elite university, middle class, male)

However, as the above extract illustrates, Vic imagines a continuing family social mobility, rather like a dynasty, whereby he has an expectation of ever upward mobility for himself and subsequent generations. Vic’s case illustrates an exemplary middle-class habitus and the role it played in directing his education and career decision-making in terms of the goal of aspiring to be a solicitor and also the means for achieving this through attending a particular type of university. Vic did not discuss the possibility of failure in achieving his career goal but, rather, was concerned with status enhancement and achieving at least the same status as his family of origin, in accordance with the expectations from RAT (Goldthorpe, 2007d) (see Chapter 4 for a discussion). The next case (Section 6.2.2) explores the influence of habitus in directing the choice of a middle-class participant pursuing the DA route.

**6.2.2 Dilys: Guaranteed commercial lawyer**

(A\*BBB, state school, Elite apprentice, middle class, female)

Dilys was raised with aspirations to go to university and to become a solicitor. Dilys’ mum had herself wanted to go to university and go into law, but circumstance led her down another path. Dilys’ mum and dad had previously had a farm, but the financial stress in running that eventually led to a family break up, following which Dilys’ mum successfully developed a new and demanding career. Having no prior family experience of university, Dilys should have been a good example of a contingent chooser. However, through her mum’s social network, Dilys was able to access valuable insights and work experience. With university taster days provided through school, all this experience contributed to ‘hot’ knowledge (Ball et al, 2005) (discussed in Chapter 4), which is more typically associated with an embedded chooser.

Dispositions towards career decision-making can form early under the influence of school and family. Dilys was effectively being consciously cultivated (Lareau, 2011) through her mum’s aspirations for her to pursue a career in law. Her mum’s contacts in the legal profession allowed the mobilisation of social capital (Bourdieu, 1977) to gain access to work experience with local law firms over several years throughout her secondary schooling:

I wanted to [become a lawyer] since I was about 10 years old.  I can talk for England from a very very young age … and I have had lots of [legal work] experience and lots of exposure to that … and did mock trials the whole way through school.  I've been doing Law work experience since about 13 years old and all of that kind of confirmed my interest and made me know that this was what I wanted to do.

(Dilys, A\*BBB, state school, Elite apprentice, middle class, female)

This experience, repeated over such a prolonged period is developmental to the habitus (see discussion in Chapter 4), shaping her disposition (Bourdieu, 1977) and horizons for action, influencing what she considered possible for herself and structuring her aspirations for her future career (Hodkinson, 1998, 2008). Going to a ‘good’ university was on the horizon and getting a degree was the expectation for achieving the goal of access to a career in law. Dilys’ choices of universities show an appreciation of university rankings, with all, except two, being part of the Russell Group and a couple of back-up choices in the mix: “So, I applied for uni and everything last year. Got all my offers from Durham, Kings, Exeter, Kent and Oxford Brookes. Was hell-bent on going to Durham - had gone to my residentials and everything”. It is unlikely that Dilys had advice on strategising for the choice of university from her family, as they had no experience of university. More likely, she attended a school with experience of getting one or two students into an elite university every year, as Dilys stated, she was “their Durham student for the year”.

A chance email led to an encounter that introduced access to new information about an alternative pathway to realising Dilys’ career aspirations. The experience of meeting and talking to large and well-respected law firms in London about career opportunities and the new degree apprenticeship route was a turning point in Dilys’ decision-making. This was new and valuable information from a respected source which changed her thinking about how she could realise her career ambition:

It was pretty much a year ago exactly - I had got my place at university, I'd got my application in early and was all ready to go.  I got an email through from ...saying about a conference in Notting Hill which was a chance to meet a few law firms to find out a bit more about their training contract processes […] it was kind of a bit of a weird day, we were in a church and it was about 400 of us, mostly London schools - I was the only one who didn't live in London … [large law firm names] the HR people from [large law firm] approached me and said ‘well, do you know about our apprenticeship thing?’ ...  A year ago, I would have turned my nose up at the idea of an apprenticeship because I didn't think they were academic, I didn't think they would get me where I wanted to get me.  I then went away and looked more into it and thought Right well I might as well applybecause it almost looked too good to be true.  I got through all of the interview processes and got it.

(Dilys, A\*BBB, state school, Elite apprentice, middle class, female)

The apprenticeship pathway presented a new horizon for action which, given the highly competitive environment for training contracts, led Dilys to rationalise her decision to choose a more secure route to a job she aspired to:

[The decision to choose the DA route] wasn't a financial one - only for lots of my friends it would be purely about that.  My parents were quite happy to put me through university, that was never the issue.  It was … the idea of not getting a training contract or not getting a job afterwards absolutely terrified me.  So, when I knew that I'd got this job and that I'd done so well in my interview and the team were like we want you, it seemed really stupid to give up that option to kind of have my career path planned out, guaranteed and have some security for the next six years.

(Dilys, A\*BBB, state school, Elite apprentice, middle class, female)

Rather than completely disrupting her habitus, perhaps through the event in London, it evolved to accept a new and untested pathway as appropriate. The above extract suggests an interplay of habitus and RAT as Dilys had not changed her mind about wanting to become a solicitor - only about the pathway to achieving that goal. Dilys’ disposition towards becoming a solicitor was still strong. Her horizons for action had been stretched to see a possible future working in a large corporate law firm. Knowledge of the highly competitive training contract environment and the new horizon for action, through the DA pathway, led to a subjectively rational decision (Glaesser and Cooper, 2014) in making a pragmatic, risk-averse decision to reject the university pathway in favour of the apprenticeship route with a prestigious law firm. In terms of Dilys’ habitus, going to university and achieving a degree was the minimum expectation to achieve the same socio-economic status as her family of origin. Dilys’ concerns about the likelihood of achieving her desired goal of becoming a solicitor demonstrate evidence of a cost/benefit calculation in her decision-making about which route to pursue. Additionally, her concerns indicate uncertainty in the ability of the university pathway as a means of achieving her career goals. As the DA route included a degree, the minimum level of expectation, as directed by her habitus, was satisfied. Importantly, the aspirational goal of qualifying as a solicitor was also satisfied through the DA route. It is interesting to note that Dilys had considered the possibility of failure in achieving her career goal, whereas Vic had not. This may be indicative of a fractioned middle-class (Abrahams, 2017; Ball, 2003) habitus, particularly as Dilys and Vic had attended different types of school. However, the DA route provided access to an elite law firm which was aspirational in terms of where Dilys first imagined herself as a lawyer.

University was not viewed as an opportunity to cultivate intellectual curiosity, for self-improvement or even to gain independence from home, but was seen in instrumental terms in its ability to help achieve career goals, as this extract illustrates:

I was going to university to get a Law degree to be a lawyer, not just to get a law degree (Dilys, A\*BBB, state school, Elite apprentice, middle class, female)

Dilys’ choice of the apprenticeship was surprising, given her self-declared middle-class background and the expectation from relative risk aversion (RRA) theory (discussed in Chapter 4) that she would choose an elite university for status enhancement. In turning down an offer from Durham University to take up a degree apprenticeship, Dilys challenges the theoretical assumptions of RRA and suggests that uncertainty in the university pathway as a means for achieving her career aspirations was a motivating influence in her decision-making.

The interviews with both Vic and Dilys indicate that both status maintenance and social mobility were motivational in their choice of education and career decision-making. Although each had chosen different routes, they were both following elite pathways, consistent with the expectations of the embedded chooser and RRA theory. Section 6.3 presents cases of contingent choosers for both elite and non-elite pathways.

**6.3 Contingent choosers**

**6.3.1 Ulrika: Disadvantaged but not stuck**

(ABB, state school, Elite university, working-class, female)

Ulrika was brought up in a family with no experience of university and primary school played a crucial role in planting the idea that she was bright enough to go. Her mum, having achieved A’ levels herself, would also like to have a child go to university, her son had chosen to pursue an apprenticeship at Volkswagen. With no experience of higher education and no knowledge in the family of how to choose universities, Ulrika consulted the online resource ‘Unifrog’, recommended by her school, comparing success rates, drop out percentages, distance from home and league table rankings. Although Ulrika wanted to stay fairly local and wanted to go to a highly ranked university, she prioritised moving a bit further away from home above the higher ranking of her local university. Ulrika is now attending an elite northern university, made possible by some flexibility in the entry tariff after missing her offer grades. Having no contacts in the legal profession, she hopes to access valuable work experience with law firms connected to the university.

Ulrika’s initial motivation to choose a career in law was based on an online exploration of what careers she felt would most suit her skills. While this represents a motivation to find a career that is suited to her in a ‘purist’ sense (Brown and Hesketh, 2004), it indicates Ulrika’s reliance on ‘cold’ knowledge (Ball et al, 2005) and a narrow range of informational sources. It also indicates that she did not have a strongly imagined idea of her future career, as is typical of a contingent chooser. In response to a question about her motivation to pursue law, Ulrika replied: “I like writing, I’m good at writing essays…presenting information in a written way. I just looked at jobs online for inspiration and Law stood out”.

With respect to the choice of university, having consulted the online university guide, Unifrog, Ulrika attended a couple of open days to confirm which she wanted to attend and was left with a favourable impression of her first choice university:

I went to a few open days. I went to Sheffield, but I found that was really not … the students weren’t really that confident - when they took us round, they were supposed to be Law students, but they were very awkward. Then I went to Lincoln - that was really nice, that was a good contender. Then I went to [Northern Elite university], but I think it’s just, like, the buildings, and everyone was really confident, and the students seemed to set the bar really high

(Ulrika, ABB, state school, Elite university, working-class, female)

Having attended the open days, Ulrika was contributing to her cold knowledge, gained through Unifrog, with ‘hot’ knowledge (Ball et al, 2005). However, she based her decision-making on her impressions, consistent with the expectations for a contingent chooser. Although Ulrika wanted to eventually qualify as a solicitor, when asked whether she had heard of the DA route and would have considered the option of pursuing it, she commented that, while she appreciated the merits of the route, she was uncertain of its effect on her future employability, as the following extract shows:

No, but it sounds good… like, if you do five years, with your degree and the LPC, you might as well do six and have all that experience. I’d have definitely considered it but, because it’s quite a new thing, I don’t know how people would react to that - I don’t know how it would look on the CV, or how it would compete. (Ulrika, ABB, state school, Elite university, working-class, female)

Ulrika did not know about the degree apprenticeship route. Her brother was an apprentice in the car industry (not a degree apprenticeship) and she had heard radio advertisements about apprenticeships more generally, so she was aware of a choice between going to university and other potential options. However, Ulrika’s habitus had shaped both her aspirations and her disposition towards alternative pathways. Firstly, in terms of achieving a place at university. A place at an elite Russell Group institution would most likely have been at the upper level of her aspirations. Secondly, Ulrika’s lack of experience and connections within both university and the legal profession informed her disposition to avoid the new and unfamiliar DA pathway and to rely on her habitus formed through school, acting as an internalised and unconscious constraint on what she felt she could and could not do (Bourdieu, 1986). Her knowledge of apprenticeships, more generally, was associated with non-academic, non-professional roles and, therefore, her disposition directed her to stick with the university route, as expected by her school.

Ulrika’s family had no prior experience of higher education and her parents’ occupational status and level of qualifications indicate that going to university was not within their familial habitus. So, Ulrika’s aspiration to go to university was, more likely, based on the institutional habitus of the school in targeting academically able pupils for university. For example, Ulrika commented about the influence of school: “they were very much, like, university is the only option.”

The expectation to go to university appears to have become part of the habitus of working-class young people, although, as suggested by Abrahams (2017), this habitus may not be fully adapted to the middle-class social space of university and individuals may be “less attuned to the changing nature of the game” (p.634), in respect of the role of their degree in shaping their future career opportunities, than their middle-class peers. As such, Ulrika’s habitus directed her to pursue the tried and trusted model of university, rather than the new DA route. However, rather than finding herself on a non-elite pathway, as would be expected for a contingent chooser, Ulrika was following an elite pathway. The next section (6.3.2) illustrates another contingent chooser who pursued a non-elite pathway.

**6.3.2 Steve: Street kid to middle-class**

(State school, Graduate, Non-elite university, working-class, male)

Steve is a former gang member. Taken into care at three months old, fostered and later adopted. Coming from the “wrong side of the tracks”, he had been arrested multiple times and in and out of the criminal justice system. Trouble like this was a normal part of life. No-one Steve knew had gone to university and he had not previously had an interest in education, leaving school with no qualifications and written off as a non-achiever. As such, Steve is a good example of a contingent chooser, with no family or social network who could offer relevant advice or support. Through his experiences at the sharp end of the legal system, in particular, successfully defending himself at Crown Court on a fatal stabbing charge, Steve has gained in-depth knowledge and experience of the criminal legal process which played a role in developing his habitus, introducing new aspirations to qualify as a lawyer and resulting in an offer of a training contract with a criminal law firm.

Criminality was the dominant experience in a community habitus shaped by intersections of race, class and gender which in turn, no doubt, shaped his school’s disposition towards him (Reay, David, Ball, 2004). Throughout Steve’s life, before university, expectations for what he should aspire to were low. For example, Steve explained: “I was always told that I wouldn’t achieve anything”. Steve’s experience within the justice system and within his family, school and community shaped his habitus with a longstanding and durable disposition which reinforced his low level of aspiration. However, as Bourdieu suggests (see discussion in Chapter 4), the habitus is malleable when subject to significant new influence or experience. For Steve, this new influence came from the encouragement of the police officers and solicitors who encouraged him after successfully representing himself in the Crown Court. This represented a turning point which led to a change in Steve’s perceptions of what he felt that he could aspire to. For instance, in response to a question about his motivation for a career in law, he commented: “the solicitor’s firm that represented me took me on as a Police Station Representative. The police officer who arrested me told me I should do that because everyone was so impressed”. This change in habitus provided new levels of aspiration and expectation within which Steve could imagine himself. However, this did not extend to working in other areas of law, as Steve discovered during an internship experience at a large London law firm which took him into the unfamiliar area of commercial law. This is clear from the following extract from Steve’s interview: “So, they put me on a scholarship at [a London university] - the ‘Stephen Lawrence Scholarship’ at [large corporate law firm] and I went there. I didn’t get it - it wasn’t for me - I couldn’t do Commercial law”. The experience in a large commercial law firm was beyond Steve’s levels of aspiration and expectation, even with a modified habitus.

Bourdieu discusses how those in ‘dominated’ social positions reject what they consider to be unavailable to them and, instead, develop dispositions and practices more in line with opportunities that are available to them (Abrahams, 2017, p. 631). Given his social starting point, in his own words “from the wrong side of the tracks” - in Bourdieusian terms, in a ‘dominated’ social position - he had no social capital on which to draw to help him navigate a middle-class social space. In this sense, Steve, perhaps, in rejecting the higher status commercial law pathway, made a “virtue of necessity, that is, to refuse what is anyway denied and to will the inevitable” (Bourdieu, 1990, p. 54). Steve’s disposition to favour criminal law was durable and would require repeated exposure to experiences such as internships within other legal sectors to modify the habitus (see Chapter 4 for a discussion).

Steve had been a mature student, before obtaining his training contract, and, as such, his prior levels of aspiration and expectation were longstanding and durable. There was a sense in Steve’s interview that he could not quite believe what had happened to him, as it was so far removed from anything he could have imagined. For instance, Steve reflected: “If I had been told ten years ago that this is what I would be doing I would have laughed. I have to pinch myself - am I really here?”. Although Steve was aware that criminal law was not the most lucrative legal field to be working in, he seemed motivated by the opportunities for social activism that his new role might open up for him and recognised his own social mobility into the middle-class, as the following extract illustrates:

So, I’m fully aware of how bad the pay is in criminal law, however, I’m using this title of being a lawyer, so I can engage with more people and, you know, have an impact - a social activist. It gives me a platform to speak and to shape policy. One thing I notice is that any successful person, especially politicians, especially people from black and Asian minorities, everyone who is successful in government they have gone through the law route… even our prime ministers…It is a distinguished most respected profession in the world…it takes you from working-class to middle-class. I’m a street kid, but now … I very much do things that middle-class people do - I like horse riding, I like going to live music concerts, I go skiing, I go on holiday a lot

(Steve, State school, Graduate, Non-elite university, working-class, male)

Notably, Macmillan, Tyler and Vignoles (2015) found significant differences in access to high-status professions across socio-economic groups (see Chapter 3 for a discussion). This places Steve’s experience in context, as he acknowledges that he was “the only one from my whole year who’s got a training contract”. Steve’s preference for working in criminal law rather than commercial law can also be understood in terms of his desire to actively contribute to social change in his community, as the extract above illustrates. This echoes Keane’s findings in a study of students from a ‘widening participation’ (see discussion of this term in Chapter 3) background at an Irish university where many students from less-advantaged backgrounds had an altruistic motivation in their choice of postgraduate programme and future career (2017, p. 574) and suggests the interplay of personal values in pathway direction.

Steve’s career choice can also be understood in terms of the highly stratified nature of the legal profession. Tomlinson et al (2012) highlight the gendered and ethnic distinction in legal practice areas recorded by the Law Society statistics, indicating the overrepresentation of both white women and black and minority ethnic (BME) lawyers in legal aid practices and small high street law firms, with the more financially lucrative jobs in large city law firms having an overrepresentation of white males from higher socio-economic backgrounds (p. 246). Additionally, Zimdars (2010) notes that both law firms and barristers’ chambers tend to be segmented and segregated along ethnic lines. Steve’s choice to pursue a career in criminal defence in a small, publicly funded law firm conforms to these distinctions.

Steve’s pathway choice can also be understood in relation to the theoretical expectations of RAT (see discussion in Chapter 4). There was evidence of Steve having considered the likelihood of success of different routes into law, as he had originally intended to qualify as a barrister but switched to the solicitor qualification when he received the offer of a training contract from a criminal law firm. In this respect, Steve’s motivation for his choice of pathway suggests a degree of rationality that considers a cost/benefit analysis, in accordance with RAT. However, the rationality of Steve’s aspirations and decision-making, in terms of his educational and career goals, do not entirely conform to the expectations of RAT due to the assumption of status maintenance, which for Steve would not require any qualifications to achieve. Several participants in the study had made a similar ‘compromise’ in switching qualification due to the nature of working at the self-employed Bar and the intense competition for training places. Self-funding his legal studies, Steve was very aware of the high stakes in pursuing legal qualifications, as the following extract illustrates:

Just the price of legal education is something that should be flagged up. I think that what’s been going on is criminal, with this self-funding thing. The LPC and the Bar thing - they need to sort it out because it is outrageous… and people are getting ripped off of so much money and they are being sold a dream. And a lot of people, I noticed when I started on the degree - people kind of thinking that they’ve made it just because you’re on a degree, and a law degree teaches you nothing about practising law. It’s a good thing to have in like intellectual … but beyond that it won’t help you. (Steve, state school, Graduate, Non-elite, working-class, male)

The above extract indicates Steve’s view of the instrumentality of university and a law degree, in that many on his course expected that it would lead to a career in law, which Steve recognised was misplaced. This reminds me of the argument made by Abrahams (2017) that working-class young people, being less familiar in a middle-class space and with a habitus not fully adapted to that space, read their degrees as more influential in shaping their (future career) opportunities than middle-class students did (p. 634).

Despite their different social backgrounds, Steve, like Dilys (see Section 6.2.2), was aware that having aspiration and a degree was not enough to achieve his career goal. Steve’s choice in following a non-elite pathway, and by taking the first available opportunity, was consistent with the expectations of a contingent chooser. The next section (6.3.3) presents a case of a contingent chooser pursuing the elite DA route.

**6.3.3 Callum: University’s not working**

(AAAAA, state school, Elite apprentice, working-class, male)

Growing up in a family in which both parents and a sibling had attended elite universities, Callum should have been an exemplary case of an embedded chooser. However, his family’s experience of university had a considerable influence in reshaping the process of decision-making for his education and career choice.

Callum works in the City at a large elite law firm. He can look forward to the next six years of steady progression in salary, gaining a degree and professional qualification, increasing responsibility and building a professional network among the city of London lawyers. This is an enviable position for one so young. Such positions typically follow years of hard work, career strategizing and good fortune. However, Callum’s story is rather unusual in that he is one of the first cohorts of solicitor apprentices. This is even more unusual as he had not even thought about a career in law and, consistent with the expectations of a continent chooser, had stumbled across the solicitor apprenticeship while researching online more generally about degree apprenticeship opportunities, as the interview extract below shows:

I’d known about the solicitor apprenticeship for about an hour before I applied for it. I was planning to do a degree, but I wasn’t planning to pay for it. I was planning to get an apprenticeship that would fund my university tuition

(Callum AAAAA, state school, Elite apprentice, working-class, male)

What is clear from the above extract is that Callum was actually seeking to use the degree apprenticeship pathway as a means to obtain a funded degree, rather than a particular desire to work in law, indicating a rather pragmatic approach to his career decision-making in the current climate of tuition fees, student loans and graduate debt. Of course, Callum’s decision-making may have been based on a purely rational cost-benefit calculation and entirely consistent with RRA in seeking to minimise financial risk (see Chapter 4 for a detailed discussion). However, a closer look at the experiences of his family and how these have shaped his disposition towards university reveals the influence of his family’s habitus in his choice of the apprenticeship route.

Callum’s parents had both attended university at elite institutions, as had his elder brother. Parental education is often used as an indicator of socio-economic status because of the role of education in providing access to higher-reward occupations (see Chapter 5 for a detailed discussion), with higher levels of education being conflated with a higher socio-economic status. However, Callum talks of his family background as being working-class: “My family are well educated but I think they would describe themselves as working-class, despite the education that they have - both my parents went to university”. Their experiences of higher education and the graduate labour market, as neither parent nor brother had graduate jobs, had led to an ingrained family habitus of scepticism about the role of HE in providing access to graduate jobs. This evokes the arguments made by Bourdieu (1978, 1981) and Boltanski (2005) that when scholastic capital loses its buying power, other forms of capital, such as economic, social and cultural, are needed to successfully negotiate the labour market. Working-class graduates without access to these additional resources are disadvantaged in accessing graduate jobs as they are often forced by financial necessity to take the first job they find, regardless of the fit with their longer-term career aspirations and the status of the job, to meet their living costs (Brown and Scase, 1994, 2005; Purcell et al, 2013; Smetherham, 2006;). Additionally, soft skills, in the form of demeanour, dress, accent, for instance - cultural capital - assume increased importance where graduates are otherwise similar in terms of scholastic capital (Ashley, 2013; Ashley et al, 2015; Ashley et al, 2016 Tomlinson, 2007). When asked about whether his parents had felt let down by university or whether they thought it was worth going for the experience, Callum replied: “My dad is under the impression that university is a scam”. This is quite a strong sentiment, likely arising from his dad’s bitter experience of discomfort in social fit due to his treatment by fellow students at one of England’s oldest and most elite universities based on his strong regional accent. Callum’s dad “didn't have a very good time at university … they weren't particularly welcoming of someone like my dad - they laughed at him because of his accent.  He has a very thick Essex accent”. This ‘deficit’ in cultural capital led to him transferring to another university.

