



# The University Of Sheffield.

*Solicitor apprenticeships – a new and improved education and training route to  
qualification as a solicitor?*

*A study of the perceptions of Solicitor Apprentices and Trainee Solicitors.*

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*A thesis submitted in partial fulfilment of the requirement for the degree of  
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## *Dedication*

To Sid, Milly and Charlie.

## *Abstract*

The long-established route to qualification as a solicitor in England and Wales involves students undertaking 3 stages of training; an academic stage via a law degree, a vocational stage via the Legal Practice Course, and a practical stage which involves a period of work-based learning via the training contract. In a significant change to this route to qualification, trailblazer apprenticeships leading to qualification as a solicitor in England (although note that solicitor apprenticeships are not currently available in Wales) were approved in Autumn 2015 by the Department of Business, Innovation and Skills. Such trailblazer apprenticeships were developed by employers' panels as part of a government initiative to improve and develop apprenticeships. The first solicitor apprenticeships began in 2016.

This thesis outlines the history of apprenticeships and explores the main themes and perspectives of apprenticeship as a model of learning. It considers the background to solicitor apprenticeships in the changing landscape of legal education and explores issues of skills acquisition during both training routes, as well as reflecting on the widening participation debate. This thesis uses interview data which is analysed through a phenomenological lens. In so doing, the expectations, motivations, experiences and perceptions of a group of apprentices in an international law firm are recorded. Trainee solicitors were also interviewed to gauge their experiences of their training routes and also their attitudes and perceptions of apprentices. This thesis seeks to give a voice in particular to the apprentices on their journey to qualification.

The findings indicate diverse perceptions among the participants in this study which reflects the intricate evolution of professional apprenticeships. The key findings suggest that apprenticeship, as a model of learning, is held in high regard and there is a clear appreciation and articulation of the benefits it can offer in terms of skills acquisition within the workplace. There is also evidence that the apprenticeship route can help widening participation within the legal profession. However, another key finding was the perceived stigma of apprenticeship and its rightful place within a professional environment. There was clear

concern for parity of esteem between the apprentices and trainees. The study suggests such apprenticeships are currently struggling to find an identity within the legal profession.

This thesis critically discusses the findings in light of the relevant literature. It also offers a synthesis of the key themes which emerged from those findings. The thesis suggests that whilst solicitor apprenticeships face issues of confused identity, this novel training route also offers a number of opportunities for it to grow in both reputation and prestige. The thesis outlines further the implications of this empirical study and suggests recommendations for professional apprenticeships and training. It concludes with outlining suggestions for future studies.

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## List of Abbreviations

<b>LLB.</b>	<b>Bachelor of Laws Degree</b>
<b>GDL.</b>	<b>Graduate Diploma in Law</b>
<b>LPC.</b>	<b>Legal Practice Course</b>
<b>SRA.</b>	<b>Solicitors Regulation Authority</b>
<b>SQE.</b>	<b>Solicitors Qualifying Examination</b>
<b>BSB.</b>	<b>Bar Standards Board</b>
<b>LETR.</b>	<b>Legal Education and Training Review</b>
<b>D of E.</b>	<b>Department of Education</b>
<b>ESFA.</b>	<b>Education and Skills Funding Agency</b>
<b>ILEX.</b>	<b>Institute of Legal Executives</b>

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*Solicitor apprenticeships – a new and improved education and training route to qualification as a solicitor?*

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**Chapter 1**

***Introduction to the thesis***

In order to qualify as a solicitor in England and Wales, the traditional and long-established qualification route is to combine firstly, the study of academic law to degree level; secondly, a period of vocational education and training; and lastly, a period of practical work-based learning. These stages are sequential rather than concurrent. The academic stage is either a law degree (Bachelor of Laws LLB, Bachelor of Arts BA), or a non-law degree followed by a one-year conversion course via the Graduate Diploma in Law course (GDL). The vocational training is a one-year professional course, the Legal Practice Course (LPC), which is designed to provide a bridge between academic law and the practice of being a solicitor. Its aim is to prepare and equip students for the activities to be undertaken during their practical work-based learning stage of qualification. This final 2-year stage of practical training is usually undertaken working within a firm of solicitors, where students are known as “trainee solicitors” who are completing a “training contract”.

It was this traditional route that I followed when I qualified as a solicitor many years ago. After practising as a qualified solicitor for 6 years, I changed direction with my career and moved into an academic teaching post in a post-1992 university. My role here initially focused on the professional courses (LPC and GDL) and then, latterly, on undergraduate courses too. I developed a keen interest in how we best equip our early career lawyers to transition from academic lawyers to practising ones. I am interested in how professional skills such as practical writing, interviewing, practical research, client care and professionalism, could be more effectively integrated into the core undergraduate curriculum and, indeed, whether

these skills *should* be integrated into academic study. A key interest is how we equip young lawyers to meet the challenge of professional life, so that they are 'day one' ready when they start their careers.

Consequently, when the Solicitors Regulation Authority (SRA), (a body responsible for regulation, professional conduct and training of solicitors), announced in Autumn 2015 a trailblazer apprenticeship route to qualification as a solicitor, I was intrigued by this new route of education and training. I wanted to discover more about these professional apprenticeships and why they were being offered. I also wanted to gain an understanding as to why they were chosen as an alternative route to qualification and to explore the educational/social backgrounds of those choosing the apprenticeships. Additionally, I wanted to explore whether these new apprentices would be held in as high regard as trainees, and whether the new route of apprenticeship training better equips these lawyers for their professional careers.

There is merit in reflecting of course, at the outset, on our everyday understanding of what it means to be an apprentice. This may be especially relevant in the context of new professional apprentices, like solicitor apprenticeships, where perhaps our preconceived ideas about their meaning could be challenged. My personal understanding of an apprenticeship is combining working and learning, with the various stages being concurrent/simultaneous rather than sequential.

An apprentice is "a person who is learning a trade from a skilled employer having agreed to work for a fixed period of time at low wages" (Lexico.com). The word "apprentice" has its origins in the Middle Ages and derives from the old French "aprentis" from apprendre "to learn". A more contemporary definition, which perhaps is more in keeping with the professional apprenticeships I am exploring, is advanced by Ryan and Unwin (2001) who describe apprenticeships "as a structured programme of vocational preparation, sponsored by an employer, juxtaposing part-time education with on the job training and work experience, leading to a recognised vocational qualification at craft or higher level" (p. 100). Eraut (2004) defines the apprenticeship system as one whereby the "young apprentice...received training over a period of time in return for contributing to his employer's

business, a contribution which increased in value as the quality of his work improved and he became able to take on more complex tasks and greater responsibility” (p.45). Fuller and Unwin (2009) describe apprenticeship as a journey towards “occupational identity” (p. 405) with the apprentice acquiring the specific skills and knowledge for the particular occupation, but it is also a “process of maturation [which] would also enable the individual to grow into the behaviours and understandings associated with being a useful citizen and a sense of self” (p.405). However, it is important also to reflect on the broader socio-cultural connotations of the word “apprentice”. The traditional apprentice is industry based, primarily in mechanical and engineering roles (ibid.) and not usually associated with professional careers with degree level equivalence. I am interested in exploring these issues of association, perhaps even uncovering a degree of stigma associated with the label. Will solicitor apprentices be perceived as lacking the gravitas of trainee solicitors?

Currently in the UK, there are various levels of apprenticeships available spanning a training period of between 2 and 6 years, covering a variety of skills, trades and professions. The table below describes the various levels of apprenticeships.

<b>NAME</b>	<b>LEVEL</b>	<b>EQUIVALENT EDUCATIONAL LEVEL</b>
<b>Intermediate Apprenticeship</b>	Level 2.	5 GCSE passes.
<b>Advanced Apprenticeship</b>	Level 3.	2 A level passes.
<b>Higher Apprenticeship</b>	Level 4/5/6/7.	Foundation degree.
<b>Degree Apprenticeship</b>	Level 6/7.	Bachelors degree or Masters degree.

Source Gov.uk. [Become an Apprentice](https://www.gov.uk/become-an-apprentice)

<https://www.gov.uk/apprenticeships-guide>

There are a number of key organisations involved in the oversight and delivery of current UK apprenticeships. The Department of Education is the main government body having overall responsibility for the apprenticeships programmes. Additionally, the Education and Skills Funding Agency (ESFA) is responsible for apprenticeship policy, including funding and delivery. This agency is supported by the Institute of Apprenticeships and Technical Education, whose role is primarily to ensure the quality and credibility of apprenticeships.

In this introductory chapter, I set out a brief historical perspective on apprenticeships in the UK to give context to the new legal apprenticeships, as well as exploring recent government policy developments. Following this, I set out the background to solicitor apprenticeships from a legal regulatory perspective and outline the proposed changes to the legal education landscape. Thereafter, I consider the aim of my research and its rationale, as well as its claim to knowledge. I conclude this chapter by giving an overview of the structure of the thesis.

### ***1.1 A brief history of apprenticeships in England***

Apprenticeships have a long-established history in this country. Indeed, the system of apprenticeships, as a form of training and education, is well known throughout the world, not just in the UK, having its origins in the medieval craft guilds of the Middle Ages (476-1453). These guilds held a monopoly on trade in their particular craft, within the geographical area in which they operated. The guild apprenticeships were controlled by a body of craftsmen who represented a certain craft or trade. These guilds attempted to maintain standards and pass these on to their developing apprentices (Cowman, 2014). Apprenticeships included a custom of parents sending their children away to live with, and be employed by, a master craftsman. The apprentice's family would often pay a fee for this training, which would last for a number of years. The first national apprenticeship system of training in England was introduced by the 1563 Statute of Artificers. This established minimum standards of training which included a master being limited to 3 apprentices and setting the duration of an apprenticeship at 7 years. The legislation controlled wages and sanctioned the control the

master would have over the apprentice (Woodward, 1980). The tuition provided during the apprenticeship included both knowledge and skills of the craft but also basic literacy and domestic skills (Cowman, 2014). The Act was repealed in 1814 as the popularity of apprenticeships was in decline, coinciding with an increase in employment opportunities in factories, linked to the Industrial Revolution (Snell, 1996; Woodward, 1980). After that time, there was limited state control over apprenticeships, leading to child labour and a lack of provision of any formal education (Fletcher, 2019). The repeal of the Act is seen as particularly significant by Fuller and Unwin (2009) who described it as heralding “the dawn of an unregulated approach to VET [vocational education and training] which set the UK on a different path to that of many of its continental neighbours” (p. 407).