His dad’s experience at university was something which Callum could speak of in detail, even to the extent of relaying conversations he had had with his uncle on the matter. As such, this experience assumed a deep meaning in this family which they all understood and carried with them as a long-standing, durable disposition (Bourdieu, 1977) of scepticism towards university, reinforced by the family’s experience of the graduate employment market.

Callum’s familial habitus, discussed above, shaped his aspirations and expectations and was instrumental in his decision to pursue a degree apprenticeship. Getting a degree was expected but the aspiration was that Callum would not have to pay for it himself. When asked whether he had considered going to university, Callum replied: “only if I didn’t get an apprenticeship”. Going to university was Callum’s back-up plan. Unlike many other participants, Callum had no prior interest or experience in the legal profession. His overwhelming motivation for pursuing the DA route was to obtain a funded degree. However, for Callum, the attraction of the solicitors’ apprenticeship, rather than other options, was that it was a new pathway and that he would “enjoy something that very few people had done before”. Interestingly, there was no apparent consideration of the perceived status of the DA pathway in comparison with the university pathway, and no discussion of any negative implications of this pathway on his future employability. The choice of the DA route comfortably achieved the minimum levels of Callum’s aspirations and expectations. As a higher-achiever at school, not going to university would go against the expectations of the school’s institutional habitus, where “they were more focused on getting kids to university”. Callum’s decision-making, therefore, was driven by his lack of confidence in the university route to deliver a graduate job, following his familial habitus. The next section considers the case of a contingent chooser pursuing a non-elite DA pathway.

**6.3.4 Harry: Lucky in law**

(ABB, state school, Non-elite apprentice, working-class, male)

Harry came from a small northern town. His parents had split up when he was younger, both had remarried and had more children with their new spouses. His mum worked as a secretary and his dad was a social worker. Since his parents’ divorce, he had not felt close to his dad and his new half-siblings. Harry had attended a state comprehensive school up to taking his GCSEs and because his school did not have a sixth form, he chose to continue his education at a sixth form college in a nearby northern town which he acknowledges “… was quite, very, middle class, actually.  A lot of people from private school went there and it’s sort of recognised as similar quality but minus the fees, basically.” Schools have a role to play in engaging pupils with opportunities to develop aspirations and capitals in the form of access to information about universities and knowledge of other post-school options. The aspirations of those attending particular types of schools can “override the theoretically expected habitus” of the class of origin (Glaesser and Cooper, 2014, p. 474). This institutional habitus can result in working-class students having higher aspirations than they would otherwise have had. For a high achieving sixth-form college, such as the one Harry had attended, the expectation was that students would pursue an academic pathway and going to university was the minimum level of expectation. Harry, like other participants, spoke of the push towards university he had experienced: “it was sort of pushed, almost, there wasn't really any mention of apprenticeships.”

One way of developing aspirations for attending elite universities was to arrange pre-application tours hosted by particular universities. It was during such a visit that Harry’s aspiration to be a solicitor first developed, through having attended an organised visit to the University of Cambridge. This eventually led to an opportunity to access work experience with a large international law firm in London:

So, I picked up one of their brochures for careers in Law and the firm at the top of the graduate recruitment - I just dropped the graduate recruitment person at that firm an email and six or seven months later I got an email back saying come down in a few months if you like.  Again, I sort of fell into that one as well. (Harry, ABB, state school, Non-elite apprentice, working-class, male)

At the age of sixteen, Harry had the opportunity for a one-week unpaid internship at a large international law firm in London which he managed to access informally “through a family member who knew a partner at a firm in London - it was through my mum's boss.” However, being offered the opportunity is only one part of accessing work experience, particularly in London which for many prospective interns can be prohibitively expensive in terms of travel and accommodation. Fortunately for Harry, he was able to access such opportunities by mobilising his social capital to stay with his brother: “…one of my brothers lives in London… it would have been a lot more difficult otherwise.” Additionally, once in London, the firm hosting the work experience “covered travel expenses and provided meals whilst I was there - lunch.”

Accessing opportunities for work experience in large London based law firms is typically a very competitive process. In having the confidence to directly approach a law firm and the personal disposition to mobilise social capital through his mum’s work network, Harry was able to gain early insight into the solicitor’s profession and develop a ‘feel for the game’ (Bourdieu, 1990). This early insight helped Harry to imagine his future career as a solicitor and when asked about the impact the work experience had on him, he replied: “It made me want to skip all the studying and just start working.” Harry recognised that there was a certain amount of ‘luck’ in his ability to access work experience, as the above extracts indicate. This also extended to how he came across information about degree apprenticeships. In line with the theoretical expectations of a contingent chooser, Harry came across an advertisement for degree apprenticeships on the internet, rather than through more formal sources, such as school careers information: “I sort of stumbled across it on social media”.

Feeling the need to have a backup plan, just in case he did not achieve the required A-level grades for his preferred university, Harry applied for an apprenticeship:

I applied for one - I was worried that I wasn't going to get the grades to get into uni and so I applied for a couple of different apprenticeships. To be honest, I didn’t take it that seriously to start with, I just sort of cut and pasted bits of my personal statement for uni into a statement for this and almost fell into it.

(Harry, ABB, state school, Non-elite apprentice, working-class, male)

The above extract indicates Harry’s fear in failing to achieve the minimum level of expectation - access to a university degree - whereby his application to university represented a risk in achieving his goals. Harry’s perspective, directed by his habitus, is typically associated with a contingent chooser. Awareness of this new route, initially a back-up plan, led to a consideration of the costs involved in qualifying as a solicitor and Harry made a decision to pursue the DA route and withdrew his UCAS application:

On results day I decided that I was going to do the apprenticeship - my offer was confirmed for my first choice - Newcastle [but] because I wanted to qualify as a solicitor, up to £60,000 of debt by the time I’d qualify

(Harry, ABB, state school, Non-elite apprentice, working-class, male)

The above extract suggests a degree of rationality in calculating cost/benefits and managing his risk so that he would be able to, at least, achieve the minimum level of expectation of the school’s institutional habitus and his aspiration to qualify as a solicitor. This suggests an interplay of RRA and habitus, as discussed by Glaesser and Cooper (2014), whereby the cost/benefit calculation is subjective, and that subjectivity is directed by the habitus.

**6.4 Summary**

This chapter sought to answer research sub-question a), to understand the influences on individuals’ motivations to pursue either of two pathways into the solicitors’ profession - university or degree apprenticeship. Reay, David and Ball’s (2005) embedded/contingent chooser typology was useful in making sense of classed pathways into the solicitors’ profession. Using this typology, the chapter focused on the influence of socio-cultural background in shaping individuals’ aspirations and expectations in their choice of pathway into the solicitors’ profession. The data indicated that embedded choosers opted for elite pathways in both university and degree apprenticeship routes. Additionally, contingent choosers were more mixed across both elite and non-elite pathways. The data, therefore, do not support the binary that the advantaged chose university and the less advantaged chose the DA route. These findings demonstrate the complexities and subjectivities in the motivations for pathway choice and particularly illuminate the role played by habitus in shaping choices and decision-making.

Cultural reproduction theory (Bourdieu, 1977) was useful in exploring the influence of habitus in providing lower and upper boundaries on individuals’ aspirations and expectations. This was influential in individuals’ choice of university and DA routes. Although the concept of Habitus was useful in explaining the role of social class in pathway decision-making, it does not provide a full explanation of the mechanisms involved in individuals’ choice of pathway. It was clear from the data, within individuals’ accounts of their decision-making, that subjective cost/benefit analyses (Goldthorpe, 2007c) played a part in assessing their chances of success in achieving their career goals. Having explored the motivations for pathway choice, the question now turns to how individuals understand and experience the opportunities and barriers of each pathway. This is the focus of the next chapter (Chapter 7).

**7** **Experience and understanding of opportunities and barriers**

**7.1 Introduction**

The previous chapter focused on answering sub-question a) and considered the influence of family and school in the formation of individuals’ motivation towards their educational and career choices and decision-making. The use of Reay, David and Ball’s typology of choice (Reay et al, 2005) helped make sense of the vast amount of interview data, as was cultural reproduction theory (Bourdieu, 1977) in exploring the influence of familial social background and school in structuring individuals’ access to knowledge, aspirations and expectations of their future career, as well as the means for achieving those aspirations, and their attitude towards risk. The focus of this chapter is on sub-question b) - how are opportunities and barriers of each route understood and experienced?

The opportunities, barriers and potential risks for both the university and degree apprenticeship routes, as perceived by the participants in this study, are summarised in table 6 according to themes arising inductively from the interviews. These are presented below with data extracts from across the sample.

|  |  |  |  |
| --- | --- | --- | --- |
| Pathway | Opportunities | Barriers | Risks |
| University | Chance to research about and find a suitable law firm by networking and internships/work experience before committing to a training contract.  Prestige of institution | Competition:   * Vac schemes * Training contracts   Financial cost  Prestige of institution | No vac scheme place.  No training contract.  Accumulated student debt.  Increased competition for vac schemes and training contracts from subsequent graduates. |
| Apprenticeship | Direct pathway to solicitor  qualification.  No tuition costs | New and unknown pathway.  Perceptions of status/prestige | Diversionary, lower status pathway.  Not transferrable to other law firms.  Career limiting |

**Table 6: Perceptions of opportunities, barriers and risks by pathway**

**7.2 Competition and risk**

All interviewees spoke of their concern about the highly competitive nature of gaining entry to the solicitor’s profession, with the competition for training contracts and level

of student debt incurred featuring prominently. However, some participants were more aware than others of the competitive environment and had the advantage of insider knowledge in terms of ‘knowing the game’ (Bathmaker et al, 2013, p.724) through having attended specialist career workshops, facilitated by their private school, or through having a family member with professional knowledge (such as Vic in Chapter 6). For example, one participant had attended a private, fee-paying school and talked about having attended careers workshops while at school, which were designed to help students understand how to navigate pathways into different professional careers:

I did several 'Futurewise' courses - How to get a career in the City in Law, and another one in Finance that were arranged by the school for me.  So, for Law, I met two very prominent Human Rights Barristers and a Solicitor and a Legal Executive and spent the day doing workshops and several things with them, understanding how to get a career in Law in different areas.  (John, Private school, Elite Student, middle class, male)

The above extract illustrates how those from privileged backgrounds use their resources to get a head start in the competition for elite, professional jobs. This is particularly important in an era of mass university participation (see Chapter 3 for discussion) and where students from different backgrounds seek to differentiate themselves to ‘stand out’ in the competition for graduate jobs (Brown, 2003) (this is explored in Chapter 8). University was seen by many interviewees as a high-risk pathway with no guaranteed route to full qualification as a solicitor, yet the costs are high (undergraduate and postgraduate tuition fees). Awareness of the high level of competition for training contracts intensified the nature of the risk of this route for some who felt that the apprenticeship route presented a more secure pathway:

I knew that it was competitive, which is why I was quite surprised that I was offered the job.  I've a friend, years older than me, who had a law degree, but they can't find a place to do the training contract. (Callum, AAAAA, state school, Elite apprenticeship, middle-class, male)

Because it's so competitive that the thought of coming out of uni with a degree […] and then having to find a training contract terrified me.  (Anna A\*AB, state school, Elite Apprentice, working-class, female)

I was going to university to get a Law degree to be a lawyer, not just to get a law degree … the idea of not getting a training contract or not getting a job afterwards absolutely terrified me.  (Dilys A\*BBB, state school, Elite Apprentice, middle-class, female)

The uncertainty of getting a job at the end of it. there’s also the challenge of getting a training contract with so many people doing a law degree all around the country, you’re just one of many applicants all at the same time. (Wendy, A\*AA, state school, Elite apprentice, working-class, female)

All of the apprentices in the study were pulled to the DA route by the removal of uncertainty in progression to full qualification as a solicitor, rather than just the opportunity to study for a degree with no tuition fees or student debt. One participant, who was familiar with the notion of apprenticeships through his father’s experience of qualifying as an accountant, described how he “wanted to find a route that was structured in such a way that [he] was guaranteed to progress the whole way through” (Ben, AAB, Elite Apprentice, middle class, male).

As the above extracts illustrate, perceptions of the competitive nature of the legal recruitment environment and the security of the pathway to full qualification were typical motivations for those choosing the DA pathway. This prompts the question, were these perceptions well-founded? The number of applications to universities in England to study law degrees (see Table 8, Appendix 15 for recent Law Society figures) has increased dramatically over the past fifty years or so, however, obtaining a law degree is not a guarantee that the holder will achieve their career goal of becoming a solicitor. The university route to the solicitors' profession has a ‘bottle-neck’ at the stage of the training contract (see Chapter 2 for an outline of the pathways and training contracts), characterised by intense competition, as the demand for training contracts vastly outstrips the number of available contracts. Would-be solicitors are often required to compete via a Vac scheme - usually two weeks of work experience - which is then followed by an interview for a training contract. This is typically something that law students would try to secure during the second year of undergraduate study. Vac scheme places are fiercely competitive, and the application process closely resembles that for graduate jobs, i.e. online application, computerised aptitude test, online or telephone interview, followed by an assessment centre.

Given the key role that accessing a vac scheme can play in obtaining a training contract, at least with larger law firms, I was curious to find out how aware individuals from different universities, and different backgrounds, were of these schemes and their experience of the competition to get a place on one. Those in the study who were successful in the competition for vac schemes were typically embedded choosers (see discussion in Chapter 6) with a clear sense of purpose and intended outcome. They were familiar with the application process and dedicated to putting in the time required for each application, learning from the process and managing to achieve at least one placement:

The application process was difficult for all the firms I applied for and [large law firm] was along the same sort of lines.  So, it was an online application, two aptitude tests, then there was the assessment day which was about four hours long. I applied to nine [law firms] and managed to get three [vac scheme placements].

(Milly, State school, Elite student, middle class, female)

The application process for a vacation scheme placement was intensely competitive at a large international, London-based law firm:

I actually know there's 6 [times the number of people on vac schemes] for how many applications there are, per place - which is horrifying.  Well … it's 5000 applications per place, for each TC at [law firm]. So, it's scary, but it shows you how competitive it can be.  That's reflected by remuneration, by everything else I suppose.  But the problem I think is that there are so few firms that are willing to do that - to sponsor you to that regard during your LPC and that sort of thing.

(John, Private school, Elite Student, middle class, male)

John was clearly aware of the reward for success in the vac scheme: the offer of a training contract and sponsorship for the next stage of qualification, the LPC. However, others were aware of the schemes but, having had little success, were less committed to the application process and more easily deflected from the competition due to the tensions between the time needed for their studies, time for making a strong application, and the time for enjoying the social side of university. Without feedback from law firms, it was difficult to gauge what a strong application should look like:

It’s astoundingly competitive, and the issue is that filling out one of those forms [application form] is about a 20 or 30-hour task, ‘cos you really need to think about what you’re saying. It’s just when I have to put that on top of socialising and just my general degree work, I’m just there like ‘Oh my god, I don’t even have any time to even breath’, which is why it’s more difficult for me to get into a vacation scheme… I’m still looking for other vacation schemes to apply to, it’s just it’s a continuous barrage of information and it’s a continuous almost monotonous task of formulating the correct answers and you’re just like ‘what does this firm even want?’. You can read up on their corporate ethos, but it vastly depends on who’s looking at my application as to am I appealing to them.

(Patrick, ABD, state school, Non-elite student, middle class, male).

Patrick had actually applied for two vac schemes but had not had any success or even a reply. The above extract illustrates Patrick’s cost/benefit thinking in terms of the time constraints and anticipated outcome of any application he might make and the lack of support to help him improve his chances in the competition. For others at university, particularly mature students who had financial obligations and were working in addition to studying for their degree, the possibility of making an application for a vac scheme was remote due to competing demands on their time:

I do obviously need to do that, and with the fact that I'm still running my own home alone. I am running a mortgage and bills and a car, and debts that my husband's left me with as well. Realistically, I struggle to be able to take the time off work - when I'm not at uni I'm at work.  Some opportunities are paid, I understand, but it's been difficult trying to slot those in at the moment.

(Sue, CCDD, state school, Non-elite student, working-class, female)

As demonstrated, such placements were highly competitive, but they were also highly advantageous in that they provided a golden opportunity for an interview for a training contract, and thereafter sponsorship for the next stage of qualification - the LPC (See Chapter 2). An offer of a training contract with sponsorship for the LPC shifted the financial burden of tuition fees onto the law firm, secured the route to full qualification as a solicitor, and removed the uncertainty faced by most law students who aspired to the solicitor qualification of whether they would achieve their career goal. For law students, typically recruited during the second year of their degree (increasingly, in the first year), the pay-off for securing a vac scheme and a training contract was removal from further competitive rounds to find and secure a training contract, thereby enabling them to focus their time on their studies, with confidence that their progression from university into the profession was secured.  However, the extracts from Patrick and Sue, above, illustrate the difficulties experienced by some students in accessing critical opportunities to succeed in the competition. The experience of high-achieving individuals from a working-class background was very different, as they had managed to secure vac scheme places and training contracts:

I did the vacation schemes in my 2nd year of uni, which are the internships which help you to get a training contract and was really fortunate and got a training contract in my 2nd year which meant that by the time I graduated, my firm was paying for my LPC the year after… I was lucky that my firm also gave me a grant to survive off of, so I was given an extra £7,000 to cover the cost of living. (Tammy, A\*AA, state school, Elite Graduate, working-class, female).

I think that if you want to get an offer - because it's so difficult - because there are so many hoops to jump through, it takes up a huge amount of time to put in a good application…my last stage was to go to the assessment centre in a law firm.  There were six people there - somehow, I was the only one who managed to get an offer.  That was for the work experience. (John, Private school, Elite Student, middle-class, male)

I was sponsored for my LPC...I secured my Training Contract first and they sponsored my LPC … it's something I wouldn't have been able to afford on my own (Laura, A\*A\*AA, state school, Elite graduate, working-class, female)

The participants in the above extracts were from different backgrounds, working-class and middle-class, and they all obtained training contracts. What they had in common was that they had all attended elite universities, which led me to consider the concept of prestige in pathways to the solicitor qualification. This is explored in Section 7.3, below.

**7.3 Prestige of pathway**

For those who had attended an elite university pathway, the prestige of the institution, both university and law firm, was a concern whereby the type of law firm aspired to was mirrored in the perceived prestige of the university attended. Graduates thought that the DA route was a good idea in theory, particularly in terms of making the solicitor profession more accessible to people from non-traditional backgrounds. However, there was an understanding that the most elite, London-based law firms were not engaging with this route and that it was perhaps more of a regional initiative, and therefore not an aspirational route:

I wanted the prestige of going to a reputable university and a reputable law school, and as much as I know that lots of the big law firms are starting to encourage the solicitor apprenticeship scheme … I’m not sure how many of the big London firms are actively encouraging it yet, or if it’s … a regional initiative… I wanted the prestige of going to a) a Russell Group university and b) a big Silver Circle, Magic Circle, American type of law firm in the City. So, I’m not sure in that sense, if it would have been something I’d have gone for, in all honesty. (Tammy, A\*AA, state school, Elite Graduate, working-class, female)

Significantly, the newness of the DA route meant that some, particularly non-traditional students, did not consider this pathway and preferred the more recognised and trusted route of university:

I did hear about the Legal Apprenticeships, but I haven’t heard of many people..., like, it’s not a common thing that you hear about. University’s the standard, safest (Ulrika ABB, state school, Elite Student, working-class).

The perception of university being the standard and safer route links to the concept of risk, where there was a concern about departing from the recognised pathway to qualification and uncertainty of the longer-term outcomes of both routes were concerns. Some individuals on the non-elite university route were aware of the constraints they faced in access to work experience and other opportunities due to the status of the institution they attended and realised that events enjoyed by other universities were limited at their own institution through a lack of established contacts between the university and the legal profession. There was a perception that law firms were more inclined to connect with more prestigious, highly ranked higher education institutions. Some were conscious of pathway status, for example by targeting higher-ranked universities and elite law firms. For those pursuing the degree apprenticeship, the high status and prestige of the law firm seemed to outweigh initial concerns about the association of apprenticeships with a lower status track. The inclusion of a degree in this route provided reassurance of the status of the apprenticeship pathway.

Although the DA route offered a secure pathway and addressed the issue of risk in respect of achieving qualified solicitor status, this was not sufficiently motivating in all cases. Some university students when asked whether they would have considered the DA route if they had known about it (which several student participants had not) thought that, although the DA route sounded good to them, it presented a risk in terms of being a new pathway and there was little understanding of how competitive this route of qualifying would be in the future legal employment market. There was an appreciation, even among first-year undergraduate students with no familial experience of university or the legal profession, of the higher prestige associated with certain universities and how this was connected to gaining access to a career in law. It could, therefore, present a risk to depart from the usual recognised form of qualifying through the university pathway:

I’d have definitely considered it but because it’s quite a new thing [the DA route], I don’t know how people would react to that … or how it would compete … they have such a heavy focus on the universities that you go to. (Ulrika ABB, state school, Elite Student, working-class)

Some students had not been aware of the DA route to the solicitor qualification and believed that university had been the only pathway for them. However, considering in hindsight whether they would have chosen the DA route, their perception of it as lower status was sufficient to deter them, as one student stated:

“I wouldn’t want to do it myself. I think I would have, rightly or wrongly, a perception of it being a lesser pathway” (Vic, private school, Elite Student, middle-class, male).

Recognition of the status of the chosen pathway was significant for some, where there was an awareness of their own family’s social mobility and the need for each generation to do better than the previous one. When asked about the importance of having the distinction of attending a Russell Group university, the issue of social progression and doing better than one’s parents was evident:

I wish I wasn’t that vain because it did mean something to me… there was always this thing where I felt that I had a big progression because my dad went Hull, and my mum went to Plymouth, and I’ve done one better than that… I felt there was a need for progression because even though I consider myself middle class, there’s almost the familial memory of the fact that that’s a recent development. (Vic, private school, Elite Student, middle-class, male)

The above extract is indicative of RAT type reasoning in that the mechanism for maintaining upward social mobility, for Vic, was to go to university. However, Vic’s ‘subjective rationality’ (Glaesser and Cooper, 2014) shaped the type of university that he should apply to by delineating lower boundaries on institutional status, in comparison to the universities that Vic’s parents had attended. Institutional status as a measure of success, as seen above, was of such importance that deviation into an unknown pathway would have been too great a risk to take.

**7.4 Employability**

Some participants talked about the work experience they had done before starting university or an apprenticeship, and, in some instances, informal work experience had been longstanding throughout secondary school, as the following extracts illustrate:

I’d done an internship at [famous large international law firm] through my school, but that was only a week. This was long-term and was with [large law firm], it naturally came from my dad, and what will outline it most clearly is - I had one of the partners come up to me while I was there and he said - he didn’t even say hello, he was known for being abrupt, and he said ‘Oh, who’s your dad then?’, because that’s the way that people ended up being interns there. You know, it’s almost an exchange - I will accommodate your son’s fledgling career in law and you will put me on retainer for whatever’s coming up next - and, I suppose, I definitely benefitted from that.