Despite the above, apprenticeships continued to change and adapt to the evolving economic needs of the UK and spread into the developing industries of engineering and shipbuilding in the early 1900s (Mira-Davies, 2015a). After the end of the Second World War, there was considerable recruitment of apprentices in the newly nationalised utilities and apprenticeships moved further into areas such as engineering and electrical work (Fuller and Unwin, 2009). The period after the war marked a significant expansion in apprenticeships and, as such, they garnered both understanding and respect. Quite simply, “with size came status: apprenticeship was regarded as a respected pathway” (ibid, p. 408). During this post-war time frame, the Industrial Training Act 1964 established the UK Industry Training Board (ITB). This oversaw a period of time when apprenticeships were the cornerstone of training in certain industries. Indeed, by the mid-1960s, around a third of boys aged 15-17 leaving school entered apprenticeships. This period has been described as the “high water mark” for apprenticeships in Britain (Harris, 2003). The apprenticeships combined practical training with academic learning via day release schemes at a local college. The framework offered by traditional apprenticeships was a sound one, since it allowed effective work-based learning with skills acquisition and it is this “simple” pattern of learning combined with work that most would associate with an understanding of apprenticeships (ibid). This traditional view of apprenticeship resonates with the introduction of present-day legal apprenticeships which will follow a largely similar regime.

The ITB published training recommendations, provided syllabus information and set industry standards. This system of work-based learning, linking industry with local technical colleges, offered a clear pathway for young school leavers as an alternative to full time education. The system flourished from the 1960s onwards but a slow decline began in the 1970s, whereafter the more traditional industrial apprenticeships began to decline (e.g. machinist, tool fitters, welders) (Haxby and Parkes, 1989).

During the 1970s and 1980s, there were various government-funded and youth training schemes such as the Youth Opportunities Programmes (YOP) and Youth Training Scheme (YTS) which operated in different ways to apprenticeship (e.g. by being government-led rather than employer-led). These schemes were greatly criticised (Raffe, 1987; Keep, 1992) and Fuller and Unwin (2009) describe the YTS as “essentially a cheaper version of apprenticeship”(p.409). These schemes were eventually replaced by the Modern Apprenticeship (described below).

As can be seen from the discussion of the historical development of apprenticeship above, and more recent governments’ policies below, the status and quality of apprenticeships have been variable, nebulous and evolving, leading to some inconsistency in their reputation. Government policy has fluctuated in the commitment given to apprenticeships and the emphasis placed on skills acquisition. Despite these challenges, Fuller and Unwin (2009) describe apprenticeships as “remarkably resilient” (p.406) and can still offer a model of learning that provides a framework for skills formation.

## ***1.2 UK government policy on apprenticeships***

### ***1.2.1 Apprenticeship policy in England prior to 2010***

Over the past 30 years, successive UK governments have shown a renewed and sustained commitment to apprenticeship as a form of training. Modern Apprenticeships were announced in 1993 and began in 1994. These offered employee status to apprentices who also received remuneration during their apprenticeship. The modern apprentice studied for



a National Vocational Qualification (NVQ) level 3 qualification (A level equivalence). These new qualifications were an attempt to combine the traditional strengths of an apprentice system with new measures in place designed to address any perceived weaknesses in terms of quality of learning. As such, these new apprenticeships evolved from a “time-served” apprenticeship to a more focused emphasis on a competence-based vocational qualification (Harris, 2003). National Traineeships were also introduced at level 2 (GCSE equivalence) and were designed to act as a progression route to Modern Apprenticeships.

Under successive Labour governments 1997-2010, apprenticeships continued to flourish and various national frameworks were introduced to establish minimum standards. There were some changes in nomenclature with National Traineeships evolving into Foundation Modern Apprenticeships and the Modern Apprenticeships becoming Advanced Modern Apprenticeships (Mirza-Davies, 2015a).

Modern Apprenticeships were generally considered a success by both apprentices and employers (*ibid.*). However, they were not without their critics. For example, Ryan and Unwin (2001) report a limited success of the scheme and, interestingly, said that the Modern Apprenticeship fell “well short of the mark set by German Apprenticeships”. This is a theme to which I will return in my literature review since the attention and prestige given to the German scheme seems to be aspirational in the case of English apprenticeships.

There followed the establishment of the Modern Apprenticeship Advisory Committee in 2001 whose report (Report of the Modern Apprenticeship Advisory Committee, September 2001) recommended various improvements including a national framework to define standards. A Government White Paper in 2003 (“Skills Strategy”) followed, which led to changes in the Modern Apprenticeship scheme including further changes to nomenclature (Apprenticeships as the new name for Foundation Modern Apprenticeship and Advanced Apprenticeships for the Advanced Modern Apprenticeship). Thereafter, the Leitch Review of Skills 2006 (Leitch, December 2006) made a series of further recommendations aimed largely at increasing the number of apprenticeships by 2020 to 500,000. In February 2008, the Labour government published a strategy for the future of apprenticeships and established the National Apprenticeship Service as well as announcing increased funding for apprenticeships. Thus, in

an attempt to revitalise the concept of apprenticeships, the National Apprenticeship Service was launched in 2009 to both coordinate apprenticeships and to provide a clear structure for their working. A key theme throughout these years was that all apprenticeships operate on the system of workplace “learning by doing” combined with formal study away from work.

The most recent Labour Government introduced the Apprenticeships, Skills, Children and Learning Act 2009, which created a duty to provide an apprenticeship place to any 16-19 year-old seeking one. The Act also included provisions to enhance the information given on vocational training in schools and established the Skills Funding Agency as well as creating a new regulatory body for qualifications, the Office of Qualifications and Examinations Regulation (Ofqual).

It is significant to note that during the successive Labour governments in the period 1997-2010, the number of apprenticeships started vastly increased, from 65,000 in 1996/97 to 280,000 in 2009/10 (Mirza-Davies, 2015a p.9), showing a pronounced and new commitment to this form of vocational learning.

### ***1.2.2 Apprenticeship policy in England 2010-15***

This renewed interest in apprenticeships continued apace with the Coalition Government’s strategy during the period 2010-15. There was a noticeable increase in the number of people starting apprenticeships in this period (Mirza-Davies, 2015b) with a 40% increase in the category aged 19-24 and a 229% increase in the category of those aged over 25 (p.3). Funding and quality were also on the political agenda, seeing the creation of the Higher Apprenticeship Fund (to support the creation of Higher Apprenticeships with qualifications at level 4) and the publishing of a Statement on Apprenticeship Quality in May 2012 (p.3). There followed the Richard Review of Apprenticeships in 2012 which made a number of recommendations, including a renewed focus on outcomes for the apprentice as well as funding being routed via the employer, with the employers very much seen as the driving force behind maintaining and increasing apprenticeship standards. The National Apprenticeship Service, created in 2009, continued in its role and published the Apprenticeship Quality Action Plan in early 2012

(National Apprenticeship Service, 2012). Since April 2017, the National Apprenticeship Service has become part of the Education and Skills Funding Agency.

Following the Richard Review, apprenticeship standards (rather than frameworks which were primarily qualification-focused, such as an NVQ or BTEC) were introduced and are designed to be focused more on skills, knowledge and behaviours acquired throughout the apprenticeship, rather than being merely qualification-led. The emphasis is on the occupation skill set and knowledge, supported by an end-point assessment. These standards are developed by “trailblazer” groups that represent employers and industry sectors, who can best determine what skills and knowledge are needed in an apprentice for a particular occupation (Notley, 2017). The first standards were introduced in September 2014.

### ***1.2.3 Apprenticeship Policy in England from 2015***

More recently, David Cameron’s Conservative government published a report (Dept of Business, Innovation and Skills, 2015a) stating their commitment to “increase the quality and quantity of apprenticeships in England”, aspiring to reach 3 million by 2020 as they recognise apprenticeships as a “crucial way to develop the skills wanted by employers” (Foreword, Page 3). Measures were introduced to increase participation, which included the Education Act 2011 which imposed an obligation on employers to make “reasonable efforts to ensure employers participate in apprenticeship training” (s.69). This amended the absolute duty which had been established under the Apprenticeships, Skills, Children and Learning Act 2009. A government Access to Apprenticeship scheme was introduced to help target groups of young people into apprenticeship. A further initiative of the Conservative government under Teresa May was to establish the Institute for Apprenticeships (an executive non departmental public body sponsored by the Department of Education) effective from April 2017. The Institute has been given the task of ensuring high quality apprenticeship standards and to advise the government on funding. It was renamed in April 2018 as the Institute of Apprenticeship and Technical Education, with overall government departmental responsibility for apprenticeship and skills moving to the Department of Education.

As part of this renewed interest, the Conservative government led by Theresa May established a new government fund called the Apprenticeship Levy, effective from April 2017. All employers with a pay bill of over £3 million per year must pay the levy (set at 0.5% of the value of the employer's pay bill minus an allowance of £15,000 per year) and the fund is used to further apprenticeship training and assessment. The levy is paid into an apprenticeship account and these funds must be spent on apprenticeship training and assessment. The government will apply a 10% top up to the funds that are paid by an employer for the levy. The employer, together with government contributions, meets the tuition/training fees of their apprentices, including degree level study.

The levy raised £2.7 billion in 2017/18, and between April and November 2018 a further £1.8 billion (HM Treasury, Spring Budget March 2017, Table B5, p 60,). However, the overall impact of the funding levy has been significant and has had a negative effect. There has been a large reduction in the number of apprenticeship starts as well as changes in the types of apprenticeship starts, with starts at intermediate level and by apprentices aged 25 or over being particularly affected (Foley, 2020). In the 12 months before the levy came into effect, 564,800 learners started an apprenticeship. This reduced to 364,000 in the 12 months after its introduction although there was a slight recovery in 2018/19 (Richmond, 2018). Interestingly, however, apprenticeship starts were more likely at the advanced level in 2018/19, with 44% of apprenticeship starts being at advanced level and with 19% started at the higher level (compared with 13% in 2017/8) (Foley, 2020).

Various business groups have criticised the new funding regime including the British Chamber of Commerce (BCC, May 2018) and the manufacturers' organisation, Engineering Employers Federation (EEF, 2018, now known as Make UK). These criticisms are largely aimed at the overly ambitious targets, unduly complex funding schemes and perceived poor quality of training. Indeed, a report published by Reform, a conservative-leaning think tank, (Richmond, 2018) identified serious concerns surrounding the impact of the apprenticeship levy, including a 40% decrease in the number of apprenticeships started (April-October 2017), compared to the same period the previous year, as well as an increase in low-skill jobs being included as "apprenticeships" with very little training (p.1). The report concludes with a recommendation,

amongst many, that the levy is unduly complex and requires reform to simplify funding. So too, a recommendation that the target of 3 million apprenticeship starts by 2020 be abandoned in light of the statistical information (p. 2, recommendations 1, 3 and 4).