(Vic, Private school, elite university, middle-class, male)

I've been doing Law work experience since about 13 years old and all of that kind of confirmed my interest and made me know that this was what I wanted to do… someone [mum] works with - his wife is the CEO of a Personal Injury Law firm. So I, from the summer that I turned 13, went and did a couple of months … and then kind of went back for a few consecutive years right up till I was about 16/17 and worked for them.  So that was quite a longstanding piece of experience.

(Dilys A\*BBB, state school, Elite Apprentice, middle-class, female)

I'd done work experience at a couple of firms in London…so, one was through a family member who knew a partner at a firm in London - it was through my mum's boss.  One of my brothers lives in London, it would have been a lot more difficult otherwise.

(Harry, ABB, state school, Non-elite apprentice, working-class, male)

I did some work experience. One of my friends, erm, father is a managing partner at a law firm in [northern city] … I did feel very much like I was being looked down on and very much like 'oh god, she's a [stereotype] girl ...', and it was all 'I don't think she should be here'. It was that everyone else there was quite well-spoken and when I'd spoken to them, they said 'Oh, well my dad's a solicitor at x firm in London, or my dad's a solicitor at this place. So, they all had legal connections and they'd done Vac schemes and whatever and I hadn't been able to get into any of those things.

(Sally, Private school, non-elite university, working-class, female)

The extracts above demonstrate how advantages through social networks are experienced by individuals from different backgrounds. Whereas Vic, Dilys and et al had the starting social capital through their parent’s professional networks, which were more longstanding and implied, these networks were recognisably different. For instance, in the case of Vic, social capital had the capacity for leverage and reciprocity through his dad’s business relationship with a law firm. There was an exchange value which worked to transform “the things exchanged into signs of recognition and, through mutual recognition and the recognition of group membership which it implies, reproduces the group” (Bourdieu [1986], 2002, cited by Abrahams, 2017, p. 635). However, Sally’s family had no connections with the legal profession and her claim to social capital was weaker than Vic’s as it did not have an exchange value. Sally’s experience was based on acquired social capital at school, as she had no family connection with the legal profession, yet she was able to access an informal work placement opportunity through her school friend. Her experience demonstrates the common practice of informal sponsorship for work experience based on social connections at a law firm. Research has demonstrated how middle-class advantages in the graduate labour market are maintained through the support of their family social networks, by having access to insights, knowledge and opportunities for work experience valued by future employers (Allen et al, 2013; Bathmaker et al, 2013; 2016; Ingram and Allen, 2019; Purcell et al, 2012) (see discussion in Chapter 6).

The type of university was important due to differences in the opportunities that were available for networking and accessing work experience. Given what we understand about the recruitment strategies of law firms to favour higher status universities (Ashley and Empson, 2013; Ashley et al, 2015) (see Chapter 2 for discussion), individuals at non-elite universities were in a weak position relative to those from elite institutions in respect of their future employability. This was particularly important for those with no connections with the legal profession, as attending a non-elite university made it more difficult to overcome barriers in accessing work experience opportunities that could have provided useful insights and enhanced employability. Some universities had an active student law society which was important for opportunities to network and engage with law firms. In addition to this, the networks that universities maintained with law firms provided opportunities for their students to become more familiar with the culture of different firms and to gain legal work experience. Even at elite universities, this was especially important for some students, for instance, those from disadvantaged backgrounds, who did not have prior legal work experience or any professional connections:

I think, because of my background, I am at a bit of a disadvantage. I do have people on my degree, like, their dad’s a lawyer or their uncle’s a lawyer and they’re getting all these opportunities that I can’t really get unless it’s through the university - and I have to apply for it and stuff, so … sometimes I feel like I am [disadvantaged]. I feel that if the university didn’t have that aspect to it … if maybe I went somewhere else where there wasn’t such a heavy focus on it [getting work experience], then I really would be stuck. (Ulrika ABB, state school, Elite Student, working-class)

The opportunities for networking and work experience that were available at elite universities were not available at every university, for instance where there were no strong links with law firms, and students were unable to access valuable networking opportunities:

I feel bad saying this, but this university has been terrible at keeping relationships up with the legal field … there’s not really been any opportunities to network with lawyers (Patrick, ABD, state school, Non-elite Student, middle class).

Other students came to university already having substantial legal work experience but valued the opportunities provided by their university’s connections with the legal profession to enhance their profile:

There’s a lot of opportunities, I haven’t really taken any of them up. I’ve got a ‘link day’ at a chambers [barristers] … which is kind of just to say that I’ve done it. I don’t anticipate me ending up working in any chambers in the future, but it was just to explore the option, so I can’t say that I ignored it completely. (Vic, private school, Elite Student, middle class)

Some students were aware of how law firms might perceive different universities and the relationship this had with opportunities for networking events and work experience:

It’s one of the reasons why the Law Society [student body] is trying to push to be more research-based [as a university] because that way you become more of a first-class rather than a second-class university, which is when firms go ‘Oh, we’d like someone to come in to speak to you’, rather than us having to chase them round constantly. (Rob, CC BTEC Distinction, state school, Non-elite Student, working-class)

While opportunities to gain legal work experience and enhance individual employability were important considerations for students, for those following the DA route this pathway was itself viewed as offering enhanced employability:

The apprenticeship route, in my eyes, is much better - the experience you get and when you qualify you have all these years of experience that have mounted up, etc, it's a no brainer. Things like the finance [funding for the degree], that's a bonus almost.  It's definitely the experience and the opportunity to qualify - that was the main driving force.  I knew straight away that I'd rather earn and learn. (Ben, AAB, state school, Elite Apprentice, middle-class)

The above extracts suggest that there are disparities in access to opportunities to enhance individual employability between the different routes. This was particularly notable by the reduced opportunities available at the non-elite universities in the study and the fast track DA route to experience-based employability. The expected benefits of each pathway concerning future employability indicate an instrumental view of education and career choices, where the focus was on the reward of the job that the pathway was expected to lead to and so represent, for Ben at least, a risk-reward assessment in the choice of pathway. The question now turns to the costs of qualifying through each pathway, both direct financial costs and indirect costs, such as missing out on the university experience, achieving independence from home and making new friends, which were all mentioned by participants in this study.

**7.5 Cost of qualifications**

The cost of pursuing the solicitor qualification through the university route is considerable and was raised as an issue across the sample population. For many, the possibility of self-financing postgraduate legal qualifications (even through the Master’s loan system) would not have been feasible due to insufficient coverage of tuition fees and maintenance. Where individuals self-funded this stage of qualification without having secured a training contract, it represented a considerable financial risk, particularly where there was no recourse to ‘the bank of mum and dad’ (Friedman and Laurison, 2019), as there is no guarantee that a training contract will be secured after completion of the LPC. This risk was removed for those who were successful in securing a training contract with law firm sponsorship for the postgraduate stage of qualification:

I wouldn’t have been able to have self-financed it … realistically, if I’d not got a training contract and had the sponsorship lined up I, personally, don’t think I would have taken the risk

(Tammy, A\*AA, state school, Elite Graduate, working-class, female).

I’m lucky in that I’m able to go to a firm that’s willing to pay for my tuition fees for my LPC and give me a substantial grant to live in London whilst I study that, as well as a very good salary, but that’s not the norm by a longshot. (John, private school, Elite Student, middle class, male)

The GDL was a bit cheaper than it would normally have been because there was an element of former alumni as I did my undergrad there, so that knocked a bit of money off.  The LPC, well I've been very lucky in that the firm that I'm at will pay off a significant chunk of it.

(Isaac, CCC, state school, Non-elite graduate, working-class, male)

Others discussed the HE system which allows an increasing number of students to enrol on courses with no guarantee of a training contract in somewhat stronger terms:

[The price of legal education] is criminal, with this self-funding thing. The LPC and the Bar … they need to sort it out because it is outrageous… and people are getting ripped off of so much money and they are being sold a dream. (Steve, state school, non-elite Graduate, working-class, male)

As seen from the above extracts, sponsorship for legal qualifications had a significant role to play in reducing the personal financial risk in achieving access to the solicitors’ profession for those following the university route. The financial barrier to access also featured in the decision-making of apprentices. For some, the DA route provided an opportunity to obtain a degree and qualify as a solicitor without incurring tuition fees and student debt:

A lot of it was sort of the idea of having - because I wanted to qualify as a Solicitor - up to £60,000 worth of debt by the time I'd qualify (Harry, ABB, state school, Apprentice Non-elite, working-class, male)

Well I actually did apply to study Law at Cardiff as well, at the same time, because I wasn't sure what the chances of getting the apprenticeship were, so I thought I'd cover both. I think the reasons [for choosing the DA route] were I had realised by working in the financial advisors, I had picked up a lot from just working, and I think it just suited me better to work in that way and also the cost.

(Edith, A\*A\*A\*, state school, Elite apprentice, middle-class, female)

This route to qualification and a university degree with tuition fees paid was the pull for those pursuing the DA route, where some individuals were strategic in their choice of route:

[University] was never an option.  It was a case of I knew exactly what I wanted to do, and I could go down a route that took me to university but don’t have to pay for it (Ben, AAB, state school, Elite Apprentice, middle-class).

For many, the possibility of self-financing postgraduate legal qualifications (through the Master’s loan system) would not have been feasible due to insufficient coverage of tuition fees and maintenance. For individuals who self-funded this stage of qualification without having secured a training contract, it represented a considerable financial risk, with no guarantee that a training contract would be secured after completion of the course. This risk was removed for those who were successful in securing a training contract with law firm sponsorship for the postgraduate stage of qualification:

I wouldn’t have been able to have self-financed it. The problem is, with my understanding, with the loans that are available you can get a professional development loan, I think, for up to about £10,000. When I studied the LPC my fees alone were about £17,000, realistically, if I’d not got a training contract and had the sponsorship lined up, I, personally, don’t think I would have taken the risk. (Tammy, A\*AA, state school, Elite Graduate, working-class, female).

Sponsorship for legal qualifications was significant in easing access to the solicitors’ profession, removing financial risk and the uncertainty of a successful transition for those following the university route.  Such opportunities were recognised as very competitive and would favour those students with high-grade attainment, from elite universities, and who were able to put in the time and effort required to make a good application. This might imply that sponsorship opportunities were not available to individuals from non-elite universities. However, by making a determined effort to obtain a vac scheme placement, some individuals who had self-funded their GDL and LPC were able to obtain retrospective sponsorship in the form of reimbursement of some of the tuition fees with the offer of a training contract:

I tried my best to get it [vac scheme placement] and I managed to - it was really a lot of hard work, but I managed to get on a Vacation Scheme for a firm called [large law firm].  That was this summer actually, but that was the culmination of a lot of hard work because, to be honest, as any Law student will tell you, the courses can be hard enough at times and then applying for jobs is like another module on top of that, like another class you have to do and obviously a very difficult one. (Isaac, CCC, state school, Non-elite graduate, working-class, male)

For some, the familial habitus of antipathy towards university was so strong that knowledge of pathways and how to navigate them successfully were, almost, secondary considerations.

My dad is under the impression that university is a scam … I was planning to do a degree, but I wasn't planning to pay for it.  I was planning to get an apprenticeship that would fund my university tuition. So, obviously, part of me feels bad that I just kind of, without a real plan … I'd known about the solicitor apprenticeship for about an hour before I applied for it.

(Callum, AAAAA, state school, Elite apprenticeship, middle-class, male)

Despite three members of Callum’s family having experience of university, none of them had graduate jobs. This, together with the experience of an older friend who had studied law but not accessed the legal profession, shaped his expectations of the likely outcome of going to university. Having a sceptical view of university, a degree apprenticeship was the opportunity to earn a degree “for free” and secure a decent job. Others on the DA route had a similar motivation, with an instrumental view of the apprenticeship in securing both access to employment and a funded degree:

It was never an option.  It was a case of I knew exactly what I wanted to do, and I could go down a route that took me to university but don’t have to pay for it. (Ben, AAB, state school, Elite apprentice, middle-class, male)

**7.6 Summary**

The findings suggest that decision-making in the choice of pathway features tensions in relation to individuals’ perceived risk in the certainty of qualification, the cost of qualification, respect for the route and its effect on employability. Interviews with aspiring solicitors indicated some evidence of “subjective rationality” (Goldthorpe, 2007, pg. 143) in risk/reward calculations as to the likelihood of success in the competition for training contracts, based on their particular circumstances. There was some evidence consistent with RRA thesis in that some decision-makers sought to secure upward mobility and in doing so compared the available options (where these were known) to make risk/reward assessments. However, whilst RRA would indicate that those from disadvantaged backgrounds would seek to minimise financial risk - by pursuing the DA route - and that the more advantaged would be more likely to engage in more financially costly behaviour - the university route - the findings depart from those expected in that the more disadvantaged were more likely to make the choice to pursue the more financially-costly university route. There were some individuals for whom the DA route might have seemed an obvious and attractive choice. However, these individuals perceived the route as too risky in terms of future employability outside of the firm hosting the apprenticeship and the uncertainty of whether the DA route to qualification would be as respected as the established university route. Additionally, there was a perception that the respect for the route and future employability were traded for the tuition-free qualifications, making the DA route an unattractive choice for the more disadvantaged participants.

The push for university from school was also familiar with all the participants in the study who chose the DA route. Although some had stumbled across information about the DA route on social media, most had actively researched their options independently; information about the DA route had typically not been obtained through school. For most of the DA cohort, the attractions of the university route, such as going away from home, enhanced social life and delaying career decisions were traded for certainty provided by the DA route - the opportunity to work in a law firm and follow a progression route that led to full qualification as a solicitor. The certainty of the route to qualification, albeit through a new pathway, trumped the university route with its associated costs and risks, which were viewed as not winning in the competition for training contracts, not gaining entry to the solicitors’ profession and leaving university with huge student debt. Some individuals choosing the DA route were driven by the prospect of obtaining their degree for no cost. These individuals were sceptical of the benefits of going to university but recognised the value of a degree in access to valued work.

Many participants were aware of the highly competitive nature of obtaining formal work experience and the uncertainty of obtaining training contracts, which might have made the DA route more appealing to those from disadvantaged backgrounds. Yet those who could have benefitted the most from the DA pathway chose the university route, contrary to the theoretical expectations of RRA. The rationality of decision-making in respect of both university and DA pathways were framed by subjective risk/reward assessments which resulted in participants from different backgrounds adopting different strategies in negotiating opportunities and barriers. Given these findings, RRA does not fully explain the individualized decisions required of those navigating their options and new pathways.

Harrison (2018) suggests that the sociologists Goldthorpe and Breen “were concerned primarily with average effects across social groups” and argues that approaches focused on the individual and their decision-making can add to our understanding, such as Simon’s ‘bounded rationality’ (1979, 1997) (p. 6), or indeed cultural reproduction theory, particularly the concept of habitus (Bourdieu, 1977, 1986; Bourdieu and Passeron, 1977, 1979), explored in Chapter 6. Faced with uncertainties in both the university and the DA pathways, those from different social class positions ended up adopting different strategies, reaching different conclusions about risk and reward, and this is explored in Chapter 8.

**8 Negotiation of Opportunities and barriers**

**8.1 Introduction**

In Chapter 7, the focus was on answering research sub-question b) and exploring how participants in this study understood and experienced opportunities and barriers of their chosen routes into the solicitors’ profession. As discussed in Chapter 7, many participants were aware of the highly competitive nature of obtaining formal work experience and the uncertainty of obtaining training contracts, which might have made the DA route more appealing to those from disadvantaged backgrounds. Yet those who could have benefitted the most from the DA pathway chose the university route, contrary to the theoretical expectations of RRA. The rationality of decision-making in respect of both university and DA pathways were framed by subjective risk/reward assessments which resulted in participants from different backgrounds adopting different strategies towards opportunities and barriers. These strategies are the focus of this chapter, which addresses research sub-question c) in seeking to understand how the opportunities and barriers of both routes into the solicitors’ profession are experienced and negotiated by individuals from different backgrounds.

In addressing research sub-question c), described above, this chapter adopts the analogy of ‘playing the game’, following Bathmaker et al (2013) in the use of Bourdieu’s concept of capital (Bourdieu, 1986), to explore how participants negotiated the opportunities and barriers through the university and degree apprenticeship routes. In doing so, this chapter considers how participants were able to develop and mobilise their existing and acquired capitals to position themselves for their future employability in respect of achieving an advantage in ‘the game’. The use of Ball at al’s (2002; 2005) embedded and contingent chooser typology in Chapter 6 was helpful in understanding the motivations of participants in their pathway choices and decision-making. However, this typology is quite limited with respect to understanding participants’ strategies for negotiating their pathway, the focus of this chapter. I, therefore, decided to adopt a combined approach based on Brown and Hesketh’s (2004) ‘Player/Purist’ typology and Hancock et al’s (2017) ‘Purist/Pragmatist typology. The characteristics of each type, ‘Player/Purist/Pragmatist’, are presented in Table 6, below.

|  |  |  |
| --- | --- | --- |
| **Player** | **Purist** | **Pragmatist** |
| View employability as a positional game and market themselves according to the requirements of employers - decoding the winning formula from careers information, relevant social contacts and workshops, etc. | View the competition as a meritocratic race and focus on finding employment that offers the right fit with their knowledge, skills, and aspirations - finding the right opportunity is a technical puzzle. | Less attached to specific goals and more proactive in exploring other potential opportunities. |

**Table 6: Employability typology**

Adapted from Brown and Hesketh (2004) and Hancock et al (2017, 2018)

It is important to note that this typology is not being used to quantify the numbers of each type in the study, but rather, to understand how individuals negotiated the opportunities and barriers of their pathway (identified in Chapter 7) relating to their future employability. Additionally, as also noted by Brown and Hesketh (2004, p. 125), many participants made comments that could be easily categorised as clearly fitting into one type, but also made comments that could fit another type. In this respect, no claims are made that these ideal types reflect an empirical reality. I was curious as to whether participants’ responses to the opportunities and barriers they perceived and experienced were more associated with ‘player’, ‘purist’, or ‘pragmatist’ behaviour and how this varied according to the pathway pursued and/or social background. These issues are explored throughout the remainder of this section and the data are presented according to the employability typology in Table 6 (above).

Previous chapters demonstrated that those from more advantaged backgrounds had a head start in access to information and opportunities that could help them with their future employability. This chapter is concerned with how aspiring solicitors understood and responded to the ‘rules of the game’, in terms of achieving their career goal of qualification as a solicitor. It finds that those from different backgrounds had differing stocks of social and cultural capital and adopted different strategies towards

‘the game’. The ‘player’ strategy (Section 8.2) was typically adopted by those from advantaged backgrounds following the university pathway. Those from less advantaged backgrounds following the university pathway were more likely to adopt a ‘purist’ strategy (Section 8.3), at least to start with. While the ‘pragmatist’ strategy (Section 8.4) featured among those from both advantaged and less advantaged backgrounds, and across both pathways, it was more common on the DA pathway. Additionally, in response to perceptions of the competition and/or awareness of a change in the ‘rules of the game’, some individuals switched strategy to achieve an advantage, for example, ‘purist’ to ‘player’. Although relevant work experience is a pre-requisite for entry on to certain degree courses, such as medicine, social work, and teaching (UCAS, 2020), it is not required for entry onto a law degree, or for entry onto a degree apprenticeship. However, access to work experience and mentors was influential in the accumulation of cultural capital which helped individuals negotiate their pathway. The next section begins by exploring these matters from a ‘player’ perspective.

**8.2 Players**

**8.2.1 Approach to the game**

Access to information about routes into law and knowledge of the process in accessing vacation schemes places played a significant role in determining success in accessing legal work experience, training contracts and sponsorship for legal qualifications.

A concern with institutional prestige was apparent in Tammy’s interview, in which she had been clear about wanting to attend a high-status institution. However, there was also a very detailed knowledge of the requirements of different universities and evidence of a strategic approach to her UCAS application in that she had targeted elite universities but also managed the risk of potentially failing the LNAT by also including universities that did not use this in their selection process:

Initially I was going to put Nottingham and Bristol down, and then when I was reflecting on it, I realised Cambridge was always going to be a bit of a pipe dream and that Durham, Bristol and Nottingham all required me to sit the LNAT[[12]](#footnote-12). If I messed up the LNAT then that could be pretty much all of my options off of the table. In a bit of a last-minute panic, I swapped in [Northern elite university] and Warwick instead of Bristol and Nottingham. (Tammy, A\*AA, state school, elite graduate, working-class, female)

The above example suggests an awareness of the institutional status of particular universities and a highly developed strategic approach in respect of the LNAT that I had not expected to find among working-class individuals. This strategic approach is not, on its own, indicative of ‘player’ behaviour, as Brown and Hesketh (2004) argue that “the distinction between Players and Purists does not reflect differences in ambition, motivation, or a willingness to make an effort …” (p. 125). Rather, ‘Player’ behaviour “depended on good preparation and tailoring one’s experiences to the requirements of employers” (Brown and Hesketh, 2004, p. 128). This was evident from the extract below which illustrates Tammy’s engagement in various extra-curricular activities with the specific intent of differentiating herself to stand out in the competition:

From first year I was always thinking about it, I was going along to all the milk round events that law firms hold on campus … at the end of my first year of university I became Careers Secretary of the student Law Society, because I knew that was a good way of making connections with graduate recruitment of different law firms and it would look good on my CV. I also choreographed my uni dance show, I was on various dance teams at uni and all those various extra-curricular activities gave me really good talking points at interview because they make you stand out. You know, generally everyone that’s applying for a training contract, or has got, or is on track for a 2.1 degree and they’ve got decent A’ levels and … GCSEs, and it’s all of those other outside interests that can really make you stand out.

(Tammy, A\*AA, state school, elite graduate, working-class, female)

The above extract illustrates Tammy’s awareness of the nature of the competition for training contracts, where everyone had good academic credentials, and her concern with positioning herself for her future employability by standing out. For Tammy, standing out involved attending an elite university and engagement in certain extra-curricular activities, this included law society responsibilities and membership of university teams and was characteristic of the ‘opportunity trap’ (Brown, Lauder and Ashton, 2010) (see Chapter 4, S.4.3.3 for a discussion). This type of behaviour has previously been more associated with the middle classes and is typical of ‘player’ tactics (Brown and Hesketh, 2004) used to get ahead in the competition. While Brown et al (2010) note that such tactics lose their effectiveness in terms of ‘standing out’ where everyone in the competition engages in the same tactics, Tammy’s player tactics were successful and she obtained a training contract at a large corporate law firm, with sponsorship for the LPC. Although Tammy was an outlier in terms of having exceptionally high prior academic attainment at A-level, her perspective on, and response to, the nature of the competition was typical of the player category on the elite university route.