The current Conservative Government pledged to improve the working of the levy in their 2019 Manifesto (The Conservative and Unionist Party Manifesto 2019). It also introduced other initiatives to improve skills (such as the reforms to technical education, the 'T level' qualification aimed at 16 year olds, which will combine industry placements of approximately 45 days with formal class-room learning. This is, however, different in emphasis to an apprenticeship, which typically combines 80% on-the-job learning and 20% in the class room) (Department of Education, 2020).

#### ***1.2.4 Relevance of historical context***

This short historical context of apprenticeship helps to inform my research in a number of ways. Firstly, the ebb and flow of governmental policy suggests that apprenticeships are an ever-evolving concept and one that has not, as yet, found a stable long-term position in the broader training and education landscape in the UK. Significant questions appear to remain regarding the reputation of apprenticeships, the quality of training they provide, as well as problems identifying the overall agency with responsibility for them. All these issues seem to be under almost constant governmental review and intervention, which exacerbates the uncertainty around apprenticeships. It seems likely that the regular changes in organisation and governance will also contribute to a sense of uncertainty for the apprentices themselves and have an effect on public perception and understanding of apprenticeships. There exists confusion about the types of apprenticeship available too: frameworks (which are being phased out as they focus on qualification rather than skills) and standards (which were a response to the Richard Review of Apprenticeships 2012). These standards are developed by trailblazer groups of employers thereby aiming to improve quality, given the enhanced focus on skills and knowledge that the employers themselves prescribe. It is, however, pleasing to note that the range of professions where an apprenticeship can be taken has also widened since the introduction of standards (National Audit Office, The Apprenticeships Programme,

6 March 2019). Successive governments have introduced additional measures to enhance skills acquisition (e.g. the Skills Advisory Panels, the introduction of T levels, the UK Digital Strategy) and whilst these measures are to be welcomed, I wonder if they will further assist the obscuring of the position and status of apprentices, which already have a confused and confusing identity.

Secondly, the reported controversy surrounding the levy and ongoing funding of apprenticeships is of great relevance to my own research questions. I want to try to find out what motivates employers to offer apprenticeships and clearly the levy may be a pertinent factor. Powell (2020) reports that whilst higher apprenticeships have risen in number since the levy was introduced (in 2016/7, just 7% of new apprenticeships were at the higher level, but in 2018/19 this had increased to 19%), there was a concern that some levy-paying employers were simply replacing their professional development programmes with apprenticeships (p.29). Whilst this does not necessarily apply across all sectors, I remain intrigued by the funding implications of the levy on solicitor apprenticeship and seek to discover in my interview with the employer how influential it is as a factor when offering apprenticeship.

### ***1.3 Background to Solicitor Apprenticeships - the changing landscape of legal education.***

Prior to the growth of university entrance in the 1960s, a form of pre-qualification training in solicitors' firms akin to apprenticeship, offered an entirely respectable route to qualification in the profession and was, indeed, the majority route to qualification (Burrage, 1996; Ching, 2011). This route required non-graduates to have five years' experience in practice and they were exempt from the two-year training contract (previously "articles", Solicitors Regulation Authority (SRA) 2000, 2009). Thus, the concept of apprenticeship, to an extent, is not new to the legal profession.

The current model for solicitor apprenticeships has its origins in the Legal Education and Training Review (Webb *et al.* 2013) which was a sector-wide review of legal services and education in England and Wales. The Legal Education and Training Review (LETR), conducted on behalf of the SRA, Bar Standards Board (BSB) and Institute of Legal Executive (ILEX) Professional Standards, began in 2011 and reported in 2013. It was designed to ensure that England and Wales have a system of legal education and training that is “fit for the future and one that advances the regulatory objectives of the Legal Services Act 2007 in the interests of society, consumers and justice” (Webb *et al.* 2013, Executive Summary, Introduction.)

The review must be seen in the context of a changing legal services market with increasing global competition and unprecedented legal funding reforms. The LETR’s recommendations focused on 3 main areas: the “knowledge, skill and professional attributes” of those providing legal advice/services. It also urged education/training providers to deliver education that ensured practitioner “competence”. There were several recommendations but one of particular note concerns access to, and social mobility within, the legal profession. There was a recommendation “to support and monitor the development of higher apprenticeships at level 6/7 as a non-graduate pathway into the regulated sector”.

The SRA’s response to LETR was to undertake a radical review of the skills and knowledge required to qualify as a solicitor. Again, the emphasis was on acquiring professional competence as well as increasing access to the profession. The various consultation stages culminated in the SRA announcing a new assessment regime for all solicitors via the 2-stage centrally-set Solicitors Qualifying Examination (SQE), with an anticipated commencement date of September 2020 (although this has subsequently been delayed to 2021) (SRA, October 2020, Developing the SQE). The Legal Services Board (the overarching regulator of legal services in England and Wales) formally approved the SQE in late October 2020 (SRA, SQE Update, October 2020). Coupled with this change to the assessment regime, was the announcement of solicitor apprenticeships as a route to qualification. These apprentices would also have to sit and pass both stages of the SQE. The solicitor apprenticeships were introduced in 2016. These new apprenticeships had been formally approved by the Department of Business, Innovation and Skills in Autumn 2015. They were known as the

“trailblazer” apprenticeships (which arose following the Richard Review of Apprenticeships in 2012). These were developed by an employer panel as part of the government initiative referred to earlier to enhance apprenticeships (SRA, Trailblazer Solicitor Apprenticeship, 21 Nov 2017).

The solicitor apprenticeship is a level 7 degree apprenticeship which would normally take 5-6 years to complete. A required apprenticeship standard must be met, and this is based on the Statement of Solicitor Competence (SRA, 11 March 2015, updated 25 November 2019). The apprentice must pass the 2 stages of the SQE. As such, there will be an identical assessment pathway for solicitor apprentices and trainee solicitors.

In summary, to qualify as a solicitor post-2021, students must:

- ❖ Have a degree or equivalent qualification or work experience
- ❖ Have passed both stages of the SQE
- ❖ Have qualifying work-based experience
- ❖ Satisfy the suitability requirements.



## ***1.4 Aim of the study and the research questions***

The main aim of this study is to gain a better understanding of the choices and experiences of solicitor apprenticeships and trainee solicitors.

My main research questions are:

1. Why individuals wishing to enter the legal profession choose the solicitor apprenticeship route or the trainee route?
2. What are the experiences of solicitor apprentices and trainees as they pursue these different entry route?

In order to pursue the two main research questions, a number of subsidiary questions were identified:

- 1) Why do students choose the apprenticeship route?
- 2) Why do students choose the trainee solicitor route?
- 3) What are the social and educational profiles of these students?
- 4) What are the expectations, experiences, and perceptions of apprentices/trainees?
- 5) Can practical legal skills be effectively incorporated into academic study?
- 6) Does working while learning enhance skills acquisition?

My aim in the thesis is to understand the backgrounds, motivations, expectations, and perceptions of the apprentices, in particular, (given the novelty of the training route) but I also want to explore what the views are of “traditional” trainees, especially in terms of how the new route to qualification is viewed and perceived.

Initially I had also wished to explore the motivations of employers in offering solicitor apprenticeships and interrogate their expectations, experiences and perceptions of the new route. However, as is recorded in Chapter 3 (paragraph 3.6), I encountered many difficulties in gathering data and only spoke to one employer. This data is presented in Chapter 3 and I reflect at that point on its value and limitations.

## ***1.5 Rationale for the Research/Contribution to knowledge***

As explained earlier, solicitor apprenticeships offer a new way of qualifying, although apprenticeships themselves have a very long history. It is important to reflect fully on the experiences and perceptions of the study's participants. I want, in particular, to provide the apprentices themselves with a "voice" through which their own motivations and endeavours are heard. My review of the literature would suggest that there has been little research into apprentices' experience of apprenticeship, and given the novel nature of solicitor apprenticeship, I have found no significant study that explores apprentices' experiences within a legal environment. It is important to obtain, identify and scrutinise the perceptions of solicitor apprenticeship in order to evaluate this way of learning. I have endeavoured to do this with my research. My study's findings are therefore my contribution to knowledge.

## ***1.6 Structure of the thesis***

There are in total 5 chapters within this thesis.

**Chapter 1** has introduced the study and explains my own background and motivations in undertaking it. It also sets out the aims and research questions, as well as the rationale for this study. Additionally, it provides a historical overview of apprenticeships and government policies.

**Chapter 2** presents a critical engagement with the relevant literature on apprenticeships and relevant theories of learning.

**Chapter 3** explains the methodology employed and describes the research design and approach to thematic analysis.

**Chapter 4** presents the research findings and analysis of the data.

**Chapter 5** offers a conclusion to the study, including recommendations and areas for further research. It also reflects on the contribution to knowledge that this thesis seeks to make.

## *Chapter 2*

### *Literature Review*

#### *Introduction – Overview, Approach and Rationale of the Literature Review*

As previously described in Chapter 1, paragraph 1.4 earlier, my main research questions are two-fold. Firstly, why individuals who wish to enter the legal profession choose their particular training route and, secondly, what the experiences are of both solicitor apprentices and trainees as they pursue these varying training routes.

My motivation for undertaking this research was based on my personal interest in the new apprenticeship route to qualification as a solicitor in England. I wished to discover any challenges and advantages of this new route. As a law lecturer with many years' experience, I was also intrigued by the new way of learning that apprenticeships seemed to offer. It is the idea of apprenticeship as simultaneous learning and doing "on the job" that underpins my research interest. The new solicitor apprenticeship route stands in juxtaposition to the traditional solicitor route (with which I am so familiar both personally and professionally) of sequential academic learning followed by practical training, with the acquisition of core legal knowledge separated in time, space and location from the acquisition of legal skills. The Solicitors Regulation Authority ("SRA"), the statutory body which regulates solicitors in England and Wales, has placed an emphasis on "competences" with an associated importance placed on skills acquisition, as a way of ensuring that it has a system of legal education and training that is fit for the future. As such, I wish to further explore in my research the related concepts of skills acquisition via apprenticeships and the perceived "skills gap" within traditional legal education. In doing so, I seek to question if it is indeed desirable to intertwine academic legal studies with professional skills, and whether the employability agenda within higher education is desirable.

These personal motivations then, in turn, helped me to focus on my subsidiary research questions which are repeated here for ease of reference:

1. Why do students choose the apprenticeship route?
2. Why do students choose the trainee solicitor route?
3. What are the social and educational profiles of these students?
4. What are the expectations, experiences, and perceptions of apprentices/trainees?
5. Can practical legal skills be effectively incorporated into academic study?
6. Does working while learning enhance skills acquisition?

Given that these questions are the very core of my research, I approached the literature review with them at the forefront of my mind. There is, of course, considerable merit in reflecting at this point on the general purpose of a literature review, before I commence my substantive narrative that connects my specific literature review with the aims of my thesis (Booth, Sutton and Papaiaonnou, 2016).

A literature review essentially “sets the scene” (Denscombe, pg.370) for the research and this is done in various stages (Ridley, 2012; Machi and McEnvoy, 2012). Firstly, the literature review should provide the necessary background to the research and, secondly, it should reflect on existing knowledge which helps shape the design of one’s own study. Accordingly, the literature review should assist me as the author of the thesis (by framing and providing a foundation to my own knowledge and helping me interrogate my research aims and design). It should also help highlight the need for the research by offering the necessary background context and showing a warrant for the current research (Rhoades, 2011). This allows the literature review to provide a context or “scene” in a number of ways. Thus, it will position my research in relation to relevant existing theories and practices and will demonstrate my familiarity with the main issues and debates. In doing this, the review should also frame and identify how my own research might contribute to these existing theories, practices and debates. Through this process, my literature review should shine a light on the need for research into the new training route for solicitors as well as helping to justify the research approach taken and the research questions chosen.

Additionally, of course, the literature review should provide a useful lens for the reader to engage with the research. This is done by providing the necessary background context and showing a clear warrant for the current research.

Having considered the general purposes of a literature review, it is also important to consider the type of literature review that I conducted. It has been recognised that the range of approaches and types of review have expanded considerably over the last decade (Sutton et al. 2019). Sutton et al. (2019) suggest that there are 48 review types, categorised into 7 families (Table 3 p.206-210). This recent work has itself built, in part, on the earlier identification of some 14 review types described by Grant and Booth (2009). However, notwithstanding these developments, there appears to be a consensus that despite the ever-increasing range of reviews, the “traditional systematic review”(Sutton et al. 2019 p.202) offers many advantages for researchers since many of the new review types “lack explicit requirements for the identification of evidence” and, as a result, “defining review types and utilising appropriate search methods remains challenging” (p.202).

My literature review is a systematic thematic review as it is based around themes I selected from my reading. I seek to answer my particular research questions by identifying evidence through a systematic and reproducible search of the literature (Booth et al. 2016). I then seek to engage with that information in a critical and enquiring manner. At the core of this process I acknowledge the crucial point that “the production of new knowledge is fundamentally dependent on past knowledge” (O’Leary, 2014 p.85). I adopted a comprehensive search approach across various databases, utilising multiple sources which included grey literature (e.g. materials and research produced by government departments and agencies). I also included in my literature review a brief historical overview of apprenticeships from which the development of apprenticeships as a mode of learning can be easily seen (see Chapter One). Various themes emerged from my literature search (e.g. decision making by young people, perceptions of apprenticeships, widening participation etc) and these themes are described in the following pages. These emerging themes connected to my research questions as can be seen from **Diagram One** below.



**Diagram One.** Connecting the literature review with the main and subsidiary research questions.

In order to elucidate my research questions, and to best identify my contribution to knowledge, I explore in this chapter the relevant literature on apprenticeships as a vehicle of learning. I do so from both a higher education perspective and a legal education perspective. My literature review commences with a description of, and commentary on, the situated learning theory. This offers an educational theory of apprenticeship, through which I seek to discuss how apprentices learn. I consider thereafter how the theory has developed over recent decades and reflect on its relevance to my research study and my research questions. My review proceeds then to consider the relevant literature exploring how apprenticeships are perceived and how the apprentices perceive themselves. This was a strong theme that

emerged from the literature and connects to one of my central research questions, namely what are the expectations and experiences of my apprentice participants. In so doing, I discuss the literature which describes the reputation of apprenticeships in the UK and consider the motivations that led to the introduction of the solicitor apprenticeship. Issues of widening participation and social mobility are also considered, since these are some of the arguments made for the apprenticeship model of learning generally and specifically within legal apprenticeships. To enhance the discussion further, my literature search also seeks to explore the German model of apprenticeship which is considered by many to be the model to aspire to in terms of overall quality and prestige.

Thereafter, I consider the changing legal education landscape in light of the proposed changes to the assessment regime for would-be solicitors, and reflect on its impact for solicitor apprenticeships. The final part of my literature review critically considers the employability agenda within education and the importance of skills acquisition.

It was quite clear from undertaking this literature review that there is a body of literature addressing what apprenticeships are and what the experiences are of those undertaking a standard apprenticeship. However, there are much more limited resources on similar issues for higher apprenticeships and I found very little relevant literature on the perceptions of solicitor apprenticeships, although this is clearly in part due to the fact they are a recent introduction. Given this, I have identified a gap in the literature from which I seek to establish a warrant for my own study. My analysis of the relevant literature will therefore illuminate my research questions and highlight my own contribution to knowledge.

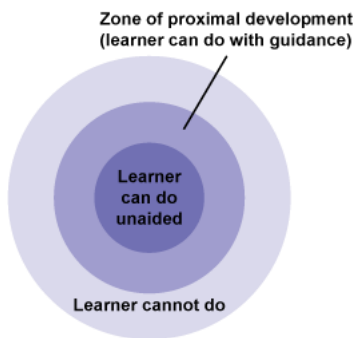
## ***2.1 Apprenticeship: a theory of learning***

### ***2.1.1 Background to, and Evolution of, the Situated Learning Theory***

Given that my thesis focuses on the new route of apprenticeship for would-be solicitors, it is important to identify the underlying educational theoretical framework and to consider how learning takes place within apprenticeship. Situated learning theory, first proposed by Jean Lave and Etienne Wenger in 1991, provides such an educational theoretical framework for analysing the process of learning experienced by apprentices and, in particular, analysing how individuals acquire workplace skills. Quite simply, people learn by joining a 'workplace' (and this can have a variety of formal and informal meanings) and by slowly participating in the tasks and activities performed in that workplace. At first, their roles are minor and peripheral only. They learn through this slow process of assimilation and by performing small tasks. Over time, they acquire the skills and knowledge to perform more complex tasks. This increasing ability arises from the participation in the wider 'workplace' community. This process of learning would equally apply to the trainee solicitors during their training contracts.

Both Lave and Wenger would identify themselves as social learning theorists. This involves knowledge being acquired and developed through social processes, not purely through cognition. Their research was founded in the research of Vygotsky (1896-1934), Piaget (1896-1980) and Dewey (1859-1952). These educational theorists argued that using a cognitive framework alone was inadequate to explain aspects of learning, and viewed social learning as important. Vygotsky (1934), in the context of child development, viewed cognitive development as a social process of learning through contact with more experienced others. The learning occurred through the very process of interaction with others. He saw a relationship between a child's current level of development (in the sense of what they could do unaided) and what they could potentially understand and achieve through interaction with more experienced others. This relationship is described as the "zone of proximal development" ("ZPD") and is represented in the diagram below.





A figure illustrating Vygotsky's 'zone of proximal development'. The figure shows three concentric circles. The innermost circle says 'learner can do unaided'. This circle represents the skills and knowledge already possessed by the learner before approaching new learning context. The outermost circle says 'learner cannot do', which represents the skills and knowledge the learner does not yet possess. The circle between the innermost and the outermost circle says 'zone of proximal development', and in brackets 'learner can do with guidance'. This circle represents the skills and knowledge that the learner can acquire through guided interaction.

<https://www.open.edu/openlearn/languages/understanding-language-and-learning/content-section-6>

Vygotsky (1978) described the ZPD as “the distance between the actual developmental level as determined by individual problem solving and the level of potential development determined through problem solving under adult guidance or in collaboration with more capable peers” (p.86). In the context of child development, expert assistance (known as “scaffolding”) will allow a child to cross the ZPD and thus learn, with learning from others being viewed as vital.

Thus, whilst traditional theories of learning focused more on cognition as the process by which knowledge is formed, where learning is seen as a mental process occurring in the minds of individuals, the social learning emphasises not an individual cognitive process but a social one. These ideas about learning have been advanced by a number of subsequent theorists. Scribner and Cole (1981), in their study of literacy rates among tailors in Liberia, argued that a cognitive framework alone was inadequate to explain the learning process, and emphasised that learning was achieved through practice. They began to advance ideas of communities of practice, in order to contribute to the contemporary debates about the nature of learning. It is these ideas then that Lave and Wenger develop further.

Learning, then, is viewed as dependent on its *social situation*. Indeed, the learning is facilitated by that social context. Quite simply, situated learning concerns learning that occurs in the same context in which it is applied. Lave and Wenger view learning as social participation and integral to social practice, rather than placing emphasis on any cognitive process of learning. Interaction with “experts” in a field of practice is viewed as crucial as is the evolving relationship with these experts. As a result, the learners become involved in a “community of practice” in which they are situated and thereby evolve to become a full participant in the community: “Newcomers become old timers through a social process of increasingly centripetal participation” (Lave, 1995, p.68) The learners’ motivation is encouraged by their increasing participation in the community. Their knowledge and ability to perform the tasks is acquired by doing the very activity to which that knowledge relates. As such, learning becomes more than mere knowledge.

The situated learning theory offers a new theoretical understanding and approach to apprenticeship. It seeks to provide an explanation for the learning that takes place through on-the-job activities. In developing their theory, Lave and Wenger offer a “coherent theory of apprenticeship” (Patel, 2017, p.12) which is one that offers a new way of considering how knowledge is acquired and stresses the importance of social relationships.

Lave and Wenger’s perspective on learning was inspired by the study of craft apprenticeships in traditional societies (e.g. tribal tailors in Liberia, midwives in Belize, butchers in US supermarkets) so the overall context of their observations differs significantly from the context of my own research. Nonetheless, their theory offers an understanding of the mechanisms by which new entrants to a profession/occupation/place of work acquire the skills and knowledge required to become experienced in their field of practice (Lave and Wenger, 1991) and as such, seems to offer an appropriate and relevant theoretical framework for my research into solicitor apprentices. Lave and Wenger describe the process by which newcomers become old timers, the novice becomes the expert and therefore, within the context of my research, the apprentice solicitor becomes a qualified solicitor.