**8.2.2 Access to work experience**

Some participants started their legal work experience whilst still at school using both formal and informal means of access, recognising at an early stage the importance of work experience opportunities and the role that school could play in supporting students’ access to such opportunities:

… having a good careers service at school (because it was a fee-paying school) meant that I could go away and do several work experience opportunities and know about them, apply for them and get through them in a way that a number of students, I'm sure, at several state schools may not have got the chance to do. (John, private school, elite student, middle-class, male)

Attendance at a private school provided opportunities which helped to develop important cultural capital in the form of knowledge that would be helpful, both in making an informed career choice and also how to succeed in applications, giving John a ‘feel for the game’ which would give him an advantage in negotiating future opportunities and barriers on his pathway:

… I did several 'Futurewise' courses - How to get a career in the City in Law, and another one in Finance that were arranged by the school for me.  So, for Law, I met two very prominent Human Rights Barristers and a Solicitor and a Legal Executive and spent the day doing workshops and several things with them, understanding how to get a career in Law in different areas. (John, private school, elite student, middle-class, male)

John was clearly aware of the advantages that were afforded through the school careers service that would not necessarily be available at other schools and so was provided with a means of generating cultural capital in the form of knowledge and developing a ‘feel for the game’ (Bourdieu, 1990) in how to access a career in law. Attending such workshops is typical of ‘player’ tactics and opportunities, such as those facilitated by fee-paying schools like John’s, clearly advantage those from higher socio-economic backgrounds by giving them a head start in the development of their cultural capital.

Work experience, both informal and formal, were useful in generating knowledge of different pathways into the solicitors’ profession and valuable employability capital, in addition to the ‘feel for the game’. As highlighted in Chapter 7.4, access to the most lucrative opportunities for work experience were largely the preserve of those from middle-class backgrounds who were firmly embedded in professional, family, and social networks that could help them. For example, Vic. Not only was Vic’s aunt a solicitor and, therefore, an important source of knowledge, but his dad was firmly embedded in a professional and social network:

Insurance gets this a lot and I think Law can be quite similar … it’s kind of a male, ego-driven environment but I had been exposed to that quite a lot through my dad because I’d often go with him, even when I was not supposed to be drinking, I would go out with him and meet his colleagues and the people he was working with - and also I knew a lot of them through the rugby club.

(Vic, Private school, elite university, middle-class, male)

Being inculcated within such networks from a young age generated certain advantages in the stock of social and cultural capital that Vic could accumulate, in terms of knowing people who could help him in his career by smoothing the way to work experience, and also gave him crucial and early insight into the types of cultural displays, such as dress, manner, topics of conversation, that operate within those networks. Privileged access to such networks advantages those from higher socio-economic backgrounds by providing them with a stock of capital which they can mobilise to enhance and secure their future employability.

Once at university, however, students from less advantaged backgrounds became aware of the role of relevant work experience in enhancing their future employability and the need to access legal internships. Applying for a vac scheme place was a process that needed to be learnt:

I tried my best to get it [vac scheme place] and I managed to - it was really a lot of hard work, but I managed to get on a Vacation Scheme for a firm called [large law firm].  That was this summer actually, but that was the culmination of a lot of hard work because, to be honest, as any Law student will tell you, the courses can be hard enough at times and then applying for jobs is like another module on top of that, like another class you have to do and obviously a very difficult one.

(Isaac, CCC, state school, non-elite graduate, working-class, male)

Isaac demonstrated the perseverance required to achieve success with applications for legal work experience, particularly highly competitive vac scheme places. Isaac, although initially a ‘purist’, adopted a ‘player’ approach to secure a vac scheme place with support and guidance from mentors on the application process (see S.8.4). Isaac succeeded in obtaining a place on two vac schemes and received offers of training contracts from both.

**8.2.3 Access to mentors**

Although many participants in the study made the most of any slight connection they had with the legal profession, for instance through parents’ work contacts, those without relevant, legitimised, social capital or parental professional networks on which to draw were disadvantaged in having no informal access to work experience or potential mentors. However, the students of some universities who had a relationship with the ‘Aspiring Solicitors’[[13]](#footnote-13) group were able to take on ‘ambassador’ roles, whereby they acted as mentors to other students, for instance in helping them by sharing knowledge of the application process for vac schemes. John had such a role:

I do work for 'Aspiring Solicitors' in a voluntary role as a 'Professional Ambassador' and I've received a few people who have asked for advice on their applications and that sort of thing - from non-Russell Group universities.

(John, Private school, Elite Student, middle-class, male)

Given John’s experience with ‘Futurewise[[14]](#footnote-14)’ while still at school, attending workshops and finding out how to access a career in law and having himself attended several vac schemes, resulting in an offer of a training contract and associated sponsorship for the LPC, he was well placed to share his knowledge to benefit other students. In response to a question about what he would advise students from non-Russell Group universities, John admitted to cautioning against applications to larger law firms due to the competition for training contracts at large law firms:

[Laughs] Erm, I'd advise actually … there are a group of firms that I would advise not applying to if you come from a non-Russell Group university.  Simply because it's so competitive to get a TC nowadays to join lots of these bigger firms - *these people* tend to be looking for these firms rather than the smaller regional ones.

(John, Private school, Elite Student, middle-class, male) (My emphasis)

Such advice from a ‘mentor’ seems counterintuitive, particularly in the context of the ‘Aspiring Solicitors’ group’s aims of increasing diversity in the legal profession, and serves to reinforce the reproduction of elites, in terms of the social class profile and stratification of the legal profession. It may also quash any sense of the ability of disadvantaged students to succeed on their own merit and perpetuate issues of self-elimination in the ‘war’ for jobs, particularly the most lucrative opportunities in higher tier law firms. John was familiar with the language of meritocracy and claimed that this was something which he liked about the law firm he had secured a training contract with as “they try to put meritocracy a bit more to the forefront and friendliness (in terms of social interactions) is a lot more important [to them]”. Effectively, John had demonstrated player tactics in bringing together his knowledge and ‘feel for the game’ to secure the most lucrative position in access to the solicitors’ profession, simultaneously clearing the field of potential competitors. This is reminiscent of the argument made by Friedman and MacMillan (2017), whereby the middle classes, through processes of social closure and opportunity hoarding, protect themselves (and their kind) from downward social mobility by preserving the most lucrative opportunities for themselves, achieving a ‘glass floor’ effect.

However, such advice may have been founded on the best of intentions to support students in finding the points of least resistance in access to the legal profession, anticipating the type of cultural matching that law firm recruiters would be seeking (Rivera, 2012; Empson and Ashley, 2013; Ashley et al, 2015; Ashley et al, 2016) in the competition for vac schemes and training contracts. Perhaps, also, John recognised the tough barriers to access which faced those from less advantaged backgrounds, particularly in the case of elite London law firms, where class-based cultural displays, such as confidence, dress, and ‘polish’, are misrecognised as ‘talent’ (Ashley et al, 2016) (see discussion in Chapter 2 S.2.8). Ashley et al (2016) found that elite law firms were predisposed to recruiting middle-class candidates who they perceived as having a good fit with the firm’s clients. They found that law firms justified this approach in terms of a business imperative, as *all* the law firms competing for the corporate clients had lawyers with law degrees and so, to distinguish the law firm, lawyers had to have the ‘X-factor’. Such practices have also been identified in less elite law firms based on institutional mimicry (Empson and Ashley, 2013). However, in law firms with a more diverse client base, such as criminal law practices, recruitment strategies may be less focused on middle-class attributes and more on the ability to relate to a different type of client, as in Steve’s case (see Section 8.4.3).

Individuals in the sample from different backgrounds were able to successfully negotiate the opportunities and barriers of their pathway by adopting a player approach to stand out in the competition for vac scheme places and training contracts. These players recognised the importance of presenting themselves in a way that was tailored to employer requirements and used their existing and accumulated cultural capital, in the form of knowledge of ‘the rules of the game’ to secure the future career goal of obtaining a training contract. The next section explores the ‘purist’ approach to the employability game.

**8.3 Purists**

**8.3.1 Approach to the game**

While the ‘purist’ category was less common across both pathways, it was more evident among the working-class students in the study who pursued the university route. For those students who had achieved well academically at school, all discussed how the university route had been mapped out for them as the only option available. For the working-class students in this category, where there was no previous experience of university in the family, there was a high degree of self-reliance in navigating the choice of universities:

I wanted to go to university because I wanted to do Law, but it was on me to find out what universities I went to. So, at that time I was literally looking through universities and found that the Russell Group were the best universities in the country.  So, then I was, like, these are the ones that I want to go to. I applied to Cambridge, Sheffield, Kings College London, and Nottingham and Southampton.

(Laura, A\*A\*AA, state school, elite graduate, working-class, female).

There is a website called, I think, ‘Unifrog’ and it had the success rate of students afterwards, percentages of people who pass and percentages of people who drop out. I went to a few open days. I went to Sheffield but I found that was really not … the students weren’t really that confident … they were supposed to be Law students but they were very awkward. Then I went to [Northern Elite university… and everyone was really confident.

(Ulrika, ABB, state school, elite student, working-class, female).

Both Laura and Ulrika were the first in their families to go to university and had nobody in their family to guide them. Ulrika’s extract suggests the influence of her perception of the characteristics of the ideal Law student, such as the level of confidence that they should have, which, perhaps, she aspired to and which informed her choice of university. Both extracts indicate their levels of self-belief, in terms of their academic ability to access their choice of university. Barg et al (2020) discuss the notions of self-efficacy and locus of control relating to advantaged and disadvantaged students, whereby students had a belief in their ability to achieve success through their own efforts.

**8.3.2 Access to work experience**

Some participants from less privileged backgrounds, without a relevant social network to help them and not having access to the type of opportunities that, for instance, John’s school could provide (see Section 8.2.2), had to work harder to develop their ‘feel for the game’. For example, Laura found a work placement with a small, local, law firm while still at school, having approached several law firms directly to ask for work experience: “I basically got out the Yellow Pages and just started phoning people” (Laura, A\*A\*AA, state school, elite graduate, working-class, female). While the direct approach was successful for Laura in accessing informal work experience, others adopting a similar approach were unsuccessful which could suggest that individual personality traits, such as a certain degree of confidence and persistence, may have played a role. For instance, Ulrika tried to get legal work experience before going to university, without success, and so had to take the only placement she could find - placement in a school - which was unconnected to her law-related ambitions: “I did message a lot of firms, but they said that they only take undergraduates… so, I ended up just working at a primary school” (Ulrika, ABB, state school, elite student, working-class, female).

While at school, one participant managed to obtain work experience at a local court, rather than a law firm. Gavin (BTEC Distinction, CC, state school, non-elite university, working-class, male) spoke of the week of experience he had at the Magistrates court: “I've had a week's work experience at a Magistrates Court close to home but apart from that I haven't had any real work experience before going to uni”. Once at university, Gavin started developing his ‘feel for the game’ and spent between six and eight hours per application for vac scheme places and spoke of the challenge in balancing this with his studies: “at the moment we've got practice coursework due in on Friday in Commercial Law and then we've got a mock exam on Monday so it's very difficult at the moment with lots of work coming up on the degree”. In discussing the level of competition for vac scheme places and the resilience needed to continue on the university route to the solicitor qualification, Gavin reflected on the prospect of completing his degree without obtaining a training contract: “I might work as a paralegal for a year or something like that to try and get some funds behind me but then I think I want to do the LPC”. For ‘purists’ the competition is a meritocratic race (see Table 6) and this resulted in behaviour that prioritised focusing on working for the degree above everything else, in the belief that their hard work and academic achievement would show future employers that they were employable on ‘merit’. This also conforms to the findings of Barg et al (2020) in respect of the internal locus of control whereby disadvantaged students believed that they could “improve their academic circumstances” (p. 12).

As suggested by Brown and Hesketh (2004), a ‘purist’ approach could translate into ‘purists’ hoping for the best, rather than being more proactive in seeking out work experience. For example, Ulrika relied on the opportunities provided through the university’s contacts:

The uni has actually provided quite a lot - I’ve already had [networking day] with [name of law firm], and apparently, they note your name down and if they see you around they’ll recognise you, you know, the whole networking thing. And they do have a lot of events, like with food and tea, and you just go and talk to them.

CC: Do you go on any of them?

Not yet, I’m just focusing on the basics of the Law degree and then, I think, next year I’ll put more effort into … or even over the summer.

(Ulrika, ABB, state school, elite student, working-class, female).

The above extract is illustrative of a ‘purist’ approach in that Ulrika, having had no prior legal work experience, having started university with no ‘feel for the game’ and, in respect of her position in the ‘game’ was at a disadvantage in respect of her stock of social and cultural capital that might help her. Going to university had been her aspiration and, once there, Ulrika’s focus was on her studies and making friends. Although she had joined the student law society, she was not an active participant and she believed that this was more for later year groups: “I’m in the law society but I think most of their things apply to second and third years at the minute. First year’s just about … making friends”. Ulrika’s ‘purist’ approach gave an impression that she might be out-played in the game, that perhaps she was not focused enough on generating employability capital. However, she was in the first year of her degree and Ulrika could develop her ‘purist’ strategy by gaining relevant work experience and target specific law firms, as Laura had done. Alternatively, Ulrika might adopt ‘player’ type behaviour through learning the ‘rules of the game’ as she goes through university and has more encounters with the legal profession and, possibly, with mentors. As such, it is not possible to predict whether Ulrika’s approach would result in a successful outcome.

For other purists, actual experience in work led to the development of self-belief in their capability to succeed in their career goals. For example, Isaac had previous graduate-level employment in the field of education, working on dispute resolution between schools and parents. This motivated him to pursue a legal career based on a fit with his knowledge and skills:

I know it sounds odd but … when you write educational plans it's a legal document and [location] parents will dispute it because it's a pretty litigious society and they call to get these big panels and I got involved in them on a countywide level because I was pretty good at, I suppose, getting to 'yes'. (Isaac, CCC, state school, non-elite graduate, working-class, male)

In choosing a career that aligned with skills, knowledge and aspirations demonstrated a ‘purist’ approach. Self-funding legal qualifications also indicate a ‘purist’ approach as this type is characterised by a belief in meritocracy, defined by the achievement of educational credentials.

I decided that I was going to do the GDL [Graduate Diploma in Law]] … I did the LPC [Legal Practise Course] following on the year after that and I did well academically. I found that, at least on the academic side, for some reason, it suited me, at least grade-wise, I've done well.

(Isaac, CCC, state school, non-elite graduate, working-class, male)

This was in line with the findings of Barg et al (2020) whereby students from disadvantaged backgrounds had a high level of self-efficacy and internal locus of control, characterised by a belief that “success is determined by oneself and not by external events and conditions” (p.12). The focus on academic attainment and overcoming any previous underachievement was typical of the disadvantaged students in the study by Barg et al (2020). Interestingly, most of those in the ‘purist’ category, regardless of social background, had underachieved on their academic expectations or had not achieved highly before university entry, except for Laura who was an outlier in terms of exceptionally high prior academic attainment. However, Isaac’s strategy reflected that of many aspiring solicitors who self-funded their legal qualifications without having secured a training contract. Isaac was able to access support from a mentor to successfully negotiate the route to a training contract and this is the focus of the next section, below.

**8.3.3 Access to mentors**

Some participants had started with ‘purist’ type behaviour in their strategy for accessing a career in the solicitors’ profession but through engagement with mentoring adopted ‘player’ type behaviour. Mentoring enabled participants to overcome issues of underperformance at school and attendance at a non-elite university through the development of cultural capital in sharing knowhow, or a ‘feel for the game’, in applying for vac schemes. For instance, Isaac, who received two training contract offers, had support from the Aspiring Solicitors Group, an organisation which provides mentoring support for law students at certain universities, including workshops to develop a successful approach to the application process for vac schemes and training contracts in order to stand out in the competition:

You know, I think a lot of Law students look at it and think ‘Oh God, this is just, you know, I'll just write down whatever and I'll give it a go’.  And it's really not, it's so competitive and the statistics that I've seen … it's like out of every thousand applicants only fifteen are taken through.  So, crikey, you really have to stand out. I was not great when I started doing application forms, and I got a lot better at it because again I realised it was like another class - another game.

(Isaac, CCC, state school, non-elite graduate, working-class, male)

As the above extract illustrates, the application process for vac schemes was tough and access to mentoring was important for those without the knowledge of how to succeed in the competition for places. Attending workshops about how to succeed in the application process is characteristic of ‘player’ tactics (Brown and Hesketh, 2004). However, Isaac discusses the application process in terms of being a ‘game’, which indicates the development of his approach from ‘purist’ to ‘player’. The next section explores these matters from the perspective of those who adopted a ‘pragmatist’ strategy.

**8.4 Pragmatists**

**8.4.1 Approach to the game**

Pragmatists are characterised by their more flexible approach to career planning (see Table 6). Hancock et al (2017) distinguish between weak and strong pragmatists, reflecting different approaches to career planning. While ‘weak’ pragmatists tended to ‘hope for the best’, in terms of their career planning, ‘strong’ pragmatists were “considerably more proactive in exploring other professional opportunities” (Hancock et al, 2017, p. 8). As Hancock et al found in their study of doctoral scientists, some in this study shifted their perceptions in respect of the type of career they might access, re-evaluating their future employment and no longer having an expectation that they would receive an offer of a training contract. Patrick, for example, having reflected on the lack of response to his vac scheme applications, and in response to a question about what he would do if he did not get a training contract, was clear that he would consider other careers:

I’d probably go into government - government organisations. I mean you can still work in law as a government person, but I think that a lot a of people pigeonhole themselves into law … All I care about is being happy in my job. So, it’s more about having a fulfilling career than anything. (Patrick, ABD, State school, non-elite university, Middle-class, Male)

Patrick’s approach was not easily distinguishable between ‘weak’ and ‘strong’ pragmatism as he was still in the game, in terms of trying to access a vac scheme, and had vague plans to make further applications: “I’m still looking for other vacation schemes to apply to”. In this sense, Patrick’s approach was still fluid and dependent upon the (non)response to any vac scheme/training contract applications he might make and how his strategy evolves in response to this, for instance adopting a ‘player approach or a strong ‘pragmatist’ approach. As Brown and Hesketh (2004) discuss, some ‘purists’ learn to adopt ‘player’ behaviour as they try to adapt to tough-entry jobs (p. 126). Hancock et al (2017) discuss how some individuals transition from ‘weak’ to ‘strong’ pragmatism, often as the result of negative experiences stemming “from low-self-confidence or dis-engagement” (p. 9), which can derive from a continual lack of success in the recruitment process.

Most participants in the study talked about the push to university by their school due to the high grades they were achieving. However, not all had a clear idea of what they wanted to do post-school. Some who had chosen the apprenticeship route discussed how they resisted this pressure by deciding to take a gap year to consider their options:

Because I had really high grades, I felt there was a bit more pressure on me to go to university. And in the second year, everyone was like very heavily focused on doing personal statements and choosing which route you wanted. But I just wasn’t sure exactly and I felt like there was a lot of pressure, especially because I had the grades. I felt pressure to make a decision and that’s why I took the year out, just because I wanted to make my own mind up.

(Wendy, A\*AA, state school, elite apprentice, working-class, female)

Access to work experience played an important role in developing a ‘feel for the game’ and this is explored in the next section.

**8.4.2 Access to work experience**

While some individuals in the study were clearly ‘players’ and some were ‘purists’ in their approach and behaviour, others appeared to have started with ‘purist’ type thinking in respect of their employability but developed characteristics more associated with pragmatists. For instance, Edith, having been a high academic achiever at school and strongly encouraged to go to university by her parents and school, left university after the first year as she was not enjoying it and considered it not to be worth the financial investment. She took a job to earn money and also volunteered at a local law firm to find out whether she wanted to pursue a career in law, drawing on an existing relationship:

It was through someone who used to be my Rainbow Leader when I was five or six, and she just offered - If you want to get some experience, she said I can work there … I did a year in a Financial Advisors firm, for the first six months I worked Monday to Thursday, then I had Friday off.  Then I used to go into our local Solicitors and do work experience for the day. I had realised by working in the financial advisors, I had picked up a lot from just working, and I think it just suited me better to work in that way.

(Edith, A\*A\*A\*, state school, elite apprenticeship, middle-class, female)

Through existing social capital in the form of who she knew, Edith was able to access informal work experience. This allowed Edith to consider whether she wanted to commit to pursuing a career in law but also provided an opportunity to fully explore her pathway options. Indicative of pragmatist type behaviour, in having rejected the more familiar university route in favour of the DA route, Edith was flexible as to the means of achieving her career goals.

Several participants in the study did not have the social capital to draw on which would have given them access to work experience opportunities. For example, Steve adopted a ‘pragmatist’ approach to the opportunities that he encountered. Having been a former gang member and from a disadvantaged background, Steve was not typical of the type of candidate sought by the corporate law firms who provide most vac scheme placements and training contracts. Steve had wanted to qualify as a barrister due to his personal experience in the criminal court, however, he switched his attention to the solicitors’ profession following the encouragement of those he encountered and obtained work as a police station representative he explained that “…the solicitors’ firm that represented me took me on as a police station representative - the police officer who arrested me told me I should do that because everyone was so impressed” (Steve, state school, non-elite graduate, working-class, male).

Steve capitalised on his personal experience by turning it into a training contract. His employability capital was built through actual real-world experience, rather than a work experience placement or cultivation through extra-curricular activities. Additionally, Steve’s actual experience of having been arrested and his familiarity with the procedures involved were valued capital in criminal legal practice, in terms of cultural matching with the law firm’s practice area and clients. This type of cultural matching, although understandable in terms of candidates seeking the path of least resistance, is problematic in that aspiring solicitors from, for instance, BAME and working-class backgrounds could easily be tracked onto lower status, less competitive and less lucrative areas of legal practice. In some respects, Steve had demonstrated ‘purist’ traits in that he found employment with a criminal law firm that was a good fit with his existing knowledge and skills (Brown and Hesketh, 2004). However, he was less attached to his goal of becoming a barrister and, in switching to the solicitor route, had shown evidence of ‘pragmatist’ characteristics (Hancock et al, 2017). Such pragmatism may have been the result of risk/reward calculation, particularly in light of Steve’s disadvantaged background which would anticipate that he would take the first available opportunity regardless of its relevance to his career ambitions. The next section discusses access to mentors.

**8.4.3 Access to mentors**

Access to mentors, whether through family and social networks or formal mentoring, was influential for both ‘players’ and ‘purists’ in negotiating the university pathway. For those following the DA route, access to a role model appeared more influential than mentoring. For example, Wendy resisted the pressure from her school to go to university and took a gap year in which she worked as a lower-level legal apprentice, from which she later progressed to the solicitor apprenticeship. The idea of pursuing the legal apprenticeship had stemmed from the example of her brother who had qualified as a Legal Executive through an apprenticeship:

Because my brother, he did a legal apprenticeship and now he’s a legal exec. I sort of saw how he progressed in his career without doing a degree, so that kind of made me think ‘Oh well. I could probably do that instead’ [of going to university].

(Wendy, A\*AA, state school, elite apprentice, working-class, female)

Wendy’s brother’s experience was influential in providing an alternative to the road to university mapped out by her school. Wendy was confident in her academic ability, but did not have confidence in the university pathway to lead to a career in law due to barriers which she felt were beyond her control, for instance, access to the next stage of legal qualification: “I had the doubt that if I pursued the legal degree then I might have challenges in the future if I then couldn’t get onto the LPC or then a training contract”. This reminded me of the study by Barg et al (2020) where students from both advantaged and disadvantaged backgrounds had high levels of self-efficacy and internal locus of control (p. 12). However, Wendy’s perspective contradicted these findings as she did not believe that barriers to her career aims, via the university route, could be overcome through high academic attainment but would be determined by external factors beyond her control. In adopting a pragmatist strategy by pursuing the DA route, Wendy had a clear vision of her pathway to full qualification and felt confident in her ability to progress through her own abilities, as such having an internal locus of control.

Others following the DA route were able to access the professional network of parents to find out more about professional pathways. For instance, Ben’s dad was an accountant which provided an opportunity for Ben to find out more about different pathway options: “I had a few chats with some of my dad's contacts who gave me an insight into the profession, what to expect” (Ben, AAB, state school, elite apprenticeship, middle-class, male). Ben had intended to follow an apprenticeship pathway throughout his schooling, having been aware of ‘earn and learn’ schemes through his dad’s experience of qualifying as an accountant. As such, his dad had acted more as a role model in how to gain professional qualifications without going to university, which was influential in the formation of Ben’s ‘roadmap’ to his future career (Barg et al, 2020, p. 13). Ben had not been particularly committed to law and had applied for several alternative apprenticeships, as he explained: “It's hard to know exactly where you want to go although I always wanted to get into a profession. I applied for accountancy and banking, Law and IT”, which indicated a strong pragmatist approach to his future career in that he was open to other possible professions. However, unlike the findings of Hancock et al (2017) where a pragmatist strategy was the result of a re-evaluation of a possible future following a typically negative experience (p. 9), Ben’s strategy had developed from a positive and long-standing decision.

**8.5 Summary**

This chapter explored how participants came to develop a ‘feel for the game’ in terms of familiarity with the pathways into their aspired legal career and how to successfully navigate this through access to work experience and mentors. The findings from the study suggested that after many years of increasing HE participation among those from disadvantaged backgrounds, university was a more familiar route, which several individuals appeared to understand very well how to navigate. Those in the sample from working-class backgrounds who pursued the elite university route, particularly the females, had high prior academic attainment. It was notable that both Laura and Tammy, despite being from working-class backgrounds, were not put off from applying to elite institutions and not constrained by notions of cultural matching (Rivera, 2012) and occupational sorting (Friedman and Laurison, 2019) that might have led them to apply to less prestigious HE institutions and seek out less lucrative, non-elite, opportunities. It was also notable that both Laura and Tammy were outliers in the study with exceptionally high academic attainment at A’ level, whereby they may have received particular encouragement from their schools to go to university. With more working-class participation in higher education and many shared aspirations for high-status occupations, such as law, equality of opportunity through the university pathway was no longer sufficient to ensure middle-class success in the ‘game’. While some advantaged individuals, in terms of their economic, social and cultural capital, felt a degree of confidence in their ability to successfully negotiate the opportunities and barriers, there was evidence of game playing and ‘player’ strategy to secure lucrative opportunities that would ensure the maintenance of familial social status.

Those from less advantaged backgrounds demonstrated evidence consistent with ‘purist’ thinking, in that their career aspirations were founded upon the notion of a fit with their interests, knowledge and skills. For those in the sample who had a ‘purist’ approach, high prior academic attainment, attendance at an elite HE institution and access to legal work experience appeared to support success in achieving career goals. This was consistent with the findings from Barg et al (2020) where university students had an internal locus of control and a high level of self-efficacy, having a belief in their ability to achieve their aims through academic attainment. For ‘purists’, the university route was relied upon as a tried and trusted route to achieve career goals. However, some ‘purists’ appear to have adopted ‘player’ tactics, possibly as a response to the perceived competition for training contracts, consistent with Brown and Hesketh’s (2004) prediction of the likely response in a crowded graduate labour market.

As discussed in Chapter 2, the expansion of higher education has increased the level of competition for graduate jobs, including highly competitive training contracts in the solicitors’ profession. The apprenticeship pathway provided an alternative to the manoeuvring for position in the congested university pathway. For those choosing the DA route, there may have been a recognition of the risks in getting caught up in the ‘opportunity trap’ (Brown, Lauder and Ashton, 2010), engaging in employability enhancing activities and ‘commodification of the self’ (Brown and Hesketh, 2004p. 228) and limited opportunities to reap the rewards due to the nature of the competition among similarly qualified candidates. For those who pursued the DA pathway, there was a recognition of a change in the ’rules of the game’ which presented a new opportunity to get ahead. This was consistent with ‘pragmatist’ strategising, not in respect of a lack of attachment to specific career goals but towards the means of achieving them.

The experiences of those in this study evoked the argument made by Barg et al (2020, p. 13) on the influence of the degree of elaboration and having a ‘road map’ for people from different backgrounds (see Chapter 4 for a discussion). While those of all backgrounds in this study mentioned the influence of school in providing the ‘road map’ to university, there were differences by social background on the sources, duration and type of elaboration process experienced, i.e. positive or negative, such that those from more advantaged backgrounds had a highly elaborated pathway which mapped out the route to university and beyond to achieve entry to the solicitors’ profession, for example, John and Vic. For others, the ‘roadmap’ led the way to university but with no ‘feel for the game’, for instance through work experience, mentors or role models, there was a reliance on academic credentials alone, which was typical of a ‘purist’ strategy. The elaboration process was significant in the experience of those who switched strategy to adopt a ‘pragmatist’ approach and changed the ‘roadmap’ to follow the DA route.

These findings must be caveated, however, as not only were participants following different pathways, they were at different stages and, as discussed earlier in this chapter, individual approaches can develop and change over time. Given the extent to which individuals had considered their future career positioning, with some having acted against their ingrained dispositions (see Chapter 6) in their strategising for their future employability, I wanted to explore the impact of each pathway on the wellbeing of aspiring solicitors. This is the focus of Chapter 9.

# **9 Wellbeing, flourishing and success**

## **9.1 Introduction**

The previous chapter focused on answering sub-question (b) and suggested that those in the study had adopted, or developed, one of three strategies in an employability typology - player, purist or pragmatist - to help them negotiate the opportunities and barriers encountered on their pathways. Unexpectedly, some from less advantaged backgrounds adopted the player-style tactics more associated with those from advantaged, middle-class backgrounds, consistent with Brown and Hesketh’s prediction of an increasing ‘player’ society (2004). The findings from Chapter 8 suggested that those from ‘squeezed’ middle-class backgrounds, i.e. those from families whose middle-class status was less secure, perceived a greater risk from the market realities of the intense competition for training contracts and were more receptive to a change in the ‘rules of the game’ through the introduction of the DA route. This manifested in some adopting a pragmatist strategy in which the competitive university pathway was rejected in favour of the certainty of full qualification provided by the alternative DA pathway.

Competitive graduate jobs markets, as noted by Brown and Hesketh, require individuals to “run faster, for longer, just to stand still” (2004, p. 228). Caught up in the ‘opportunity trap’ and driven by the imperative to stand out in the competition, the cultivation of identities and values perceived as bestowing positional advantage does not work for everyone, as many adopt similar tactics, which has resulted in the adoption of “ever more desperate measures” by middle-class families to get ahead (Brown and Hesketh, 2004, p. 228). Questions arise as to the impact of such strategising on individuals’ wellbeing and this is the focus here. Wilson-Strydom (2017) suggests that the Capabilities Approach (CA) is a useful alternative for exploring access to university, where research and policy typically focus on participation rates of different groups entering HE, continuing their studies and graduating. This is problematic because, as highlighted by Wilson-Strydom, “where participation rates and completion rates are similar, we assume equality of access” (2017, p. 135), which can neglect issues of freedom, wellbeing and agency. The CA provides a normative and moral framework for thinking about wellbeing and agency, particularly how this relates to individuals’ “freedom to live a life that they have reason to value” (Wilson-Strydom, 2017, p. 129). This chapter explores the wellbeing of aspiring solicitors in the study using the Capabilities Approach, developed by Sen and Nussbaum (see Chapter 4) and describes the capabilities that were identified through thematic analysis of the interviews and the key capabilities (Table 8). As discussed in Chapter 4, a predefined list of capabilities is not without controversy, due not least to the questions as to whether there should be a predefined list, who should define this and determine an acceptable threshold for the achievement of each capability? (Stewart, 2013). However, the list in Table 8 is potentially a useful starting point in addressing issues of wellbeing for those in the study here. The Capabilities Approach “asks and answers a question that real people pose to themselves, and others, in many different contexts, every day of their lives: What am I able to do and to be? What are my real options?” (Nussbaum, 2011, p. 106). For the study here, this concerns such matters as whether an individual has access to information so that they can make an informed choice about their pathway options and the extent to which they can make an independent choice. In exploring these matters, attention is directed towards the capacity of individuals to convert their resources into capabilities (see Chapter 4 for a discussion of this), because “justice cannot be indifferent to the lives that people can actually live” (Sen, 2009, p. 18). This approach will lead to a greater understanding of the practical issues in the lives of those in the study that impacted on capability development and realisation of their potential functionings (outcomes). The rest of this chapter proceeds as follows. Firstly, Table 8 presents an ideal-theoretical list of capabilities for equitable transitions to university and the solicitors’ profession, adapted from Walker (2006, cited by Wilson-Strydom, 2017) and aligned with themes from the data (see Table 9.1, below). Following this, sections 9.2 to 9.6 present data from selected interviews, using the five capabilities in Table 8 as a framework to explore the wellbeing of aspiring solicitors in the study. An overall summary of the chapter is provided in Section 9.7.

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| --- | --- | --- | --- |
|  | Capability | Walker’s Definition | Themes |
| 1 | Practical reason  Section 9.2 | Being able to make well-reasoned, informed, critical, independent, and reflective choices about their post-school study and career options. Having the ability to construct a personal life project in an uncertain world and exercise good judgement. | THE IMPORTANCE OF TIME: Compromised and constrained competing demands. Time as a resource to convert into valued functionings - fertile capability in developing (2) Resilience. Constrained for some, leading to clustering of disadvantages. |
| 2 | Resilience  Section 9.3 | The navigation of study, work and life. Having the ability to negotiate risk, persevere, being responsive to opportunities and adaptive constraints, becoming self-reliant, having aspirations and hopes for the future. | MANAGING UNCERTAINTY |
| 3 | Social relations and social networks  Section 9.4 | Being able to form networks of friendships and belonging for learning support, leisure and mutual trust. | THE IMPORTANCE OF SOCIAL NETWORKS  Belonging: This was difficult to achieve for some on both pathways.  Support and encouragement |
| 4 | Respect, dignity and Recognition  Section 9.5 | Being able to have respect for oneself and others as well as receiving respect from others, being treated with dignity, not being diminished or devalued because of one’s gender, social class, religion or race. Being able to show empathy, compassion, fairness and generosity. | RESPECT: This was related to place and belonging. Some felt conscious of transgression into middle-class domains. Workplace culture. |
| 5 | Emotional & ethical Integrity  Section 9.6 | Not being subject to anxiety or fear which diminishes personal character. | INTEGRITY: Anxiety featured in interviews and influenced the adoption of various strategies. Assimilation, and resistance, to corrosive culture. |

**Table 8: Ideal-theoretical list of capabilities for equitable transitions to university and the solicitors’ profession** **adapted from Walker (2006, cited by Wilson-Strydom, 2016)**

## **9.2 Practical reason**

This section considers the development of practical reason among aspiring solicitors in the study and the extent to which individuals were able to access and mobilise their resources of capital, for instance, knowledge and access to information, and convert these into the development of capability (1) ‘practical reason’. Access to knowledge about different pathways and the ability to exercise agency were themes that resonated across interviews with most participants. For example, Kate talked about how her school presented university as the only option after leaving school, “the school I went to never encouraged anything else other than university”. While there were a few exceptions, most participants across both pathways had discussed feeling pressure from their school to go to university, with a lack of provision of information about alternative options. However, not all participants had felt ready to make a decision about their future. One such individual, Edith ( A\*A\*A\*, state school, elite apprentice, middle class, female), ‘dropped out’ during the second year of her undergraduate course due to her own concerns about whether her course was right for her and whether it was worth the “time and money [and] the financial investment”. After ‘dropping out’, Edith worked in a financial advisor’s office for a year and volunteered one day each week for four months in a local law firm, which developed her aspirations to pursue a career in law. Edith explored her options online and came across the Solicitor Apprenticeship (the DA route), which looked like a good option and so decided to apply for both a DA and a backup option of a place at Cardiff University to study for a law degree, because she “wasn't sure what the chances of getting the apprenticeship were, so I thought I'd cover both.” Edith chose the DA route. The time Edith took out between leaving university and starting on the DA pathway enabled her to develop the capabilities of practical reason and resilience. Edith was able to make an informed decision and reflective choice about her career options (capability 1). Having felt pressure from her school to go to university, she valued the opportunity to take more time to consider her future education and career options and to find a pathway that suited her:

I do think it’s good to take some time to, sort of, breathe and really think about it before just pursuing a degree … I had realised by working in the financial advisors, I had picked up a lot from just working, and I think it just suited me better to work in that way (Edith, A\*A\*A\*, state school, elite apprentice, middle class, female).

Her action in ‘dropping out’ of her university course, while often viewed in terms of failure, demonstrates the development of her resilience (capability 2), self-reliance in navigating study and work, and responsiveness to opportunities, for instance finding out about the DA route, to develop and achieve her aspirations for her future career. For Edith, the DA route presented a real opportunity to lead a life that she valued, something that she enjoyed and was a direct route to realising her chosen career goal.

There were several individuals in the study following the DA route who had not wanted to go to university and wanted to able to jump straight into work and learn on the job, while still being able to earn a degree. While there was a minority of participants who had been aware of the DA option to earn and learn, others gained knowledge of alternative options through timely encounters with knowledgeable others. For example, Anna had a timely visit during sixth-form from a former pupil of her school, a solicitor at a large corporate law firm. This led to a work experience placement at the same law firm, and thereafter a one-year legal apprenticeship, followed by a decision to continue with the DA route to qualify as a solicitor. Anna had not particularly wanted to progress to university and this one-year legal apprenticeship presented her with an opportunity to gain valuable work experience and to consider the viability of alternative routes in achieving her career goals, while still retaining the possibility of going to university:

Well, [going to university] wasn't something that I particularly wanted to do anyway, but … because I knew that I wanted to go into law, I knew that I would need to get a degree … and I don't think I would've done the apprenticeship had it not had a degree attached to it. So, I initially applied thinking if I just do the year of the initial apprenticeship and then go on to uni at least I've had some experience […] So, it was like - why don't I try this and if it doesn't work out then I can still go to uni.

(Anna, A\*AA, state school, elite apprenticeship, working-class, female)

Anna’s development of the capability of ‘practical reason’ was facilitated by an encounter with a former pupil of her school and the subsequent work experience. This is highly reminiscent of Barg et al (2020) in respect of the influence of significant others in the elaboration of what future-self is considered possible and what intermediate steps are needed to get there (p.6) and illustrates how interlinked (Stewart, 2013, p. 9) the different aspects of capability can be, for example, the social network facilitated by the school providing a fertile capability for development of practical reason.

Gaining career insight and practical knowledge at an early stage enabled Anna to make a reflective and informed choice about her post-school education and career options, to construct a personal life project and exercise agency. Freedom of choice, including the capacity to exercise agency in rejecting the university pathway, is an important aspect of the capabilities approach. This includes the freedom to reject what is normatively considered the better option (Hannon et al, 2017, p.4; Watts, 2012, cited by Hannon et al, 2017, p. 13).

While some participants were able to exercise agency and develop their capability of practical reason, others were constrained by their personal and social circumstances. Across both pathways, time was a resource which could be used strategically to balance studies, work, caring responsibilities, socialising and employability, or even just to create space to explore and consider alternative options. Managing time was a challenge and was discussed in terms of a trade-off between these competing demands. For instance, while studying for A-levels, Sue (CCDD, state school, non-elite student, working-class female) was working to contribute to the household finances which were constrained by ill-health and redundancy of her parents. Naturally, this impacted on Sue’s academic attainment, but additionally, due to her caring responsibilities, Sue felt that going to university was not an option for her anyway:

My mum took ill, but my dad had also been made redundant in the time that I was studying as well.  So, I was working quite a lot of hours as well, alongside studying, so that took an impact on my grades.  And at the time that I took my A-levels mum was still quite poorly and it wasn't really an option for me to go to university at that point. (Sue**,** CCDD, state school, non-elite student, working-class, female)

As the above extract illustrates, Sue’s family’s circumstances and the expectation that Sue would financially support her parents, not only impacted her attainment but also constrained her ability to make an independent, reflective choice about her future career and to construct her own life-project. In asking “what is she able to do and to be? and what are her real options?” (Nussbaum, 2011), given Sue’s personal and social circumstances (Sen, 1999, p. 17), it can be seen that her capacity to exercise agency, self-determination and autonomy to realise her goals were severely compromised. This also relates to Nussbaum’s (2011) concept of corrosive disadvantage, whereby disadvantages can cluster impacting on other key capabilities, for instance, having hope and aspirations for the future. Years later, after a string of failed business ventures, accrued debts and eventual divorce, following a difficult marriage, Sue decided “to do something that’s for me”. She had planned to do a degree by distance learning, having assumed this to be the only affordable option as she had been unaware that student finance would be available.

There may have been some information on the website but I didn't think about a degree to start with, it was more I was going to do something that I find interesting and hopefully, I'll get into a better career by doing it ...  As I did my research, I thought that I did want to go to university, I did want to do a degree and why should I rule that out even though I'm in my thirties I can still do that. (Sue, CCDD, non-elite student, working-class, female)

A friend explained how student finance worked, which prompted Sue to reconsider her plans for distance learning, go to university full-time and to work part-time instead. During her Law degree, Sue found out more information about the implications of her particular circumstances on her career choice and was now considering qualifying as a Barrister, or possibly a Costs Lawyer[[15]](#footnote-15), rather than following her initial preference, the Solicitor route. Sue’s freedom to make her own choice of career direction was an issue due to her personal and social circumstances, as she had “a poor credit history” and financial issues from the business she previously had with her ex-husband. However, from a capabilities perspective, in reflecting on this new information and how that would impact on her options, Sue has demonstrated the development of practical reason and, also, resilience, which is discussed in the next section.

## **9.3 Resilience: managing uncertainty**

Some individuals in the study managed to secure a vac scheme placement which led to the offer of a training contract. This was instrumental in both confirming their aspirations for a career in law and in managing the uncertainty of their progression through the university route. For some, this created a fertile capability in that it opened up other key capabilities, for instance, respect (Section 9.6) and emotional integrity (Section 9.7). Some individuals took advantage of new opportunities through the DA pathway to jump straight into legal work, which suited the way they preferred to learn. While some were able to adapt to balancing study, work and life, others struggled with long commutes and the corrosive effect this had across other key capabilities.

Additionally, some participants had not been able to access prestigious vac schemes, access to informal work experience had helped them to develop a clear vision of their possible future in law which developed their aspirations and ambition to succeed, and which motivated them to work hard with their studies. Others adapted their aspirations for their possible future career due to encountering new information. For example, Sue perceived barriers in the ‘character and suitability’ criteria in accessing the solicitors’ profession due to her personal circumstances:

Honestly, this is not something that I've discussed with anyone else if I'm honest.  Partly because when I was with my ex-husband there had been some financial issues with the business we had - he'd been stealing money from the business and got us into quite a sticky situation financially, and because my credit history is really rubbish. The SRA actually do financial history and credit checks, whereas the Bar would do a criminal record check but not a credit check. (Sue, CCDD, non-elite student, working-class, female)

Sue decided to adapt her aspirations towards other careers in the legal profession, such as the Barrister route or Costs lawyer:

I'm hoping to consider a career as a barrister - that's the route I'm looking at right now.  Or, failing that, an alternative route into law, something like a costs solicitor, a costs lawyer or costs draftsperson.  Possibly not the solicitor route. (Sue, CCDD, state school, non-elite student, working-class female)

The above extract illustrates Sue’s developing resilience in adapting to constraints and having hope for the future by developing more flexibility about her possible options and a ‘thick’ aspirational map (Appaduria, 2004, cited by Hannon et al, 2017). However, she had no legal work experience to inform her aspirations and these were based more on identifying career options in law that had not been closed off due to her particular circumstances, rather than a sense of finding a good fit.

Access to vac schemes was important, not only because of its significance in achieving a training contract but, due to the effect of the experience in developing confidence that aspirations could be realised. For example, Tammy had doubts about her ability to fit in before she started her vac scheme with an elite London based law firm, because of her working-class background:

I was fairly nervous because it’s an issue that I’ve always had. I’m outwardly very confident but inwardly I lack a lot of confidence and so I was fairly nervous that I wouldn’t fit in and that I wouldn’t be clever enough to be there, and because I’d not come from an overly wealthy background or, you know, had gone to a really fantastic school I perceived that I wouldn’t fit in, in that sense.

(Tammy, A\*AA, state school, Elite Graduate, working-class, female)

In response to a question about the effect of the experience, Tammy talked about how it influenced her notion of fit with the law firm: “I thought I could see myself doing this … especially at the first firm and I felt like it would be a good fit”. This demonstrates the positive contribution of Tammy’s vac scheme placement on her development of resilience and is exemplary of the type of elaboration that plays a key role in forming a strong vision of a possible future-self, as discussed by Barg et al (2020) (see Chapter 4 for a discussion).

Most of those who were following the university route tended to rely on notions of hard work in their studies as being the key to success in achieving their career goals. There were exceptions where a more strategic approach had achieved success in access to legal work experience. However, most of those on the university route had not had any formal work experience and, since starting university, were increasingly aware of the nature of the competition for vac scheme places and training contracts in access to the legal profession. For example, Gavin (BTEC Distinction, CC, state school, non-elite university, working-class, male), a second-year law student, had applied for four vac scheme places and planned to apply for a further five places:

I've applied to four so far.  I've got another five to apply for… I just think that applying for vacation schemes and training contracts at the moment just brings to home really how competitive it is to get into -  to become qualified for law - It's ok doing your degree but it's what comes afterwards if you want to qualify I suppose. (Gavin, BTEC Distinction CC, state school, non-elite university, working-class, male)

It was not unusual for students to make several vac scheme applications but to not hear anything in response. An understanding of the amount of time and effort many students in the study expended in making applications prompted a discussion of the emotional toll in seeking access to the legal profession. In response to a question about whether one had to be tough in the competition for vac schemes:

Well, I think you have to be but, you know, if I don't get any of them -  I'll shake my shoulders and carry on with the degree, after all, that's the main reason I'm here - to do the degree.  I can apply again next year for the vacation schemes. (Gavin, BTEC Distinction CC, state school, non-elite university, working-class, male)

The above extract suggests Gavin’s resilience in navigating study and opportunities. His talk of applying again next year indicates his readiness to persevere and that he is hopeful for the future once he gains his degree. During the interview, I sensed a fragility, possibly informed by a memory of my own feelings, having been in this situation some years previously (see Chapter 5 for a discussion of this). Gavin’s aspirations were set on achieving one career goal and his reliance on hard work revealed a lack of awareness of other potential barriers he may face in achieving his goal. This reminded me of the discussion of Berlant’s (2006) ‘cruel optimism’ by Hannon and colleagues (Hannon et al, 2017, p. 18), where they suggested that students would be better prepared for the structural barriers in achieving their career goals by developing an awareness of what these barriers might be and approaches for how these might be navigated.