There are two key elements to Lave and Wenger's interpretation of this theory of learning. Firstly, an idea of "legitimate peripheral participation" is advanced to reflect the view that learners *"inevitably participate in communities of practitioners and that the mastery of knowledge and skill requires newcomers to move towards full participation in the socio-cultural practices of the community"* (p. 29). There has been criticism of the use of "legitimate" in this context and, although Lave and Wenger have attempted to address this point, by suggesting that there may not be such a thing as "illegitimate peripheral participants" (p.35/6). This appears to be an unsatisfactory explanation. "Legitimate" is a curious choice of word since it suggests that there has to be an acceptable, valid or justified participation for the learning to be valuable. Yet this aspect is not explored in their work. There also remains questions about how the participation is measured and quantified, and indeed, how an assessment is made about what "peripheral" can (and importantly, cannot) include.

Secondly, they argue that by this process of participation, apprentices are led to membership of a "community of practice". This offers a way in which newcomers learn by mutual engagement in the task/activity and thus presents a *"set of relations among persons, activity and world, over time and in relation to other tangential and overlapping communities of practice"* (p. 98). Thus, this situated learning theory considers the relationship between the process of learning and the situation in which it takes place. "Rather than asking what kinds of cognitive processes and conceptual structures are involved, [Lave and Wenger] ask what kinds of social engagements provide the proper context for learning to take place" (Hanks, 1991, p.14). Lave and Wenger view the context as a facilitator of the learning, with an emphasis on participation, thereby reflecting the traditional "on the job training" involved in apprenticeships. Learning is not simply a cognitive process but involves participation in practice which will inevitably involve an element of imitation of the behaviours of the experts.

Lave (1995) developed these themes by drawing connections between the learning process and the community in which it occurs, and seeing it as a natural process of skill/knowledge acquisition, with *"learning as an aspect of participation in socially situated practices"* (p. 2).

Vincini (2003) contributed to the discussion of this learning theory by suggesting that "learners must use tools as practitioners use them and become "cognitive apprentices" in

that discipline's community and culture" (p.2) and stressed the importance of social interaction in the communities of practice. The idea of legitimate peripheral participation and communities of practice are concepts then which underpin how apprentices learn. Learning and practice are thereby interwoven as learning *from* practice and learning *from* experts. It appears to me therefore to be a process not just of learning by doing but also by seeing, understanding, copying, doing and repeating.

The impact of Lave and Wenger's work is significant, "the text still offers challenges to prevailing assumptions about knowledge and learning. Learning theory is greatly influenced by [their] book, and its contribution to the wider field of social theories of learning is undeniable," (p.58, Patel, 2017). Indeed, the ideas of communities of practice have challenged traditional management structures in organisations (Su et al. 2012, Farnsworth et al. 2016) and the situated learning theory itself is still widely used across diverse educational situations. In a recent scoping review within health professionals education, the researchers found that the theory "holds strong potential for addressing several contemporary challenges"(p.509, O'Brien and Batista, 2020).

Whilst the situated learning theory offers a framework for understanding apprentice learning, my research interest lies in a quite different context to that of Lave and Wenger. My focus is on higher level degree apprenticeships leading to professional qualification, not craft apprenticeships in traditional societies. Given the nature of legal professional qualifications, it seems to me that the question of "legitimate peripheral participation" is much more prescribed and regulated for solicitor apprentices and, indeed, the community of practice in which their learning occurs has many more influential stakeholders (e.g. government funding arrangements and professional regulatory body involvement). Situated learning theory offers therefore a framework for my research in that the theory offers a vehicle for collaborative learning which is at the heart of solicitor apprenticeship learning. Solicitor apprentices partake in simultaneous learning (as opposed to sequential), both of the black letter law (i.e. the basic principles of law) and learning by participation in the day-to-day office environment, being supervised by experts. Of course, this latter process is equally relevant to the work-based learning phase of the trainee solicitors. They, too, learn through a process of participation. What is interesting here though for my research is that within one office

environment, we will have both styles of learning running side by side: apprentices and trainees. Both eventually acquire the same professional qualification. One of the questions for my research then is whether the trainee, having already mastered the black letter law, finds the subsequent work based learning to offer a greater relevance to legal practice, since their assumed core legal knowledge underpins those tasks . In any event, given the one-office environment, comparison with the apprentices can readily be drawn. Their respective experiences within the “legitimate peripheral participation” may well be very different.

Another important difference for my research from Lave and Wenger’s theory is the equal importance given to academic learning (for both apprentices and trainees) as well as work-based learning. Lave’s (1991, 1995) research focused on numerous examples of where novices learn their skills without any formal education (e.g. Yucatec Mayan midwives) but my context is very different from this in terms of contemporary professional workplaces where professional teaching is essential to the apprentice journey. My research is focused on how best to incorporate professional and academic learning as well as skills into a training route for solicitors, and how the stages of learning may be intertwined and mutually beneficial.

### ***2.1.2 Development of the Situated Learning Theory***

Fuller and Unwin (1998) explored the meaning of modern apprenticeships in light of this learning theory and offer a “reconceptualisation” of modern apprenticeship. Their work offers a valuable insight into how situated learning theory can be applied in a new contemporary setting and as such, maps usefully with my own research. Their work offers ideas for my own research to draw upon and suggests useful areas of investigation. As an example of this, they acknowledge that “the concept of apprenticeship was synonymous in many people’s minds with a high standard of work place training” (p.153) but also claimed that the various late 20<sup>th</sup> century initiatives “had failed to gain adequate status and credibility”. This is a curious contradiction which appears at the heart of my own research: namely, will solicitor apprenticeships achieve equivalent status with the more traditional

routes to qualification, and if not, why not? They describe apprentices as being engaged in a “relentless battle for parity of esteem with [their] academic sibling” and refer to apprenticeships having a “chequered history” due to ever changing government policy (p.155). In my earlier discussion of government policy, I described how I felt apprentices were struggling with issues of identity and my view echoes that of Fuller and Unwin from 20 years ago. Indeed, this passage of time only serves to emphasise the question I am seeking to explore: whether apprenticeships are still struggling to find their identity in an ever-changing landscape and given that professional legal apprenticeships are an innovative feature of the changing legal education landscape, confused identities are likely to remain.

Fuller and Unwin (1998) describe modern apprenticeships as having various interrelated dimensions at play, including the contractual framework with their employer, the cultural/social aspects of the actual workplace and the formal/informal learning experiences. This resonates with solicitor apprenticeships but perhaps with an added dimension of professional regulatory influences. I also wonder if the cultural and social aspects of the workplace would have a stronger influence too given that within the office environment the apprentices will be directly compared with trainee solicitors, given the common qualification that they are all working towards. Fuller and Unwin’s latter dimension, the formal/informal learning experiences, they argue needs to be “reconceptualised” in light of existing learning theory. They suggest that effective learning can take place for contemporary apprentices in a community of practice as advanced by Lave and Wenger, but with an increased focus on the relationships between the members and the activity they all undertake. Whilst generally drawing upon Lave’s perspective (1995) and her key theoretical positions (e.g. rejecting the formal/informal dualism, rejecting the transmission model of teaching and learning which portrays the learner as a passive recipient of knowledge), Fuller and Unwin distinguish their model of learning for apprentices by placing greater emphasis on the value of professional teaching as part of the community of practice (although they believe that the distinction between formal and informal education is unhelpful as it implies superiority of learning in an educational setting when compared to the work place). In doing so, they draw up on the work of Engestrom who believes that whilst people learn in social situation/interactions, knowledge and understanding can be enhanced by formal structured teaching. Engestrom (1994) argues that “although there are many occasions of productive learning in every day

situations ...investigative deep level learning is relatively rare without instruction. For that reason, instruction is necessary. Its task is to enhance the quality of learning, to make it purposeful and methodical” (p.48).

### ***2.1.3 Learning within Apprenticeships***

Whilst Fuller and Unwin (2003) appreciate the significance of “legitimate peripheral participation and community of practice in underpinning apprentice learning and identity formation” (p 408) within modern apprenticeships, they see modern apprenticeships as providing specialist education as well. This aspect of their reconceptualisation of apprenticeships certainly resonates with my research, where core legal knowledge is gained through degree-level study. The “off the job” learning comprises a core component for modern apprenticeships, underpinning the “on the job” training with an academic framework. This is notably different to the more traditional craft communities, where Lave and Wenger had conceptualised their framework and had based their initial empirical observations. Indeed, the “off the job” learning for contemporary apprenticeship is at the core of their learning as the process leads to formal qualification and outcomes, which is very different from the context of Lave and Wenger’s research. Within the communities of practice for contemporary apprenticeships, there are many other stakeholders such as government agencies setting standards/specifications and, of course, government funding initiatives. For my own research on professional apprenticeships, the range of stakeholders within the community of practice is more complex than those described by Lave and Wenger. In particular, it is important to note the additional constraints imposed by the legal profession’s regulatory bodies. The communities of practice become increasingly more complex and prescriptive the more diverse the apprenticeships become both in terms of their scope and level. As such, modern apprenticeship including legal apprenticeship becomes a very different context under which to consider Lave and Wenger’s original concepts. The journey from newcomer to old timer has undoubtedly evolved but I would argue that the situated

learning framework still holds relevance as a foundation which can be built upon, by reflecting on the new institutional context and any regulatory framework of apprenticeship.

Fuller and Unwin seek to build on the original framework of situated learning by “making sense of the lived reality of contemporary apprenticeship” (p.408) and in doing so, reflect on the importance of the actual employment relationship and the formal qualification required by the apprentice. To do so, they developed two approaches to categorising apprenticeship learning: expansive and restrictive. These approaches represents two ends on a continuum when categorising apprenticeship learning. The first *expansive* approach offers a greater breadth of learning for apprentices (which would include knowledge-based qualifications, usually vocational in nature, participation in multiple communities of practice, gradual transition to full participation) and time off work for academic study/reflection. The second *restrictive* approach offers a more limited access to learning (e.g. access to competence at work qualifications only, restrictive participation in multiple communities of practice). This expansive/restrictive continuum is set out in table form overleaf.