There were some individuals on both the university and DA routes were successful in accessing informal work experience. For example, Sally (private school, non-elite graduate, working-class, female) secured a week’s experience shadowing the managing partner of a law firm who had agreed to the arrangement as a favour because Sally was a school friend of his daughter. A little context is required to understand the social capital aspects of Sally’s experience as she was from a disadvantaged background and was brought up by her maternal grandparents. Although she attended a private school, she had accessed this by winning a scholarship. Sally talked about how the work experience had motivated her to work hard with her studies and had given her the aspiration to pursue a career in law:

… it sounds really sad, but I got really excited when I'd get to the building. It was a really big, prestigious building, and I thought, yeah, if I work really hard and, you know, get my grades and get into a firm and try and get my training contract quicker, then I could be here. I could be, sort of, a big guy in that department or the big guy in the firm, and that's what I liked about it. It gave me, sort of, aspiration, a little bit of ambition, motivation.

(Sally, private school, non-elite graduate, working-class, female)

The above extract shows the influence of informal work experience, even brief periods, on building resilience. Additionally, it illustrates Sally’s ‘purist’ traits (Hancock et al, 2017) through her belief in hard work to get where she wants to go. However, Sally was aware that work experience was difficult to access for someone with no connections to the profession and from a less-advantaged background:

So, I went to a better school with, obviously, people who were more wealthy than me and this person's family is quite wealthy. So, I think that is a link between the classes and that I obviously wouldn't have had that work experience had I not have known that girl whose dad was a solicitor.

(Sally, private school, non-elite graduate, working-class, female)

While others were able to access internships and informal work experience through their social networks, Sally’s experience was different in terms of her capacity to covert social capital into a capability. Although, Sally had been to a private school, had attended university and earned a law degree, her ability to convert her cultural resources, or ‘goods’, varied considerably from others that had these goods. Sen (1980) discusses social justice in relation to the conversion of goods into capabilities and highlights that this can vary substantially between different people. Sen (1980) suggests that even where individuals are equal in terms of goods, there are differences in the conversion of these goods into capabilities (p. 219, cited by Wilson-Strydom, 2016, p. 117). Sally’s conversion of social ‘goods’ can be understood by Robyns’ (2005) adaptation of Sen’s concept of conversion through the introduction of three groups of conversion factors (see Chapter 4 for an outline). Sally’s social ’goods’- her relationship with a friend from school - was a social conversion factor and her ability to convert this into a capability that would help her was influenced by such factors as the power relationship, in that Sally was the recipient of favour, with no reciprocity, no exchange value, and no mutual recognition of group membership (Abrahams, 2017, p. 635) (see also Chapter 7, Section 7.4 for a discussion in relation to employability). However, Sally’s conversion of social goods resulted in access to an informal work placement, this was an insecure conversion that she could not rely on or draw on for future opportunities (see Vic’s experience in Section 7.4 for a contrast).

Sally went on to self-fund her post-graduate legal qualification on a part-time basis, while working full-time. Her journey to success in achieving access to the solicitors’ profession, through a training contract, was one of the longest of all those who participated in this study and demonstrates her resilience, perseverance, self-reliance and determination to achieve her career aspirations. However, despite having secured access to a training contract, Sally had doubts about her mobility within the profession based on her background and her previous encounters during work experience placements, particularly relating to issues of embodied cultural capital in the form of accent:

I always have this perception that people who are [northern stereotype], that they don't necessarily think that you're clever or intelligent or know what you are speaking about. I think if I were to go to a bigger firm, which I do hope to do in the future, I think I may face bigger barriers and, erm, if I wanted to move to London, for example, I think it would be a massive, massive issue there if I spoke the way I do. Me and my boyfriend have spoken about it but I said I think I may struggle to find a job.

(Sally, private school, non-elite graduate, working-class, female)

Some in the study rejected the path to university, preferring to take up a new route to legal qualification through the apprenticeship pathway. For example, Kate (private school, non-elite apprentice, middle-class, female) was from a more-advantaged family background than Sally (above) and her parents paid for her to attend a private school. Kate’s school expected that she would go to university and she discussed the pressure on her and fellow students in that the school had not presented any options other than university. However, through her research, Kate found information about alternative pathways into law which allowed her to learn on the job. Kate talked about how she preferred the format of learning whilst working:

I just wanted to go straight in … I've found it a bit more beneficial, as I've always been the sort of person to learn on the job and pick things up as I go along, to go straight into work, pick it up, do my studies part-time and just work through the week. (Kate, private school, non-elite apprentice, middle-class, female)

In addition to preferring the format of the apprenticeship structure, Kate also found that her confidence grew through actually doing the work:

I found myself more confident in talking to people ... I feel a bit more satisfaction in my job talking to people on a private client basis because you know that you're actually doing something to help them with their lives. It's made me more aware of people as a whole, just different people and how their minds work and what they want and what they need us for and how, as a lawyer, you can help certain types of people.

(Kate, private school, non-elite apprentice, middle-class, female)

The extract above illustrates Kate’s resilience in negotiating opportunities to access the professions through new routes and her agency in resisting the normative school to work transition via university.

Many of the opportunities for both work experience and apprenticeships were with large commercial law firms in London. For some of the apprentices, this involved long commutes between home and work. Despite having similar jobs in similar law firms, as well as similar commute times, perspectives on the experience of commuting varied. For example, Dilys had a four-hour daily commute between her home and apprenticeship in London and made use of the commute time to study:

So, how I justified it to the partner who interviewed me was that actually, it doesn't matter that I commute at the moment because I have 4 hours on a train every day, so I get all my study done.

(Dilys, A\*BBB, state school, Elite apprentice, middle class, female)

However, despite a similar four-hour daily commute to his job in central London,

Callum’s perspective on this experience was somewhat more negative:

It's draining. I set off about 7 am and get to the train station about 7.30 am, get off the train at 8.10 am and then I'm in the office at around 8.50 am, I guess.  I do come in quite early though - I'm not expected until 9.30 am, but I end up usually being in the office for about 8.50 am. I leave at 5.30 pm but it turns out I'm the odd one out on the apprenticeship, out of the apprentices that I know.

(Callum, AAAAA, state school, Elite apprentice, middle-class, male)

In discussing the long-hours culture at his firm in London, his experience of the daily commute and his hopes for his future career, Callum reflected:

I thought about it, but every time I think about it I usually go - it's about 50/50 which one I answer to myself -  sometimes I do say ‘Oh, I'm used to London and I'll stay here’, other times I go ‘that's it, I'm moving’ … I just don’t think I want to work in London my whole life … there’s a value to everything and I think the most valuable thing we have is time. (Callum, AAAAA, state school, Elite apprentice, middle-class, male)

Completion of the DA route would require six years of this daily commute and Callum was well aware of the trade-off between his resources of time and the opportunity to achieve a professional qualification. While Dilys, for the time being at least, was able to make use of her commute time to achieve her study objectives and achieve a balance between work, study and life, Callum’s experience suggested a struggle to adapt to the constraints on his time. Due to the impact of his long commute on the development of resilience, there was the potential of a capability failure due to the corrosive effect of this across other key capabilities, for instance social (see Section 9.4) and emotional integrity (see Section 9.7). The next section explores the development of capability (3), social relations and the importance of social networks.

## **9.4 Social relations and the importance of social networks**

Informal social networks at both university and in the workplace are important in developing a sense of belonging and identity (Harrison et al, 2018; Hannon et al, 2017). While some of those in the study worked in large law firms in London, others were in regional cities or outside of London locations. Due to the intensely competitive nature of the market for training contracts, trainees often had to move away from home to take up their positions. The ability to form social networks in the workplace had increased significance for those no longer close to family and friends. One trainee solicitor, Isaac (CCC, state school, Non-elite graduate, working-class, male), had chosen to apply to a large law firm as one of their offices was located near his home, accepted a training contract but was placed at one of their ‘on shored’ offices outside of London. Isaac talked about the isolation of being the only trainee in the office and missing out on the social contact of other trainees:

I'm in a bit of a lonely position in that respect because [southern town] - the way it works in [law firm] is that … we have the Corporate seat.  So, [I am] the only Trainee.  I do see other Trainees occasionally because they come to [southern town] to hot desk, or whatever.  But ... there's no other paralegals either, so it's a little bit like ... sometimes I think... it would be lovely to go out with a bunch of trainees, you know.

(Isaac, CCC, state school, Non-elite graduate, working-class, male)

Having access to a network of peers is important for mutual support, particularly in what can sometimes be a harsh corporate environment, which can be both physically and emotionally draining, as described by Isaac:

Corporate is, every Trainee says the same, it is the most technical, difficult seat.  I'd done one in my Vac Scheme and I thought 'Oh my God, that was a bit of a leveller', and that was just on the Vac Scheme, that wasn't working it.  When you're in it, in the job, I've got to be honest, I found it challenging and tough and I needed to be pretty resilient at times in terms of hours, workload, criticism of your work because I’d never done anything in Corporate before - apart from the week in [large law firm], I'd never done anything, didn't do it on the LPC [Legal Practice Course], wasn't that interested and, I mean it's been a bit of a roller coaster.

(Isaac, CCC, state school, working-class, male, Non-elite graduate)

The above extract indicates Isaac’s demanding work environment, but without a supportive network of peers, his development of capability (3) was difficult to achieve. This potentially impacts on the development of other key capabilities, for instance, emotional integrity. One participant, Rob (CC BTEC Distinction, state school, Non-elite Student, working-class) reflected on his existing social network and how had he anticipated difficulties in maintaining this now that he had started university:

It’s no secret that training contracts are quite demanding and quite long hours, and one of the main things I was having doubts about when I started [university] was when I found out just how much work there is in a training contract, and the way that I read it was that I was going to be at work Monday to Sunday, six in the morning till six at night. I’m never going to see my mates - they’re going to stop calling me ‘cos they think I can’t be bothered with them (Rob, CC BTEC Distinction, state school, Non-elite Student, working-class)

While another participant found that her existing social life could still be maintained by making careful use of her commute time to study on the train:

So I do my study in the morning, I come to work and I do my study in the evening and when I get home I can then go out for dinner and have a social life because I'm earning money at the same time - so the balance seems to be working really well for me (Dilys, A\*BBB, state school, middle class, female, Elite apprentice)

The above extract indicates that the development of Dilys’ social capabilities have not been diminished by working and her long commute. However, Callum acknowledged the trade-off in his social life now that he is working and can afford to have a night out but, because he works, ironically, he does not go out as he has to get up early to go to work:

I think part of it is a thing where it's like a going away thing about going to university - you've got to have your year of drinking essentially... Some nights I think I could have the nights [out] if I wanted to, in fact, I could probably afford it a lot easier than university students but just getting up in the mornings means that I prefer to just go home… I've never been much of a night person anyway, so I guess it works out (Callum, AAAAA, state school, Elite apprentice, middle class, male)

The above extract suggests a certain resignation and acceptance of his circumstances. Although Callum adopted a pragmatic approach in his adjustment to new employment opportunities through his choice of the DA pathway, this does not appear to have had a positive impact on his development of capability (3) and raises questions about issues of identity and fitting-in over the duration of his six-year apprenticeship. While Callum’s development of Capability (3) was constrained by his circumstances, others felt socially constrained through concerns about fitting-in. For example, Sally was self-conscious about her northern accent, having had recent negative experiences which highlighted this as something which signalled a lack of belonging in the legal professional field. However, through attending a professional networking event, her confidence grew:

I went to a barristers’ chambers party, er, a couple of weeks ago ... I was quite self-conscious, again, of my accent, erm, obviously barristers are all quite well-spoken and I didn't really want to speak to anybody. But I was actually approached by the barrister who I instruct and had a really long conversation with him. He bought some QC's over and then I kind of relaxed and went into my own, cos I knew what I was speaking about and I had quite a lot of intelligent things to say. So that's probably one of the places where I thought 'Yeah, I deserve to be here'.

(Sally, private school, non-elite graduate, working-class, female)

The above extract illustrates the profound effect that social capability can have on a sense of belonging and provides, too, a sense of the importance of issues of acceptance into a professional community on identity formation. For Sally, the social capability was fertile in opening other key capabilities, for instance respect.

**9.5 Respect**

According to Nussbaum, one of the two originators of the Capabilities Approach (the other one being Amartya Sen), one of the key goals of the approach is that all people be treated with equal respect, particularly in their freedom to choose and to act (Nussbaum, 2011, p.24). In terms of achieving key capabilities, Nussbaum suggests that the goal should be for all to have the same capabilities and that those who need help to get above the threshold (see Chapter 4 for a discussion), whatever that might be, get that help to achieve that (2011, p. 24). Nussbaum emphasises freedom of choice as being central to human dignity. Additionally, she discusses how dignity can be denied, for instance through social, political, familial and economic conditions, such that individuals may be prevented from “choosing to function in accordance with a developed internal capability” (2011, pg, 30), or where certain conditions result in the “stunting” or “warping” (p. 31) of the development of capabilities. In relation to the study here, this concerns matters of choice and treatment. This, of course, relates just as much to issues of access to knowledge and information about pathway options, as discussed in preceding sections. However, once on a pathway, these matters are still pertinent. For example, the choice of modules on a law degree. While this issue was raised by only one participant in this study, it resonated with my own experience of legal education where the module choice was constrained by the popularity of particular modules among students which required a minimum number of students to sign up in order for a module to run. In a way, this was at least democratic and understandable. However, it is more troubling from a capabilities approach where certain modules are simply not on offer at all. For instance, Rob (CC BTEC Distinction, Non-elite Student, working-class) discussed the module choice at his law school where Mergers and Acquisitions was not available as an option: “… they’re not wanting to put the more challenging subjects on. In Company Law they don’t do Mergers & Acquisitions because they’re quite challenging”. Rather than accepting this state of affairs, and highly relevant to the Capabilities Approach, Rob petitioned all law school students through his student law society about their interest in a particular module that had been proposed by a law tutor but refused by the university:

So, then we found out, at the Law Society, and we sent out a survey - ‘Would you be interested in a Banking & Finance [module]?’. I think something like 76/77% of students went ‘Oh yeah, I would do, it would be quite interesting’, even if it was just so they would have an understanding of what their rights were when dealing with a bank … well we’ve got the majority of the Law School is a member of the Law Society, so when we say we are speaking for the Law School, we are actually speaking for 98/99% of the students that are here. So, we do have quite a clear mandate almost to speak on their behalf.

(Rob, CC BTEC Distinction, state school, Non-elite Student, working-class)

The above extract illustrates that, although the university was constraining choice and therefore not treating their students with respect from a capabilities approach, the experience was instrumental in developing Rob’s capabilities. He was exercising agency in not accepting an unsatisfactory position in a lack of choice of modules, as well as engaging positively with fellow students to remedy the situation, treating them with respect. For another participant, for whom confidence and fitting-in had been initial concerns (see section 9.3), actually doing the work of a solicitor was beneficial in achieving a sense of respect:

I’ve drafted documents and agreements that at other firms you would probably have someone who was three years qualified draft. Whereas, I was able to do that as a first year trainee, for example, on a recent deal that I’ve been working on, I’ve been liaising with the law firm on the other side - I’ve been liaising with someone who’s four years qualified, and there’s not even a trainee in the picture on the emails but I presume there’s at least one trainee in the background, and that’s despite the fact that myself, I am a trainee.

(Tammy, A\*AA, state school, elite graduate, working-class, female)

For others, the support of colleagues was important for reinforcing the confidence of those following the new DA route. For example, Anna (Anna, A\*AA, state school, elite apprentice, working-class, female) discussed the positive perception of the DA route among work colleagues:

Well, I thought that I might get a bit of ‘well you shouldn't, it's not right, it's not the way that it's done’.  But actually, most people think it should be done more, that it's a really good idea.  Like, I've had loads of support from people in my department because they know what I'm doing and they want to see it work.

(Anna, A\*AA, state school, elite apprentice, working-class, female)

While universities are now increasingly aware of the importance of creating a sense of community and belonging for students, some first-in-family students, nonetheless, can face disparaging micro-aggressions that can undermine their confidence, for example, Ulrika (ABB, state school, working-class, female, Elite student)

discussed experience of such a micro-aggression from fellow students on her law course:

I got asked if I was from a [state] school, and then they were all like “you can tell” … It wasn’t until I came to uni that I realised that it was an issue. I thought it was normal … well someone told me, well they found out that I was from [state] school, they said … apparently, one guy on the Law Society… they were like “I don’t know why they’re asking people from this background to be judges because they’re not going to be as well prepared”… and I was like, I just blocked it out (Ulrika, ABB, state school, working-class, female, Elite student)

Such experiences undermine the development of social capability and erode a sense of affiliation and belonging (Nussbaum, 2011), which also has a corrosive effect on other key capabilities, notably emotional integrity. Similar disparaging comments were experienced by some on the DA route. For instance, Dilys (A\*BBB, state school, middle-class, female, Elite apprentice) had an encounter with some trainee solicitors from a different law firm whereby they were attempting to devalue her pathway in comparison to their own:

Not at [large law firm]but elsewhere - they've been disparaging, perhaps trying to point out that it's different, it's not the same and you can't expect...I don't know how they would know this but - because it's the same qualification that you end up with, isn't it, the Solicitor qualification. Some of the boys I go to university with work at [large multinational law firm] and some of their trainees turn round and said “well you don't have a Law degree, you don't earn £40,000, you don't do this” and were quite disparaging.

(Dilys, A\*BBB, state school, middle class, female, Elite apprentice)

Dilys’ experience, above, reflects differing perspectives about what constitutes success. The trainee solicitors from [large multinational law firm], although perhaps not quite indicative of the type of corrosive behaviour predicted by Brown and Hesketh (2004), nevertheless suggests a denigrating attitude towards alternative pathways and the strong association of money with success for some, which raises questions about the values of those seeking to qualify as solicitors.

## **9.6 Emotional and ethical integrity**

Anxiety due to the uncertainty of qualification featured in many interviews but did not manifest in the corrosion of character described by Brown and Hesketh (2004). For some participants, there was an evident belief in having the winning formula for success in achieving their desired career goal of entering the elite of the solicitors’ profession. For the others, there was a sense that their career pathway had to fit with their ethical expectations. Exposure to some law firm cultures can have a corrosive effect, particularly on the development of professional and legal ethical conduct. For example, before going to university, Rob (CC BTEC\*, state school, non-elite uni, working-class, male) had worked as a lower-level apprentice at a small criminal law firm. During his apprenticeship he encountered a troubling ethical conflict where the law firm had been representing a client accused of murder:

I wouldn’t want to be in a moral position where somebody who I know has done something, because they’ve all but said ‘Yeah it was me’, and I’ve still got to stand up and go ‘Well, he didn’t do this’. It opened my eyes to some of the pressures they faced but it also opened my eyes to how easy it is, especially for small firms rather than the bigger firms, but for small firms to skirt along the legal and ethical boundaries and things like that.

(Rob, CC BTEC\*, state school, non-elite uni, working-class, male)

For others, the working culture in a large corporate law firm created tensions and resistance to a long-hours culture:

It was like a revelation learning about how late people were willing to work - there's people in the office that are quite happy to stay till like 7:00 am and ridiculous times. Most days I leave at 5.30 pm but it turns out I'm the odd one out on the apprenticeship - out of the apprentices that I know. It's just that we're not paid to work those long hours.  We're paid to work to 5.30 pm. I'm worried about the kind of precedent they are gonna set out for next year's apprentices, essentially, but they won't listen to me.

(Callum, AAAAA, state school, Elite apprentice, middle-class, male)

The above extract suggests that other apprentices were assimilating to the working-hours culture of the firm, whereas, Callum resisted this. Fortunately, Callum had the support of his apprenticeship manager and his mentor. However, such tensions can have a corrosive effect on emotional integrity, in addition to other capabilities, in that behaving differently to others in the team impacts on a sense of belonging and may lead to worries about managers’ perceptions of commitment and the possible impact of this on progression (Tomlinson et al, 2013).

## **9.7 Summary**

The Capabilities Approach provided a novel and useful framework to explore issues of access and experience to both university and DA pathways to the solicitors’ profession. This provided a rich insight into the lives of individuals and enabled the identification of injustices and inequalities that could inform policy and practise (discussed in Chapter 10) with the aim of increasing capability development and greater equality of wellbeing for all. Time was utilised as a resource, compromised and traded by individual participants in different ways. For some, this enabled the development of “fertile capabilities” (Nussbaum, 2011, p. 145), which led to the opening or development of other capabilities, for instance, resilience and emotional integrity. For others, this constrained the development of capability (1), i.e. being able to make well-reasoned, informed, critical, independent and reflective choices about their post-school study and career options, as well as having the ability to construct a personal life project in an uncertain world and to be able to exercise good judgement (see Table 9.1 above).

The data suggest that those on the university route were concerned with issues of fitting in, across all backgrounds. While those on the DA route were more focused on achieving a balance between study, work and life. At the time of writing this chapter, the Sutton Trust published a report about access to the workplace and the impact of the COVID-19 pandemic on social mobility, announcing that sixty-one per cent of all UK employers surveyed (not just law) have cancelled some or all of their work experience placements and internships and that almost half of these organisations expected there to be fewer opportunities going forward to next year. Given the findings in this study of the importance of work experience in the development of key capabilities, the likely impact of the current pandemic on the wellbeing of both students and those hoping to find a degree apprenticeship pathway into the legal profession seems stark. Possible avenues for future research concerning wellbeing are highlighted in Chapter 10.

# **10 Conclusion**

## **10.1 Introduction**

This final chapter of the thesis will conclude by presenting a summary of the key findings of the research undertaken. In doing so, I highlight the unique and significant contribution to existing knowledge in the field, both theoretically and empirically. I reflect on what new knowledge has emerged from this research and how this relates to previous research from the literature chapters in ‘key findings’ (Section 10.2). Based on this new knowledge, I offer a reflection on the implications for policy and practice (Section 10.3). I provide a reflective review of some of the issues that arose in the research process and the implications of these. This includes an assessment of the limitations of the study and suggestions for future research (Section 10.4). I offer some concluding thoughts on the contribution of this research in a wider context (Section 10.5). Firstly, to remind the reader of the purpose of the study, I review the aims and research questions.

The aim of this study was to understand how alternative pathways into the solicitors’ branch of the English and Welsh legal profession were understood, experienced, and negotiated by aspiring solicitors from different social backgrounds.

My research questions set out to explore subjective dimensions of motivation in the choice and experience of alternative university and degree apprenticeship pathways, and to make a unique empirical contribution.