EXPANSIVE	RESTRICTIVE
Participation in multiple communities of practice inside and outside the workplace	Restricted participation in multiple communities of practice
Primary community of practice has shared 'participative memory': cultural inheritance of apprenticeship	Primary community of practice has little or no 'participative memory': no or little tradition of apprenticeship
Breadth: access to learning fostered by cross-company experiences built into programme	Narrow: access to learning restricted in terms of tasks/knowledge/location
Access to range of qualifications including knowledge-based vocational qualifications	Access to competence-based qualification only
Planned time off-the-job including for college attendance and for reflection	Virtually all-on-job: limited opportunities for reflection
Gradual transition to full participation	Fast—transition as quick as possible
Apprenticeship aim: rounded expert/full participant	Apprenticeship aim: partial expert/full participant
Post-apprenticeship vision: progression for career	Post-apprenticeship vision: static for job
Explicit institutional recognition of, and support for, apprentices' status as learner	Ambivalent institutional recognition of, and support for, apprentice's status as learner
Named individual acts as dedicated support to apprentices	No dedicated individual ad-hoc support
Apprenticeship is used as a vehicle for aligning the goals of developing the individual and organisational capability	Apprenticeship is used to tailor individual capability to organisational need
Apprenticeship design fosters opportunities to extend identity through boundary crossing	Apprenticeship design limits opportunity to extend identity: little boundary crossing experienced
Reification of the apprenticeship highly developed (eg through documents, symbols, language, tools) and accessible to apprentices	Limited reification of apprenticeship, patchy access to reificatory aspects of practice

FIG. 1. The expansive–restrictive continuum.

Fuller and Unwin (2003) p.411

The expansive approach offers a way of analysing the learning environments involved in a modern apprenticeship and builds upon the participation element of the situated learning theory. They place great emphasis on this participation and its quality and quantity. Emphasis is also placed on the institutional location of the apprenticeship. By focusing on an expansive approach to apprenticeship, they advocate a learning opportunity which engenders “deep

learning” (Marton et al , 1984), “the work of the imagination” (Wenger, 1998) and thereby facilitates a richer learning environment. Fuller and Unwin (1998) also draw upon the work of Engestrom (1994, 1995) to support their arguments. His work recognised the vital role of learning within social situations but also asserts that knowledge can be enhanced by participation in structured teaching and, indeed, identifies various elements for effective learning (including an opportunity to engage in authentic tasks, the chance to develop critical and intellectual capacities through the application of concepts and theories in practice) which he labels as “expansive learning” (p. 1).

This approach for conceptualising contemporary apprenticeship offers valuable guidance for understanding the features of level 7 apprenticeships, which should align with the expansive approach above. Indeed, when considering the key features of the solicitor apprenticeship, there is alignment at each stage. The apprentice solicitor would work in numerous departments during their training and thus participate in multiple communities of practice, and be given access to a range of academic and professional qualifications. They have dedicated time off-the-job to acquire core knowledge and certainly within the law firm where my research was situated, had a named individual to act as support and mentor. Aspects of the expansive approach can clearly be seen (e.g.breadth of learning, planned time off-the - job learning, clear career progression routes) when considering the solicitor apprenticeship standard set by the Institute of Apprenticeship and Technical Education which is set out below.

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## 1. Occupation

Solicitor

## 2. Occupational profile:

This role has responsibility for providing legal advice to clients through:

- acting ethically, with professionalism and judgement;
- progressing legal matters and transactions;
- applying legal knowledge and commercial judgement to produce solutions which meet clients' needs and address their commercial or personal circumstances;
- deploying the full range of legal skills - research, interviewing and advising, advocacy, negotiation, drafting, communicating orally and in writing;
- establishing and maintaining effective and professional relationships with clients and other people; and
- managing themselves and their own work effectively.

### 3. Requirements

In order to successfully meet the Apprenticeship standard leading to qualification as a solicitor, apprentices must demonstrate that they can:

#### **Ethics, professionalism and judgement**

1. Act honestly and with integrity, in accordance with the law and with regulatory requirements and the Solicitors Regulation Authority (SRA) Handbook and Code of Conduct
2. Maintain the level of competence and legal knowledge needed to practise effectively, taking into account changes in their role and/or practice context and developments in the law
3. Work within the limits of their competence and the supervision which they need
4. Draw on a sufficient detailed knowledge and understanding of their field(s) of work in order to practise effectively
5. Apply understanding, critical thinking and analysis to solve problems

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#### **Technical legal practice**

1. Obtain relevant facts
2. Undertake legal research
3. Develop and advise on relevant options, strategies and solutions
4. Draft documents which are legally effective and accurately reflect the client's instructions
5. Undertake effective spoken and written advocacy
6. Negotiate solutions to clients' issues
7. Plan, manage and progress legal matters and transactions

#### **Working with other people**

1. Communicate clearly and effectively, orally and in writing
2. Establish and maintain effective and professional relations with clients
3. Establish and maintain effective and professional relations with other people

#### **Managing themselves and their own work**

4. Initiate, plan, prioritise and manage work activities to ensure that they are completed efficiently, on time and to an appropriate standard, both in relation to their own work and work that they lead or supervise
5. Keep, use and maintain accurate, complete and clear records
6. Apply good business practice

<https://www.instituteforapprenticeships.org/apprenticeship-standards/solicitor>

It is worth remembering that apprenticeships are an evolving model of learning (Guile and Young, 1998). This evolving model appears therefore to be resilient when meeting the varying demands of government policy, professional bodies, employers and individuals which is especially relevant for solicitor apprenticeships, offering, as they do, an innovative route to qualification. Fuller and Unwin (2011) suggest in later research four interconnected dimensions that underpin and describe learning for contemporary apprenticeship. They suggest that these dimensions are (i) pedagogical (which offers a theory of learning, involving teaching and feedback), (ii) occupational (which offers a way of appreciating how an

individual operates within the community of practice), (iii) locational (which considers the relationship between the employer and the wider community) and (iv) social (which considers how the perceived reputation of the employer influences a wider community perception of apprenticeships). These last two, “locational” (the relationship between the employer and the wider community) and “social” (the way in which the employer’s reputation may influence the wider perception of apprenticeship) seem particularly pertinent to the solicitor apprenticeship scheme and may have a direct impact on my own research. Thus, for example, will solicitor apprenticeships be primarily offered by larger commercial work rather than the traditional high street practices? Is this influenced by the Apprenticeship Levy and its operation? If they are primarily offered by the larger commercial firms, this may enhance the reputation of the overall scheme although I would be concerned about the impact on more high street/legal aid firms who perhaps simply cannot afford to offer such a scheme. The whole question of perception of solicitor apprenticeships is a central part of my research and by drawing on Fuller and Unwin’s interconnected dimensions, I may be able to draw some useful conclusions from my own research. Having said that, I am aware of some of the limitations of my research given that my empirical data collection is located in a global law firm. I do not have the opportunity in this work to compare experiences of solicitor apprenticeship from a wider spectrum of law firms but I feel that this would provide interesting grounds for further research in terms of the overall reputation of this new training route and how it is influenced by locational and social factors. It will be useful to use these various dimensions as a tool for analysis when considering solicitor apprenticeship.

#### ***2.1.4 Influencing factors for the expansive/restrictive continuum***

From my review of the literature thus far, it would appear that for solicitor apprenticeship to gain repute as an equivalent training route, it should fall onto the expansive side of the continuum (in terms of breadth of learning, knowledge based qualifications). I have already suggested that this would seem to accord with the Level 7 National Apprentice Solicitor Standards.

However, Mazenod (2016) argues that the positioning on the continuum of learning for apprenticeships is influenced by the education and training system within which it is placed. She compares English state funded apprenticeships with similar provision in Finland and France. Each country has its own education and training systems as identified by Green, Wolf and Leney (1999) and their typology of European education and training. Mazenod argues that there are country specific meanings of apprenticeship which influence how apprentice learning can be characterised on the expansive/restrictive continuum. She concludes, having considered a cross-national comparison, that the English apprenticeship programme at vocational level tends towards the restrictive end of the continuum in the sense of limited access to knowledge-based qualifications/low level general educational content. This positioning on the continuum then influences the type of learning experiences encountered by these apprentices. The observations on English apprenticeship were not mirrored in the Finnish and French apprenticeships, which were characterised as being at the expansive end of the continuum. Ryan (2000), Heikkinen (1997) and Deissinger (2008) also identify various contextual influences including institutional factors (such as governing and legal frameworks), sociocultural factors and positional (the positioning of apprenticeships within the wider education and training system) factors as having an impact on the concept of apprenticeship. Mazenod (2016) argues that seeking to make any reforms to apprenticeship would involve many dimensions, since its meaning is embedded within many aspects of society and education in each of the observed countries. This is thought-provoking research not only in terms of the experience of an English apprenticeship being rather curtailed from within the very system in which it is situated, which appears in some ways counterintuitive, but also in terms of a reflection upon the European experience from which valuable lessons can be learned. The countries considered had their own unique sense of what an apprentice was, with most notably English apprenticeships tending to regard it as a training (in the sense of acquiring specific occupational skills) rather than as an education (acquisition of general knowledge and skills). The former approach is usually characterised by a restrictive rather than an expansive approach. Indeed, Mazenod goes on to assert that “the prestige or status of apprenticeships will be dependent on how the other education and training pathways are constructed and how their value is perceived”(p.109).

These findings by Mazenod present various areas of interest which could be pursued further in my own research although notably my focus is not intermediate level apprenticeship but higher level ones, which incorporate degree level study. In that sense at least, higher apprenticeships should fall on the expansive end of the continuum. The question of the prestige given to other routes of qualification, running parallel with solicitor apprenticeship, is something that I can explore with my own research when considering how solicitor apprenticeships are perceived compared to the existing models of qualification and what reputation/esteem they attract. It is the very newness of the solicitor apprenticeship route that may be misunderstood and lead to assumptions based on previous understandings of what an apprenticeship is. It is a route to a professional qualification that has not yet become embedded in the existing education structure of the UK. I am interested in considering this both from the apprentices' viewpoint as well as that of the trainee solicitors. I can also draw on this apparent distinction between education and training which seems to be a key characteristic of the overall quality and repute of an apprentice's learning and is important for my research is positioning apprenticeships within the overall context of legal education.

Mazenod concludes her study by arguing that the status and prestige of apprenticeship can not be enhanced simply by changing apprenticeship policy. Rather, she believes that the "firm distinction between academic and vocational" (p.113) spheres in the UK needs to be addressed to obscure the "underlying divide" between the two approaches. For my research, this is fundamentally what I hope higher apprenticeships can offer.