I aimed to explore the following research questions:

1. What are the influences on aspiring solicitors’ motivation to pursue their choice of pathway?
2. How do aspiring solicitors understand the opportunities and barriers on the pathway?
3. How are the opportunities and barriers experienced and negotiated by individuals from different backgrounds?

These questions are both timely and significant. Both universities, particularly more selective ones, and the legal profession are under increasing pressure from the government and regulators to diversify their intake in terms of socio-economic background (Chapters 2 and 3). University is the main route to accessing a career in the legal profession (Chapter 2) and the more selective Russell Group universities dominate in that law firms tend to recruit largely from this group. As students from less advantaged backgrounds are underrepresented in Russell Group institutions (Chapter 3), it follows that widening the socio-economic background of law firm recruits is constrained. The recent introduction of a degree apprenticeship route, from 2016, provides an alternative to going to university for those aspiring to qualify and practice as a solicitor and presents an opportunity to achieve greater socio-economic diversity among those entering the profession if taken up by those from underrepresented backgrounds.

## **10.2 Key findings**

The literature chapters consider the control of entry to the legal profession by the large, elite, corporate law firms which work hand in hand with the elite, selective universities and question whether the introduction of the DA route (and forthcoming SQE) can disrupt a longstanding pattern of social reproduction in the profession.

The findings suggest participants from working-class backgrounds are becoming more adapted to the university route with a clear expectation from schools, at least for those with high prior academic attainment, that university will be the next step. For some first-generation students, the aspiration to go to university was quite recent and these students appeared to be less adapted to the ‘changing rules of the game’ in their faith in hard work and the role of their degree in shaping their future career opportunities, supporting Abrahams’ (2017) argument. Abrahams argued that working-class young people, being less familiar within a middle-class social space and having a habitus only partially adapted to that space, are less attuned to the nature of the ‘game’ and, consequently, ‘read’ their degrees as more influential in shaping their future opportunities than do middle-class students (2017, p. 634). However, there were exceptions to this among those working-class students who had exceptionally high prior academic achievement who were able to adapt to the opportunities through both university and DA routes, which suggests a shifting habitus and awareness of the ‘rules of the game’. The difference in the role that personal values played in the choice of pathway direction was also notable in that those from middle-class backgrounds were more likely to be following an elite pathway in a commercial legal sector. This also held for some high-achieving participants from working-class backgrounds across both pathways and, in this respect, my findings depart from those of Bathmaker et al (2013) who emphasise the advantage to those from middle-class backgrounds in their knowledge and application of the rules of the game, such that those in dominant and dominated positions are likely to remain so based on middle-class advantage in access to privileged capitals (p. 741). There was evidence of altruistic motivations for pathway direction among the working-class, which supports Keane’s (2017) findings that pointed to a strong altruistic motivation in postgraduate education and career decision-making among widening participation students from lower socio-economic backgrounds. Whereas Keane’s finding of altruistic motivation relates to younger students, the finding in this study differs in that it included mature participants. However, this finding was not typical and may reflect an increased awareness among those from working-class backgrounds that most opportunities to access a career in the legal profession are with larger corporate law firms (see Chapter 2 for a discussion). Additionally, there may be an institutional effect in that attendance at a high-status HEI confers advantages in the legal jobs market (see Chapter 3 for a discussion of institutional stratification).

Chapter 3 discussed the expansion of the HE sector and its role as a gatekeeper to the legal profession, particularly in respect of selective universities. The increased competition for graduate jobs, particularly highly competitive ones in the legal profession, resulting from the expansion in HE participation has been recognised by those from middle-class backgrounds who responded by either drawing on their greater capital resources to secure the most lucrative opportunities, for instance, work experience and vac schemes, or adapted to the opportunities presented by the new DA route. These results suggested that class fractions (Abrahams, 2017; Ball, 2003) may have played a role here with those from clearly secure middle-class backgrounds being more inclined to draw on their capital resources and the less secure middle-class being more likely to choose the DA route. However, it is not possible to draw any strong conclusions in this respect, given the small, unrepresentative sample.

The findings from Chapter 6 suggest that the motivations for the pathway choice were influenced by social background but that a simple binary of the advantaged choosing the university route and the less-advantaged choosing the DA route was not supported. Here the findings depart from the expectations of Reay, David and Ball’s (2005) chooser typology. This typology anticipates that the contingent chooser is from a working-class background, with no family tradition of participation in higher education and would form decisions on a narrow range of informational sources resulting in the choice of a lower-status pathway. The typology for the embedded chooser assumes a more advantaged background where there is a familial experience of attending university, information for decision-making is based on a wide range of sources and university is a well-established and expected route. Although the embedded choosers in this study selected the elite pathway on both the university and DA routes, the findings here differed from the expectations of the typology in that the contingent choosers were mixed across elite and non-elite pathways on both routes. CRT (Bourdieu, 1977) was useful in exploring the influence of social background in individuals’ decision-making in their choice of pathway and how access to various capitals constrained or enhanced choice and decision-making to a greater or lesser degree (Chapter 6). However, CRT was not able to fully account for the mechanisms of decision-making in the choice of pathway and suggested that another theoretical lens would be useful in understanding the influence of social background in this respect.

Chapter 7 considered pathway decision-making through the lens of RRA. The rationality of decision-making in respect of both university and DA pathways was framed by subjective risk/reward assessments which resulted in participants from different backgrounds adopting different strategies in negotiating opportunities and barriers. The individualised decisions required of those navigating their options and new pathways were not fully explained by RRA which suggested that an approach which used a combination of RRA and CRT, as proposed by Devine (2004), would have more to offer. In this respect, the findings from Chapters 6 and 7, taken together, provide a richer understanding of the influence of social class background on the motivations for the choice of pathway and the mechanisms of decision-making.

Chapter 8 sought to understand how the opportunities and barriers of both routes into the solicitors’ profession were experienced and negotiated by individuals from different backgrounds. With many shared aspirations for high-status occupations, such as law, equality of opportunity through the university pathway was no longer sufficient to ensure middle-class success in the ‘game’ and the exploration of participants’ employability strategising extends Bathmaker et al’s (2013) use of Bourdieu’s (1986) concept of ‘playing the game’. In doing so, I explored how participants developed and mobilised their capital resources through adoption of one of three ‘employability’ strategies - ‘player/purist/pragmatist’ - which I adapted from Brown and Hesketh (2004) and Hancock et al (2017). There was evidence of game playing and ‘player’ strategy to secure lucrative opportunities, which supports Brown and Hesketh (2004) in respect of those from middle-class backgrounds. Most of those who pursued the DA pathway, perhaps recognising a change in the ’rules of the game’ in that ‘standing out’ and a good degree may not be enough to secure their career goals, adopted a ‘pragmatist’ strategy in respect of their flexibility towards the means of achieving their career goals. For those with high prior academic attainment who had adopted a ‘purist’ strategy, attendance at an elite HE institution and access to legal work experience appeared to support success in achieving career goals. This supports the findings from Barg et al (2020) where university students had an internal locus of control and high level of self-efficacy, having a belief in their ability to achieve their aims through academic attainment. For ‘purists’, the university pathway was relied upon as a tried and trusted route to achieve career goals. However, some ‘purists’ adopted ‘player’ tactics, possibly as a response to the perceived competition for training contracts, in line with Brown and Hesketh’s (2004) prediction of the likely response in a crowded graduate labour market and the growth of a player society. However, the findings here depart from Brown and Hesketh in that the majority of participants adopted a pragmatist strategy.

Entry into high-status occupations such as the legal profession has required individuals to stand out in a high-stakes competition. Perceptions of particular identities and values that may grant success in this competition lead to an “opportunity trap” (Brown and Hesketh, 2004, p. 228) whereby everyone adopts similar tactics to stand out, so nobody stands out. While some participants in the study picked up on the established ‘rules of the game’, others relied on the old rules of hard work in a meritocratic race. There was a recognition among many participants that the risks in the competition were too great and the rules were rejected. The question arises as to the impact of strategising in the competition for access to the solicitors’ profession (Chapter 9). What values are being promoted, for what purpose and at what cost to individual wellbeing? If individuals are not able “to do and to be” (Nussbaum, 2011, p. 106) something which they value, what becomes of them? Are people required to change themselves or what they value? What is the longer-term impact on individual wellbeing in society where values are shaped according to what we perceive will bestow access to a career and how does that change society? Will more young people reject the rat race, as predicted by Brown and Hesketh (2004), as individuals reappraise popular conceptions of success and seek a better quality of life?

The potential of the DA route as a mechanism to disrupt inequalities in access to the solicitors’ profession has been highlighted by the government (see Chapter 2). In opening up access to the profession directly with employers, the DA route arguably by-passes the institutional sorting of the HE sector and the social processes that maintain persistent inequalities in access. Given the key findings outlined above, the question arises as to whether the DA route has been successful in achieving its disruptive aims. The findings suggest that underlying social processes in choice and decision-making weaken the disruptive potential of this new route. However, if knowledge of, and trust in, the DA route increases more widely then, in time, we might expect to find increased participation among individuals from different social backgrounds, similar to patterns of participation in HE. Yet it has taken decades to increase HE participation among different socio-economic groups and there are still persistent inequalities in access between the most and least advantaged groups. The issue for the DA route is whether it can gather momentum to achieve its disruptive potential or, more likely, become co-opted as a mechanism of social reproduction, whereby law firms recruit, at an earlier stage through the DA route, those who they would have recruited anyway, through the university route, resulting in no change to existing patterns of inequality.

## **10.3 Implications for policy and practice**

The implications for policy and practise from this research emerge on several levels. The findings suggest that social background influences not only knowledge of different pathways into the legal profession, but the sources of information which impact how that information is perceived (Chapter 6). These findings may benefit law school admissions teams, careers advisors, law firms and degree apprenticeship providers, who may be in danger of inadvertently reproducing the existing socio-demographic of the legal profession. A more strategic approach to informing and educating stakeholders (schools, parents and other potential applicants from underrepresented groups) about the admission requirements, including any flexibility surrounding this relating to contextual offers should be adopted. This could include outreach activities across the country, for example, school and college visits, to reach those from less advantaged backgrounds who may benefit the most from an understanding of different entry routes and admission requirements. Additionally, the uncertainty among several participants in respect of achieving their university offer grade tariff was evident and the proposals of the Office for Students (2020) to adjust the university admissions application process so that students apply after the release of examination results would introduce greater certainty and, in particular, benefit applicants from lower socio-economic groups (Bridge Group, 2020, p. 17).

The findings suggest that support is required beyond students gaining access to university to promote their capabilities so that all students can flourish (Chapter 9). This could include initiatives such as promoting paid work experience opportunities at different types of law firm, potentially funded through the apprenticeship levy; greater transparency in access to legal work experience with opportunities targeted at those who have no prior formal or informal experience.

In respect of the DA route, if this is to be successful in achieving its aims then it needs to be more widely available. This would require more opportunities for apprentices to be made available, at different types of law firm and location, and for these to be taken up by individuals from different social backgrounds. How might this be achieved? Firstly, there has been a significant amount of attention and resources directed to the promotion of university as a post-school pathway and to widen HE participation among underrepresented socio-economic groups. Adopting an approach to widening participation similar to that in the HE sector might be useful to stimulate interest in the DA route and encourage participation among specific underrepresented groups. Secondly, smaller law firms may not be aware of how to go about recruiting apprentices or understand how to make the DA pathway work for them as a recruitment mechanism. Engagement with smaller (non-levy paying) law firms through knowledge exchange projects could potentially resolve issues concerning the diversity of opportunities.

Finally, while the legal profession is an example of a profession in which inequalities in access stubbornly persist, it is not unique in this regard. Additionally, law is not the only profession which has a DA route to qualification and professions such as banking, accountancy and business consulting offer a DA route. We might expect that the findings in this study would resonate more widely across these professional pathways and this presents an opportunity for future research which is discussed further below.

## **10.4 Limitations and future research**

In respect of graduates in the sample, the participants consisted only of those who had made it into the legal profession by securing a training contract. Further research is needed to explore the experience of those graduates who aspire to qualify as solicitors but have not managed to secure a training contract. What opportunities and barriers have they encountered in seeking to qualify? What strategies have they adopted and what has been the impact on their wellbeing? It would be particularly interesting to track the impact of the forthcoming SQE (see Chapter 3 for an explanation) on access to the legal profession, career trajectories and wellbeing between those from different social class backgrounds.

Degree apprentices: this part of the sample had all managed to access a pathway to qualification. Apprentices are a much smaller population compared with students and it would be interesting to find out the nature of the competition for the DA route, perhaps by interviewing law firm recruiters or the private universities that provide the apprenticeship training. Opportunities for future research could expand the approach adopted in this study to other professions which have a DA pathway to explore whether the findings here are unique to the legal profession, what differences and similarities exist, and any underlying explanations for these. Additionally, a longer-term study comparing the outcomes for those qualifying through the DA and university routes is essential to evaluate the success, or otherwise, of the DA as a vehicle for social mobility, as claimed by the government.

Chapter 2 discussed the dominance of London and the concentration of opportunities for the most lucrative legal work in the South East. A significant research gap was identified which would explore the stratification of opportunities to access the legal profession according to the type of law office, for example, ‘London’, ‘London Lite’, ‘Matter Mill’, and pathway followed, including the type of university (where applicable). It was disappointing not to achieve a greater geographic dispersal of universities to facilitate a possible contribution to knowledge on the impact of geographic location on opportunities and barriers in access to the legal profession. However, this may have been a little ambitious for this study but could be usefully explored in future research, particularly in light of the possibilities presented for remote working during the Covid-19 pandemic which could potentially extend opportunities for ‘London’ and ‘London Lite’ type legal work to other regions. In this respect, research on the stability and nature of opportunities to access the legal profession across both the DA and university pathways as a result of the pandemic and how those from different social backgrounds respond could be usefully explored.

## **10.5 Concluding thoughts**

The findings from this thesis illuminate some of the challenges of widening participation and attempts to increase the socio-economic diversity of the profession through both universities and DA pathways. Of course, it has been noted throughout this thesis that the recency of the introduction of the DA route, and the forthcoming SQE, make it too soon to assess the longer-term impact of these changes on socio-economic diversity in the legal profession. The question to take forward from this thesis is will these historically significant changes to legal education and training result in a paradox of change and continuation with no reduction in class-based inequalities in access to the solicitors’ profession?

# **Appendix 1: Planned sample**

|  |  |  |
| --- | --- | --- |
| **Pathway** | **Elite** | **Non-Elite** |
| **Apprenticeship** | **8** | **8** |
| **Graduate** | **4** | **4** |
| **Student** | **4** | **4** |

|  |  |  |
| --- | --- | --- |
| **Total** | **16** | **16** |

**Table 1:  Planned sample**

# **Appendix 2: Actual sample**

|  |  |  |
| --- | --- | --- |
| **Pathway** | **Elite** | **Non-Elite** |
| **Apprenticeship** | **6** | **3** |
| **Graduate** | **2** | **3** |
| **Student** | **3** | **5** |

|  |  |  |
| --- | --- | --- |
| **Total** | **11** | **11** |

**Table 2: Summary of participants**

# **Appendix 3: Information sheet**

Dear Sir/Madam,

I am asking you to participate in a research study conducted by myself, Caroline Casey, a Doctoral researcher under the supervision of Professor Paul Wakeling, at the Department of Education, University of York.

**Project Description/Purpose**:  The focus of this study is to explore the different routes into the legal profession and to find out how these are understood, experienced and negotiated by the participants (law students and legal apprentices). Your participation is entirely voluntary and you may decline to participate at any time during the data collection period without giving a reason.

**What would this mean for me?**

Individuals over the age of 18 and currently studying on the 1st, 2nd and 3rd year undergraduate Law degree, the Legal Practice Course (or equivalent) or Graduate Diploma in Law, or currently undertaking a Legal Apprenticeship, will be invited to participate in this study. Your participation would involve taking part in an interview, which will be arranged at a time and place to suit you, eg. coffee lounge or meeting room, and should take less than one hour of your time. Interviews will be audio recorded with your express consent.

The type of questions I may ask you during an interview:

* What attracted you to working in the legal profession?
* What experiences of career development have you had?

**Risks and discomforts**: If you should experience any anxiety during the study, for example, from discussing any relevant experiences you may have had, or if you feel uncomfortable at any time, you may choose to skip questions or may ask to be withdrawn from the study.

**Benefits**: There are no direct benefits from participating in this study other than the possibility of gaining a greater awareness of your own professional identity development. You will be given the opportunity to comment on the written record of the interview.

**Anonymity**

The data that you provide (e.g. the interview recording) will be stored by code number rather than by name. Any information that identifies you will be stored separately from the data.

**Storing and using your data**

Data will be stored in secure filing cabinets and/or on a password protected computer. Selected research data will be kept for a period of ten years following completion of the research, after which time it will be destroyed, in accordance with the University of York Data Management Policy. The data may be used for future analysis and shared for research or training purposes, but participants will not be identified individually. If you do not want your data to be included in any information shared as a result of this research, please do not sign this consent form.

You are free to withdraw from the study at any time during data collection and up to six weeks after the data is collected.

**Confidentiality**:

The data that we collect (audio recordings) may be used in anonymous format in different ways. Please indicate on the consent form attached if you are happy for this anonymised data to be used in the ways listed.

Please note: If we gather information that raises concerns about your safety or the safety of others, or about other concerns as perceived by the researcher, the researcher may pass on this information to another person.

We hope that you will agree to take part. If you have any questions about the project that you would like to ask before giving consent or after the data collection, please feel free to contact Caroline Casey at csc520@york.ac.uk, or the Deputy Chair of Education Research Ethics Panel at the University of York by email at education-research-administrator@york.ac.uk. Alternatively, any questions or concerns may be raised with the research supervisor, Professor Paul Wakeling at paul.wakeling@york.ac.uk.

If you are happy to participate, please complete the attached form and hand it to the researcher at the interview, or scan and email to Caroline Casey at [csc520@york.ac.uk](mailto:csc520@york.ac.uk) in the case of telephone interview, as soon as possible.

**Please keep this information sheet for your own records. Thank you for taking the time to read this information.**

Yours faithfully,

Caroline Casey

# **Appendix 4: Consent form**

**Transitions to becoming a lawyer in a Climate of Widening Participation**

**Consent Form**

**Please initial each box if you are happy to take part in this research.**

|  |  |
| --- | --- |
| I confirm that I have read and understood the information given to me about the above named research project and I understand that this will involve me taking part as described above. |  |
| I understand that the purpose of the research is to explore the experiences and perceptions of the research participants in accessing opportunities to enter the legal profession. |  |
| I understand that the anonymised data will be stored securely in a locked filing cabinet or on a password protected computer and only Caroline Casey and Professor Paul Wakeling will have access to any identifiable data. I understand that my identity will be protected by use of a code/pseudonym. |  |
|  |  |
| I understand that my data will not be identifiable and the data may be used:  in publications that are mainly read by university academics |  |
| in presentations that are mainly attended by university academics |  |
| in publications that are mainly read by the public |  |
| in presentations that are mainly attended by the public |  |
| freely available online |  |
| I understand that the anonymised data will be kept for a minimum 10 years after which it will be destroyed. |  |
| I understand that the anonymised data could be used for future analysis or other purposes [e.g. other research and teaching purposes] |  |
| I understand that I can withdraw my data at any point during data collection and up to 6 weeks after data is collected |  |

# **Appendix 5: The access to law project - research webpage**



**Figure 1: The access to law project - research webpage**

# **Appendix 6: Demographic questionnaire**

**1. What is your annual household income after taxes?**

* Under £10k
* £10,001 - £25k
* £25,001 - £50k
* £50,001 - £100k
* Over £100k

**2. Do you own or rent a property?**

* Rent
* Own – value:
  + - Under £125k
    - £126 - £250k
    - £251 - £500K
    - Over £500k

**3. Do you have any savings (pensions, shares, ISAs, etc) ?**

* None
* 0 - £10k
* between £10 - £25k
* between £25 - 50k
* between £50 - £100k
* Over £100k

**4. Which of these people do you know socially** (tick all that apply)**?**

* Secretary
* Nurse
* Teacher
* Cleaner
* University Lecturer
* Artist
* Electrician
* Office Manager
* Solicitor
* Farm Worker
* Chief Executive
* Software Designer
* Call Centre Worker
* Postal Worker
* Scientist
* Lorry Driver
* Accountant
* Shop Assistant

**5. Which of these cultural activities do you take part in?**

* Go to stately homes
* Go to the opera
* Listen to jazz
* Listen to rock/indie
* Go to gigs
* Play video games
* Watch sports
* Go to the theatre
* Exercise/go to the gym
* Use facebook/twitter
* Socialise at home
* Go to museums/galleries
* Listen to classical music
* Do arts/crafts
* Watch dance or ballet
* Listen to hip-hop/rap

**6. What is the highest level of qualification of your parents?**

* Professional qualifications
* No formal qualifications
* O’ Levels & equivalent
* A’ Levels & equivalent
* Degree
* Postgraduate

**7. What is your Age?**

**8. What is your gender?**

**9. What is your ethnicity?**

10**. Have you taken part in any other research?** If so, please give brief details of when this was and what it was about.

# **Appendix 7: Interview guide**

The interview will follow a semi-structured approach and the questions below represent the topics intended to be covered rather than the wording of specific questions.  Answers to particular questions may prompt follow-on questions that are not referred to below.

**a) Opening questions**

1. Go through Informed Consent and obtain the signed form.

2.  Background of the participant?

* type of school attended, attainment, lifestyle & home, etc.

3.  Motivations for going into law - consider influence/information from school/family

4.  Previous encounters participants have had with the legal profession, e.g. personal contacts or as a client/employee, work experience/internship.

6. Work experience - How did the participant obtain legal work experience?

* Explore assumptions prior to starting work experience.
* What effect did the work experience have on the participant?

7.  Pathway into the legal profession: university/degree apprenticeship - influences/information, etc.

- which pathway? university/degree apprenticeship, non/elite

- why pathway chosen? (influences/information, etc), perceptions of alternative routes.

8.  Explore current position - what opportunities for career development has the participant had?

9. Recount a memorable experience of an encounter with the legal profession, e.g. during work experience, etc.

10. What impact did the experience/encounter have on the participant?

* Career plans/direction/anything else?

**c) Directive questions**

1. Member reflection - discuss emerging analysis of the participant’s data.

**d) Closing questions**

1. What advice would you give to a school leaver considering going into Law?

2. Is there anything that you would like to add that we haven’t discussed?

3. Demographic questionnaire to complete where data not already collected.

4. Preferred pseudonym?

**Appendix 8: Overview of participant characteristics**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Name** | **Pathway** | **Gender** | **Prior attainment** | **School type** | **Age** | **Parents highest**  **qualifications** | **Mother’s**  **occupation** | **Father’s**  **occupation** |
| **Anna** | Elite apprentice | F | A\*AB | State | 21 | Professional | Care Assistant | Police |
| **Gavin** | Non-elite student | M | BTEC Distinction, CC | State | 19 | A’ levels |  |  |
| **Harry** | Non-elite apprentice | M | ABB | State | 19 | Professional | Secretary | Social worker |
| **Isaac** | Non-elite graduate | M | CCC | State | 29 | Working |  | Retired |
| **Laura** | Elite graduate | F | A\*A\*AA | State | 24 | Working |  |  |
| **Rob** | Non-elite student | M | CC BTEC\* | State | 21 | Working |  |  |
| **Sally** | Non-elite graduate | F | - | Private | 21+ | None | Retail | - |
| **Steve** | Non-elite graduate | M | - | State | 40+ | None | - | - |
| **Sue** | Non-elite student | F | CCDD | State | 40+ | None | Pub landlady | - |
| **Tammy** | Elite graduate | F | A\*AA | State | 24 | Working |  | Barrister’s clerk |
| **Ulrika** | Elite student | F | ABB | State | 18 | Working |  |  |
| **Wendy** | Elite apprentice | F | A\*AA | State | 21 | Working |  |  |
| **Kate** | Non-elite apprentice | F | - | Private | 21 | A’ levels |  |  |
| **Patrick** | Non-elite student | M | ABD | State | 19 | Professional | Local Government | National Government Advisor |
| **Vic** | Elite student | M | - | Private | 18 | Degree | - | Legal Insurance |
| **Ben** | Elite apprentice | M | AAB | State | 19 | Professional | Teacher | Accountant |
| **Callum** | Elite apprentice | M | AAAAA | State | 18 | Degree | Civil Service | Factory worker |
| **Dilys** | Elite apprentice | F | A\*BBB | State | 18 | A’ levels | Suppressed | Suppressed |
| **Edith** | Elite apprentice | F | A\*A\*A\* | State | 20 | Degree (dad) | Post Office proprietor | Geologist |
| **Faisal** | Non-elite apprentice | F | - | State | 20 | O’ levels | - | Engineer |
| **Milly** | Elite student | F | - | State | 21+ | Postgrad |  | Geologist |
| **John** |  | M | - | Private | 21 | Degree | - | Geologist |

**Table 3: Participants characteristics**

# **Appendix 9: Interview transcript**

Discussion of the Consent form (received by email). Checking that participant is still happy to proceed.

Explanation of the format of the interview.

Interviewer:

So, to begin with, do you want to tell me a bit about yourself?

Milly:

Yes, ok... I did a year and a half at uni at [University] but I dropped out as I really didn't like the course - it's very vocationally based and I realised that I didn't want to be a Product Designer at the end and as it was costing so much money I left.  I did a year in a Financial Advisors firm, for the first six months I worked Monday to Thursday, then I had Friday off.  Then I used to go into our local Solicitors and do work experience for the day.  So I really enjoyed it and then I saw this online [the apprenticeship] and then I applied.  I didn't really expect to get it but I did, so that was good.

Interviewer

So, whereabouts in the country are you from?

Milly

I'm from just outside [location].

Interviewer

So, your family is based in [location].  And what kind of school did you go to?

Milly

I just went to the local comprehensive.

Interviewer

Do you have brothers and sisters?

Milly

I have a sister ... a younger sister.

Interviewer

And does she go to the same school that you went to?

Milly

Yes, she does.

Interviewer

So you mum and dad, they're from [location]?

Milly

My mum is originally from just outside London but my dad's family is from [location].

Interviewer

And what kind of background - do you think it was quite a privileged background you had, or how would you describe it?

Milly

In the sort of middle. I think it's quite middle class.

Interviewer

So you didn't go without anything but there wasn't any aspiration to go to private schools or anything like that?

Milly

I would say that's correct, yeah.

Interviewer

And what kind of jobs would your parents have?

Milly

My mum didn't work when I was initially growing up because my dad worked abroad as a Geologist.  He has sadly passed away since.  And then my mum had a Post Office through quite a lot of my teenage years and then she sold that a couple of years ago.  So, now she just works in one [post office].

Interviewer

[…] Family holidays, I'm just wondering, was money ever an issue?

Milly

No, we used to go away quite a lot... my dad worked for x months and then had two weeks at home, I think - I can't quite remember.  So, we used to go on quite adventurous holidays as that was our quality time together.

Interviewer

So, he was away a lot but then he'd make up for it when he came back.

Milly

Yes.

Interviewer

Did your parents aspire for you to go to university, then?

Milly

Yeah.  My mum never went although I think she would have liked me to go.  And my dad did, and he was quite keen for that to happen.

Interviewer

And what subjects did you take for A' level at school?

Milly

I took Product Design, History, Geography and I did AS in English.

Interviewer

What grades did you get with those?

Milly

I got A\*s, and I got an A in the Welsh Bacc.

Interviewer

So, you got high grades so you could have pretty much gone anywhere with those grades.

Milly

Yeah.

Interviewer

And you did apply to go to university because you did a year - at [university]...Why did you choose that university?

Milly

...because of the course.  I did a year and a half.  So, I thought, first year - I wasn't loving it but everyone says there is a year where they just get everyone up to date.  So, I thought I maybe would enjoy it more in the second year... I just still wasn't. And you've got to think about is it worth the time and money and, you know, the financial investment.

Interviewer

So you left and did a job and a day week in a law firm

Milly

Yes, so I was working in a financial advisor’s office doing admin for them and working a day a week in a local law firm.

Interviewer

... And was that because you were thinking of going into law at that stage and you were, kind of, having a taste of it?

Milly

Yes.

Interviewer

Right.  So, you liked that and then you found out about the apprenticeships scheme.  So, how did you find out - was that through looking online?

Milly

 Yes, that was how I found out - through looking online.

Interviewer

You did the research.  So, there was nothing about it at school when you were in the sixth form, about apprenticeship routes?

Milly

No, I think - they didn't even come into... I didn't think it was a viable option.

Interviewer

Was that particularly because school were targeting people for going to university?

Milly

Yes.  I would say that school channelled everyone into that.  They wanted everyone to go - I think it looks good on their statistics as well.

Interviewer

Yes, well they have these league tables and, obviously, they like to get people to university, and it looks good for them, I think, doesn't it as well.

Milly

Yes, I think so.

Interviewer

...pressures there.  So, you were having one day a week in a law firm.  What encounters did you have then in the law firm and how did you get that placement?

Milly

It was through someone who used to be my Rainbow Leader when I was five or six.  And she just offered - If you want to get some experience, she said I can work there.  It was a very local firm, it does a lot of Wills and Probate and a lot of sort of smaller matters.  But it was really interesting, and I did really enjoy it.

Interviewer

So, was that voluntary?

Milly

Yes.

Interviewer

And how long did you do that for?

Milly

Maybe four months.

Interviewer

...and so then you were convinced, once you had done your research to go...

Milly

...well I actually did apply to study Law at Cardiff as well, at the same time.

Interviewer

Ah, right.  So, you were thinking maybe the apprenticeship or maybe go and study Law?

Milly

Yes, because I wasn't sure what the chances of getting the apprenticeship were, so I thought I'd cover both.

Interviewer

Yes, that seems sensible.  So, did you get an offer form Cardiff?

Milly

Yes, I did.

Interviewer

But you had decided, by the time that had come, that you were going to do the apprenticeship route.

Milly

Yes.

Interviewer

So, what persuaded you - what kind of thinking behind doing the apprenticeship route, because the normal route that everyone would be thinking of doing would be the Law degree, wouldn't it?

Milly

Yes, I know.  I think the reasons were I had realised by working in the financial advisors, I had picked up a lot from just working, and I think it just suited me better to work in that way and also the cost.

Interviewer

Because it would have meant taking out a student loan, presumably, to cover fees and getting into a lot of debt.

Milly

Yes.  I would have lived at home and self-funded the first year, using savings to do that.  But, after that it would have involved a student loan.

Interviewer

And so the thinking behind that was that it would be less cost for you, you'd still get the Law degree, plus you'd be working, so it kind of takes away a lot of the risk factor there, doesn't it?

Milly

Yes, in retrospect as well, the fact that there's a training contract included is also a huge benefit.

Interviewer

And do you know the structure of the apprenticeship because if you were doing a training contract you'd have to do so many seats, is it three or four I think, in different areas of law?  How does that work in an apprenticeship - do you just work in one area in your firm?

Milly

For the first four years you do, you just work in the one department and then you'd join the trainee cycle, like a trainee who had just graduated.

Interviewer

So you get to do the seat rotations as they would do?

Milly

Yes, you do.

Interviewer

So, how are you finding it on your apprenticeship?

Milly

Yes, it's really good.  I'm enjoying it.

Interviewer

And what sort of opportunities are you getting for development?

Milly

Well recently, I've got a new line manager, so I work mainly for him and his team and do a lot of admin work at the moment and quite a lot of bundling, note-taking, that sort of thing.

Interviewer

And you've not been doing it very long, just since September, so it's quite...

Milly

Yes, it's quite early days.

Interviewer

So, are there other people doing the apprenticeship route that perhaps have been doing it a bit longer.  So, can you see opportunities that you are going to get more responsibility in the future?

Milly

I think so.  We don't have loads of contact with the second years [apprentices], but yes, I do think that it's quite useful that they have done it already and they seem to be enjoying the programme and asking for more development opportunities and so on.

Interviewer

... So, you are quite happy with the route you have chosen now?

Milly

Yes, I think so.  Yes.

Interviewer

And, so, do you see trainee solicitors, or do you not have a lot of contact with the trainees.

Milly

You do see them, there are some in my department and throughout the firm.

Interviewer

And you are working in London, in the London office?

Milly

Yes.

Interviewer

And how is that - where are you actually living, are you living in London or are you commuting?

Milly

I live in London.

Interviewer

And how are you finding that, it must be quite expensive?

Milly

I'm actually living with my cousin; he rents me his spare bedroom.  I get reduced rent which is good.  He probably won't do that for the six years, but initially...

Interviewer

Yeah... And can I just ask about the financial structure of the apprenticeship, because I'm not sure if the people in London get more than say people working elsewhere?

Milly

We get two thousand more.

Interviewer

Just to cover additional costs of living.  And does that go up every year - the amount that you get?

Milly

I'm not 100% sure.  I think it will go up over the six years but I don't know if it's annually.

Interviewer

And how are you finding studying - I think, is it one day per week you get?

Milly

I feel that it's quite manageable at the moment.  I think during the second year it can get a bit harder, the modules change.  But at the moment it's fine.

Interviewer

It's quite a big change from the Product Design thing that you started with, going into Law.  Do you think that you've got on a pathway now that you're really satisfied with and is going to be something that you see doing the rest of your life and something you're much more happy and comfortable with?

Milly

Yes.  I do think there are some transferrable skills as well, there's quite a lot of project management skills being a designer.  So, I do think I did learn some thinks that will come in useful.

Interviewer

What advice would you give a school leaver that was considering going into Law?

Milly

I would definitely say to consider the apprenticeship.  I know it's not the traditional route but I think when you are 18 you do get channelled into one way - my sister's 18 and she's taking a year out and is doing an apprenticeship in Accountancy for one year - I think she would like to go to uni in the end but I do think it's good to take some time to sort of breathe and really think about it before just pursuing a degree because the costs are so high.

Interviewer

Absolutely, I think that's good advice.  Is there anything that you would want to add that we haven't discussed?

Milly

No, I don't think so.

Interviewer

One of the things I like to ask is for people to self-define a social class that they belong to.  So, what would you describe yourself as in terms of social class?

Milly

Probably Middle Class.

Discussion of demographic questionnaire - sent by email.

Confirmation that any further questions can be dealt with by email, pseudonym and thanking for participation.

End of interview

# **Appendix 10: Pathway by social class and gender**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Pathway** | **Working-class** | **Middle-class** | **Male** | **Female** |
| **Elite Apprenticeship** | 2 | 4 | 2 | 4 |
| **Non-elite Apprenticeship** | 1 | 2 | 2 | 1 |
| **Total Apprenticeship** | 3 | 6 | 4 | 5 |
| **Elite University** | 1 | 3 | 2 | 2 |
| **Non-elite University** | 3 | 1 | 3 | 1 |
| **Total University** | 4 | 4 | 5 | 3 |
| **Elite Graduate** | 2 | 0 | 0 | 2 |
| **Non-elite Graduate** | 3 | 0 | 2 | 1 |
| **Total Graduates** | 5 | 0 | 2 | 3 |
| **Total** | 12 | 10 | 11 | 11 |

**Table 4: Pathway total by Social class and gender**

# **Appendix 11: Pathway and chooser typology**

|  |  |  |
| --- | --- | --- |
| **Pathway** | **Embedded Chooser** | **Contingent Chooser** |
| Elite university | Vic | Ulrika |
| Non-elite university |  | Steve |
| Elite apprenticeship | Dilys | Callum |
| Non-elite apprenticeship |  | Harry |

**Table 6.2 Pathway and chooser typology**

# **Appendix 12: Perceptions of opportunities, barriers, and risks by pathway**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Pathway | Opportunities | | Barriers | Risks |
| University | Chance to find a suitable law firm and to try work experience before committing to a training contract. | Competitive  Financial cost | | No vac scheme place  No training contract  Accumulated student debt  Increased competition for vac  schemes and training contracts  from subsequent graduates |
| Apprenticeship | Direct pathway to solicitor  qualification.  No tuition costs | New and unknown pathway | | Diversionary, lower status pathway  Not transferrable to other law firms  Career limiting |

**Table 5: Perceptions of opportunities, barriers and risks**

# **Appendix 13: Employability typology**

|  |  |  |
| --- | --- | --- |
| **Player** | **Pragmatist** | **Purist** |
| View employability as a positional game and market themselves according to the requirements of employers. | Less attached to specific goals and more proactive in exploring other potential opportunities. | View the competition as a meritocratic race and focus on finding employment that offers the right fit with their knowledge, skills, and aspirations. |

**Table 6: Employability typology Adapted from Brown and Hesketh (2004) and Hancock et al (2017)**

# **Appendix 14: Ideal theoretical list of capabilities**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Capability | Walker’s Definition | Themes |
| 1 | Practical reason  Section 9.2 | Being able to make well-reasoned, informed, critical, independent, and reflective choices about their post-school study and career options. Having the ability to construct a personal life project in an uncertain world and exercise good judgement. | THE IMPORTANCE OF TIME: Compromised and constrained competing demands. Time as a resource to convert into valued functionings - fertile capability in developing (2) Resilience. Constrained for some, leading to clustering of disadvantages. |
| 2 | Resilience  Section 9.3 | The navigation of study, work and life. Having the ability to negotiate risk, persevere, being responsive to opportunities and adaptive constraints, becoming self-reliant, having aspirations and hopes for the future. | MANAGING UNCERTAINTY |
| 3 | Social relations and social networks  Section 9.4 | Being able to form networks of friendships and belonging for learning support, leisure and mutual trust. | THE IMPORTANCE OF SOCIAL NETWORKS  Belonging: This was difficult to achieve for some on both pathways.  Support and encouragement |
| 4 | Respect, dignity and Recognition  Section 9.5 | Being able to have respect for oneself and others as well as receiving respect from others, being treated with dignity, not being diminished or devalued because of one’s gender, social class, religion or race. Being able to show empathy, compassion, fairness and generosity. | RESPECT: This was related to place and belonging. Some felt conscious of transgression into middle-class domains. Workplace culture. |
| 5 | Emotional & ethical Integrity  Section 9.6 | Not being subject to anxiety or fear which diminishes personal character. | INTEGRITY: Anxiety featured in interviews and influenced the adoption of various strategies. Assimilation, and resistance, to corrosive culture. |

**Table 7 : Ideal-theoretical list of capabilities for equitable transitions to university and the solicitors’ profession adapted from Walker (2006, cited by Wilson-Strydom, 2016)**

# **Appendix 15: Undergraduate Law student enrolments**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Student applications | 26,655 |  |  |  |
| Accepted onto Law degree: | 18,850 |  |  |  |
| Females |  | 12,970 (68.8%) |  |  |
| Males |  | 5,880 (31.2%) |  |  |
| Minority ethnic accepted: |  |  | 6,885 (36.5) |  |
| Females |  |  |  | 4,690 (68%) |
| Males |  |  |  | 2,195 (32%) |

**Table 8: UK domiciled Undergraduate Law Student Enrolments in England & Wales 2017-18 (Source: The Law Society, 2019)**

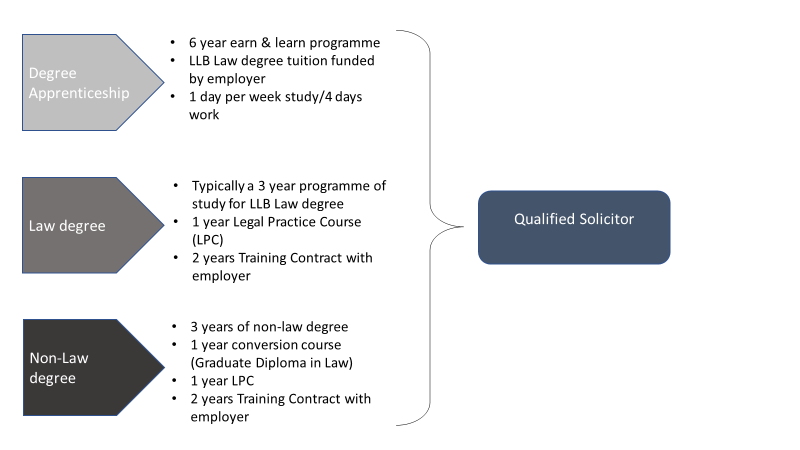
# **Appendix 16: The Solicitors Qualifying Examination (SQE)**

From 2021, under the planned introduction of the SQE, four requirements will have to be satisfied:

1. Pass Stage 1 (Functioning legal knowledge) and Stage 2 (Standardised practical legal examination), assessed against the Statement of Solicitor Competence (SOSC). Stage 1 and 2 are the assessment points for Solicitor Apprentices and the Apprenticeship standard is the same as the SOSC. Successful completion of the Solicitor Apprenticeship will meet this requirement.
2. Hold a degree (or recognised equivalent). The Solicitor Apprenticeship is a level 7 qualification and successful completion will meet this requirement.
3. Have at least 2 years (or equivalent) work experience of providing legal services.
4. Pass character and suitability requirements – honesty, integrity, and professionalism, not pose a risk to the public or profession.

Source: www.sra.org.uk/sra/policy/training-for-tomorrow

# **Appendix 17: Overview of apprenticeship and degree pathways to qualification**



**Figure 2: Apprenticeship and degree pathways to the solicitor qualification**

# **Glossary of Terms**

ABS Alternative Business Structure

CA Capabilities Approach

CBI Confederation of British Industry

CCT Cultural Capital Theory

CRT Cultural Reproduction Theory

DA Degree Apprenticeship

GBCS Great British Class Survey

GDL Graduate Diploma in Law

GDPR General Data Protection Regulations

HE Higher Education

HEI Higher Education Institution

IFA Institute for Apprenticeships

LETR Legal Education and Training Review

LNAT Law National Aptitude Test

LPC Legal Practice Course

LSA Legal Services Act

NRS National Readership Survey

OLC Office for Legal Complaints

PCIS Participant Information and Consent

RAT Rational Actions Theory

RRA Relative Risk Aversion

SQE Solicitors Qualifying Examination

SRA Solicitors Regulation Authority

UCAS Universities and Colleges Admissions Service

VET Vocational Education and Training

WP Widening Participation

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1. The Participation of Local Areas classification system (POLAR4) groups local geographic areas into 4 quintiles based on young people’s participation in higher education. Quintiles 4 and 5 represent areas of high participation, quintiles 1 and 2 represent areas of low participation. POLAR4 has been used by the Office for Students to compare young people’s participation in HE with their participation in apprenticeships and degree apprenticeships: <https://www.officeforstudents.org.uk/data-and-analysis/analysis-of-degree-apprenticeships/disadvantage/> [↑](#footnote-ref-1)
2. At the time of writing this thesis, the first SQE assessments are planned to be available from 2021. [↑](#footnote-ref-2)
3. However, student finance is available for combined LLM/LPC courses but this is unlikely to cover the entirety of the tuition fee. [↑](#footnote-ref-3)
4. Typical fees for 2017 are £8730 (GDL) and £11590 (LPC) (BPP University) outside of London. Fees vary and can be much higher, particularly at London universities. [↑](#footnote-ref-4)
5. For Solicitors, this will be the Solicitors Qualifying Examination (SQE). [↑](#footnote-ref-5)
6. Trailblazers are groups of employers in various sectors jointly establishing apprenticeship standards - the key skills, knowledge requirements and behaviours to be developed and independently assessed against the standards at the end-point of the apprenticeship (BIS, 2015; McEwan, 2019). [↑](#footnote-ref-6)
7. The levy is set at 0.5% of the value of the employer’s pay bill, minus an apprenticeship levy allowance of £15,000 per financial year House of Commons Library Briefing Paper (No, 60113 dated 25 July 2018) . The funds generated by the levy have to be spent on apprenticeship training costs. The government tops up the funds paid by the employer by 10% (Powell, 2018). [↑](#footnote-ref-7)
8. The Office for Students report (2019) outlines the role of degree apprenticeships in the UK’s Industrial Strategy and reports data for the numbers of apprenticeship starts for different sectors: <https://www.officeforstudents.org.uk/publications/degree-apprenticeships-a-viable-alternative/> [↑](#footnote-ref-8)
9. The recent Bridge Group report on admissions to law schools noted the possible risk aversion of students from less-advantaged backgrounds, suggesting that they were less likely than their more advantaged peers to accept a challenging offer in accessing a more selective university (2020, p.69). While the Bridge Group acknowledge that they have no specific evidence to support this suggestion, this study may add a small measure of empirical weight to this in respect of some participants who chose an alternative route (see Chapter 6). [↑](#footnote-ref-9)
10. Based on data from the report by the Office for Students (2019), the total number of Solicitor Apprenticeship starts for the year 2016/17 was just 30; for 2017/18 the total starts were 107 and for 2018/19 the total starts were 170. The total combined number of apprenticeship starts for the Solicitor Apprenticeship standard for the years 2016 to 2019 was 307, across all age groups.

    <https://www.gov.uk/government/statistical-data-sets/fe-data-library-apprenticeships> . [↑](#footnote-ref-10)
11. The shortened version of the Great British Class Survey is the Great British Class Calculator based on five questions and available online at <https://www.bbc.co.uk/news/magazine-22000973> [↑](#footnote-ref-11)
12. The Law National Aptitude Test is mandatory at some (not all) universities for admission to the Law degree. [↑](#footnote-ref-12)
13. Aspiring Solicitors is a non-profit organisation, working with universities and law firms to increase diversity in the legal profession through provision of mentoring, workshops, competitions and employability assistance <https://www.aspiringsolicitors.co.uk/about-as/> [↑](#footnote-ref-13)
14. A career guidance organisation <https://inspiringfutures.org.uk/our-services/futurewise> [↑](#footnote-ref-14)
15. A person who calculates the bill on large legal cases where the costs are based on time recorded [↑](#footnote-ref-15)