## ***2.2 Perceptions of and motivations for choosing apprenticeships***

Some of the questions at the forefront of my research are what motivations and influencing factors are at play when individuals make the decision to become an apprentice solicitor. The corollary of that, of course, is what were the motivations and influences for rejecting the usual, well established route to qualification via university. Given this is a novel higher level training route, I was not going to find extensive literature from within this exact sphere (and

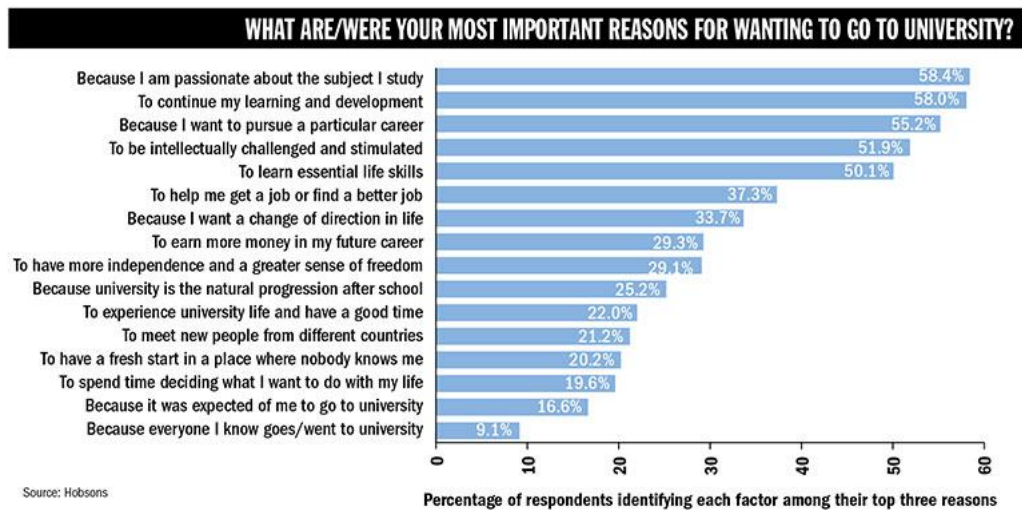
it is worth remembering that the earliest an apprentice solicitor can qualify is 2022); indeed, one of the advantages of my study is that I focus on this novel route to qualification, and seek to provide a voice for those apprentices interviewed. My findings will contribute to knowledge in this area.

### ***2.2.1 Apprenticeship versus University Study***

There is certainly evidence to suggest that apprenticeships lead to a “better” experience of the labour market (in terms of access to employment initially and reduced periods of unemployment) (McIntosh, 2007) and there is an apparent financial gain for employers in the medium term (Hogarth et al, 2012). There does also seem to be some sense of agreement in the literature about what an apprenticeship can offer and the general reputation it holds. Fuller and Unwin (2010) identify it as “first and foremost a model of learning” which offers a “global cachet” (pg. 261). They describe the “concept of apprenticeship as synonymous in many people’s minds with high standards of workplace training” (Fuller and Unwin, 1998, p. 153). Despite this, and having earlier described successive governments’ commitment to apprenticeships, however, they are still not widely used (6.9% of 16-18 year olds opted for them, Dept of Education 2017). As described earlier in Chapter 1, the rate of apprenticeship take up has been in decline since the introduction of the apprenticeship levy, although there was some increase in the number of higher apprenticeships started. It appears that there is a disconnect between the global reputation of apprenticeship and the numbers of young people choosing it in the UK, although, of course, national-cultural perceptions of apprenticeships are hugely influential in this area (Mazenod, 2016). Of course, in recent years, there has been a hugely significant increase in the number of students going to university. Tony Blair, the former Labour Prime Minister, famously set a target for his new Labour Government in 1997 to get half of young people into university. Twenty years later this has been achieved with the Department of Education statistics for 2017/18 showing 50.2% were participating in Higher Education (Department of Education, 26 September 2019).

What attracts young people to this route post A-level seems many and varied. Hobsons, educational consultants, conducted research in which it questioned 62,366 students from 65 universities around the world, with some 27,955 students considering studying in the UK

(reported in the Times Higher Education Supplement, 6 June 2017). One of the questions posed was why they chose to go to university in the first place. A table summarising the findings is set out below.



This research is interesting as it confirms the decision to go to university seems a very personal one and one focused primarily on the desire to continue education and learning. The most frequently occurring answers (assessed as the percentage of respondents identifying each factor among the top three reasons) all revolved around the desire to learn academically, to acquire skills, to be challenged intellectually and pursue a particular career. Much less significant a reason was to gain “the university experience” or even to simply succumb to peer pressure (“because everyone I know goes/went to university”).

There is, of course, a growing body of literature on young people’s decision-making about Higher Education pathways (Atkins, 2016; Holmegaard, 2015; Laughland-Booy et al, 2015) and there is a recognition that government policy has an impact on these choices as the statistics above illustrate. University seems to have become the default position for school leavers. However, this sea change has had huge criticism with Lambert referring to it as “the great British university con” (21 Aug 2019, The New Statesman). Lambert argues that government



policy has meant that the value of British degrees have become seriously devalued with grade inflation a key reason for this (BBC News, 11 July 2019). It has also been argued that as more people obtain degrees, the goalposts are moving though “credential inflation” (Brooks and Everett, 2008) so that additional qualifications are being sought to differentiate between candidates (Leonard, Halford and Bruce, 2015). Ironically too, Tony Blair’s son, Euan, suggests the university system is “broken” (The Times, 16 January 2020, p.14) and has established an organisation called White Hat, which matches young people with white collar apprenticeships. He describes these apprenticeships as “an outstanding alternative to university”, since the “skills-focused applied learning provided by a good apprenticeship can be a better route into top jobs than a knowledge-focused university degree”(p.14).

So, too, the cost of a university education has risen enormously over the last 2 decades. I enjoyed a debt-free university experience, with a maximum maintenance grant. With university fees, living expenses and post graduate study, the cost of qualifying as a solicitor now is estimated to be £70,000 - £80,000 (Hattersley, 4 Feb 2019).

### ***2.2.2 Perceptions of stigma***

Despite the criticisms and huge cost of going to university, it remains the case though that degrees continue to enjoy a certain esteem and offer a level of gravitas. From a study of the secondary literature already considered, this is not the same experience for apprenticeships. By contrast, they seem to carry a certain stigma, indicating “low status” and being viewed as “an undemanding route for low attaining students” (Brockmann et al, 2010, p.116). There are different experiences in different countries of course, with Germany’s apprenticeships being highly regarded whilst those in South Africa being perceived as offering inferior qualification (Odora and Naong, 2014). In England, however, apprenticeships continue to be stigmatised (Hogarth, Gamblin and Hasluck, 2012). Additionally, there is research that suggests vocational learning in apprenticeships is conceptualised as just training rather than education (Brockmann et al, 2010) and could therefore lack the esteem of formal academic learning. As discussed above, this conceptualisation is something that may impact on the quality of the learning experience because of its positioning on the expansive/restrictive

continuum. Fuller and Unwin (1998) describe apprenticeships waging “a relentless battle for parity of esteem with its academic sibling”. Yet the reputation of apprenticeships varies and despite a determined UK government policy to attract 3 million new apprenticeships by 2020, it remains the choice of the few.

Research carried out by Ryan and Lorinc (2018) into the perceptions of apprenticeship by apprentices appears highly relevant to my research. Their research seeks to give a voice to young people in their decision-making processes for post-16 education and, in doing so, they contribute to the increasing demand in the literature to recognise these young people’s voices (Brockmann, Clarke and Winch, 2010; Hogarth, Gamblin and Hasluck, 2012). Ryan and Lorinc presented longitudinal data from qualitative research with young apprentices across London and across different sectors. Their research focused on level 2/3 apprentices in London. By using two forms of analysis (narrative analysis and thematic coding), their findings were presented in three main sections. Firstly, in terms of the *motivations* for undertaking an apprenticeship, they reported key interrelated themes (individual preferences linked to learner identity, family influences, and wider contextual factors such as policy discourses). Secondly, given that there was clear expression of negative connotations around apprenticeships, they reported the ways that the apprentices negotiated such stigma. The research analysed the apprentices’ narratives of their choices, using Goffman’s theory of stigma (Goffman, 1961). In particular, when the “low esteem” of apprentices was voiced, Ryan and Lorinc explored the “rhetorical and strategic tools deployed by individual members of stigmatised groups in reaction to perceived stigmatisation” (Lamont and Mirachi, 2012, p.366). Lastly, they reported how challenges and opportunities were also negotiated.

It is interesting to note the various tensions in the literature which might be at play in the decisions reached by young people and how certain aspects of these may impact on my research. The framework of data analysis used by Ryan and Lorinc is helpful for my research and allowed me to draw upon some of the ideas presented when devising and conducting my own participant interviews. As such, I want to discover if and how any ideas of stigma are expressed, and what the lived experience is of such stigma. I also used thematic analysis as the basis for my data analysis. I can draw direct parallels with my research as I also seek to

explore how solicitor apprentices describe their choices which inevitably have led them to reject the university “gold standard” tradition. In allowing solicitor apprentices this voice, I will contribute to the existing research on young people’s access to and perceptions of education and training post 18.

However, there were some clear and significant differences between my research focus and the work of Ryan and Lorinc. My focus is on higher apprenticeships, not level 2 and 3, and thus in making choices about education, I am looking at post-18 choices not post-16. Importantly too, solicitor apprenticeships do involve degree level qualification, so whilst Ryan and Lorinc observe that “in the eyes of these young people, one of the main reasons that apprenticeships are undervalued is because they do not offer a degree” (p.8), this is not applicable to my research. However, I am concerned to explore whether *how* the degree for solicitor apprentices is studied may lead to a perception of stigma, and so a more subtle distinction and stigmatisation of part-time learning, compared to the full university experience. This may be especially relevant for my research given the comparison between trainee solicitors and their traditional training route.

Equally, another key finding of Ryan and Lorinc was the challenge of low pay for apprentices (p.10) which further devalued the experience. Many apprentices were receiving the statutory minimum of £3.30 per hour (in 2015/16) and as such could only cope financially if living at home (Brockmann, 2013; Green, 2015). An NUS report from 2015 branded the pay as “pitifully low” and exploitative. In the context of my research, I would not expect to find low pay being an issue as the starting point for apprentices within the global law firm where my research was located, was £16,000 pa, £18,600 in London (with a year 4 apprentice being on the same salary as a trainee solicitor, currently £27,075pa).

When conducting this literature review, the only direct study focusing on solicitor apprenticeships was that of Fletcher (2019). The remit of his study was to consider apprenticeship as a model of learning, to consider the challenges facing the Higher Education sector in offering degree level apprenticeships and to report on a small quantitative study of just two solicitor apprentices. This last part of the study is clearly the one most closely related to my own research, although there is little reported detail of the methodology undertaken

(see for example, p.20). Fletcher records that both solicitor apprentices were asked in interview why they had chosen apprenticeship and from their responses, Fletcher suggests that a main theme was the negative attitude to university tuition fees. Quite simply, undertaking an apprenticeship would involve no acquisition of university debt, as the fees are paid by the employer. Fletcher claims that the tuition fees are a “barrier” to entering Higher Education. This is certainly an aspect I want to explore with the participants in my study (see the sample interview questions and sample transcript in **Appendices 4 and 5**). I also hope to discover other potentially influential factors (other than debt aversion), such as attitude to work, work experience and social/educational background. Fletcher (ibid) does report that one of the participants in the study expressed sentiments about their personal circumstances and social background being a barrier to qualifying. He suggested therefore that “the trailblazer solicitor apprenticeship model may address social mobility”(p.21). This, too, is a particular theme I will explore in my own study. I wish to discover if solicitor apprenticeships attract young people who would not have chosen to pursue a university education otherwise.

The participants in Fletcher’s study also voiced feelings of stigma surrounding apprenticeships (p.21) and complex professional identities. There were clear feelings of pride in their work and their role, but this was tainted by a perception of stigma, and “perceived difference” (p.21) with trainee solicitors. The role of apprentice solicitor was one that had uncertain meaning both within the workplace and amongst clients. These findings are pertinent to my research. Given that I wanted to know how the apprentices were perceived themselves and were perceived by others, I felt it was important in my study to interview trainee solicitors too. I too wanted to explore these expressions of stigma and, as in Ryan and Lorinc’s study, reflect on how this stigma was negotiated.

### ***2.2.3 Lessons from the German Apprenticeship Model***

I was intrigued to find that the understanding of apprenticeship, its reputation and its perceived status varies within Europe (Markowitsch and Wittig, 2020). The very concept of apprenticeship has diverse meanings across nations, despite the common origins from the medieval crafts referred to in Chapter 1. This diversity is evidenced in the variety of apprenticeships described in the European database on apprenticeship (Cedefop, 2018). Additionally, the European Alliance for Apprenticeships (EAfA) was established in 2013 to unite governments and key stakeholders to strengthen the role of apprenticeship across Europe. This further reflects the diversity in understanding of apprenticeship across Europe and creates a forum for considering differences and identifying common strategies. Markowitsch and Wittig (ibid) describe this renewed transnational interest as reflecting the “renaissance of apprenticeship” (p.1).

I consider, in this section of the literature review, commentaries from beyond the UK which can help to inform both my own research and also the ongoing debate in the UK about the positioning and prestige of apprenticeships. Certainly, cross-cultural studies have grown in significance in recent years and can offer valuable insight and drive policy decisions. This is especially the case for more variable vocational education and training, although Krseslo et al. (1996) have reflected on the challenges of such transnational studies (e.g. differences in meanings and understandings of key words). In a more recent comparative analysis of 11 national apprenticeship systems (Smith and Kemmis, 2013), it was correctly recognized that “apprenticeship systems need to grow from countries’ national economic and cultural contexts and cannot be transplanted from one country as complete entities to another” (p.1). This comprehensive study focused firstly on collecting the information on the various national apprenticeship schemes and then targeted information about key features of those schemes in order to advance a ‘model apprenticeship system’. This ‘model’ framework then allowed a set of guiding principles and features (e.g. occupational coverage, participation, national government structures, stakeholder involvement) to be advanced when designing a model system, supported by measures of success for such a system (e.g. level of engagement and quality assurance measures). Germany was identified as having numerous key strengths

within their existing system (see Table 1.2, page 25) and these included high participation rates, high completion rates, and high stakeholder engagement.

Whilst it is clear that “in an increasingly globalised yet fragmented world, there has been a burgeoning of comparative educational research” (p.34 Scott and Morrison, 2005), I do not seek to undertake a comparative method or methodology in my research. The conventional type of comparative analysis, at its simplest, focuses on the experience of differences and the experience of similarities. Tilly (1984) sets out a more sophisticated comparative analysis, identifying 4 types of comparison (individualizing, universalizing, variation finding and encompassing). Individualizing comparisons attempt to identify how different 2 or more cases are and, as such, seeks only to *describe* the differences, rather than undertake detailed qualitative comparative analysis (Ragan, 1998). I seek to adopt such an individualizing approach with my discussion below of the German apprenticeship system. It is important to remember that whilst I am not engaging in a comparative methodology as such, I am seeking to describe the differences between systems by comparison and contrasting at some level. Accordingly, “comparative analysis needs to be distinguished from the juxtaposition of descriptions of a series of cases” (p.7, Pickvance 2001) although rather contradictorily it must be recognised that inevitably “all analysis is comparative” (p.7).

In designing my research, I chose to explore the complexities of apprenticeships as a phenomenon and seek to offer an in-depth study in which I can consider the specifics of this phenomenon. My goal is to interpret the experience of this phenomenon and by doing so I may be able to discover the “rough general patterns” (Ragin, 1998) that “may be able to identify or simply aid the understanding of specific cases” (p.4).

My description of the German system serves as valuable context for reflecting on apprenticeships in the UK and perhaps can offer strategies for enhancing their reputation (Smith and Kemmis, 2013). Given the constraints of time and word limits of this thesis, I chose to focus only on one particular European country, namely Germany. This was chosen simply

because there was a wealth of literature describing German apprenticeship as aspirational within German society. It also appears, in the literature, to be a prestigious model of learning that is held in high regard nationally and internationally. Moreover, Bash and Green (1995) observe that whilst traditionally the UK and Germany have offered similar forms of apprenticeship, through part-time vocational education with work-placed training, there has been a marked divergence in the training offered by the two countries since the 1960s.

### ***The German Apprenticeship Experience***

In Germany, as already noted, the system of apprenticeships is highly prestigious and plays “an outstanding role in the training of young skilled workers” (Walden and Troeltsch, 2010, p. 305). German apprenticeships are regarded as highly successful, are held in high esteem and lead to a high skills equilibrium (Brown and Evans, 1994). Mazonod (2016) described the German apprenticeship system as the “exemplar European model” (p.104). Haasler (2020) refers to the dual system of apprenticeship training as having been “traditionally very strong” (p.35) and providing “attractive training options for highly skilled young people” (p.35). German apprenticeships are regarded as an essential training system that underpins the success of the economy. It remains the main pathway into employment for young people, despite increasing numbers of HE entrants. (Apprenticeship-toolbox.eu, 2019). As referred to earlier, the cornerstone of the system is the “occupational concept” whereby apprentices are trained in a recognised occupation according to national standards. The purpose of the training is to equip apprentices with the abilities, knowledge and skills that will then provide a skilled workforce. The statistics are significant; in 2017 the share of the resident population starting an apprenticeship was 52.9% and in total, in 2017, over 1.3 million people were in an apprenticeship. The number of newly completed apprenticeship contracts was 531,400 as at 30 September 2018 (*ibid.*) This contrasts with statistical information available for England during 2018/19 which records that there were 742,400 people participating in an apprenticeship (and interestingly, this is the lowest annual level of participation since 2010/11) and there were 185,100 apprentice achievements (i.e. success at the end of the apprenticeship) in the same period (Foley, 2020).

This difference in how apprenticeships are conceived in Germany is due in part to the historical development of its education system which was influenced by the work of Kerschensteiner (1854-1932). This saw the development of the dual system of apprenticeship, with an emphasis on character development and strong personal identification within an occupation. The German system of dual education combines apprenticeship within a workplace company and vocational education at a vocational school as part of a single training course. This “*Duales Ausbildungssystem*” offers many hundreds of types of apprenticeship occupations. This system of Higher Education was formally developed pursuant to the Vocational Training Act 1969 and offered a standardised approach to training/education. It created a system of shared responsibility of the state, unions and other employer stakeholders. This shared responsibility would appear to be an important feature of German apprenticeship and crucial to their high repute. Indeed, Brown and Evan (1994) attribute the success of the German apprenticeship to the essential training ‘culture’ which is present in the country. They argued (in 1994) that this is in stark contrast to the UK where there is a lack of commitment to the training route. Gray and Morgan (1998) describe the German system as one possessing “a nationally co-ordinated training system which appears to be valued by both employers and trainees alike. Indeed, there is a sense here in which the different sides of industry work together in cooperation,” (p.127), whilst the UK system is “somewhat fragmented” (p.131).

These observations as to the characteristics for success (i.e. shared responsibility and nationally training culture) are highly relevant to the framework for solicitor apprentices, where a whole range of stakeholders are involved and have shared input, including employers who have a direct financial stake via the apprenticeship levy. Additionally, it is, of course, a key feature of the trailblazer apprenticeships that the apprenticeship standards are set by employers themselves (suggesting a high level of engagement) for a specific job role. These particular features of the solicitor apprenticeship appear therefore to have some commonality with the highly regarded German apprenticeship system.

The quality of German apprenticeship as a learning vehicle is high, and apprentices are similarly highly regarded. Perhaps correspondingly, but, in any event, certainly noteworthy,



there is low youth unemployment at just 5.6% (compared with Denmark at 10.1% and France at 19.9% (statista.com, EU youth unemployment rates by country 2020).

Central to the success of this model is the integration between the workplace and education, thus underpinning successful skills acquisition. The German apprenticeship then offers formal training with a purpose, where education and skills acquisition are aligned with employment outcomes, thus preventing any sense of a “skills gap”. This clearly resonates with the solicitor apprenticeship model given the concurrent theoretical learning as part of the law degree as well as working within a law firm, putting into practice those ideas and concepts, whilst simultaneously developing practical legal skills.

Riphahn and Zibrowski (2016) comment on the “long and rich tradition” of German apprenticeships (p.33). Their research into the effects of apprenticeships/vocational training on early labour market outcomes in Germany showed strong positive outcomes which contributes to the reputation of German apprenticeships as a vehicle for learning and skills acquisition. These outcomes included a positive impact on early labour market entry (for those aged under 25) which in turn has a strong correlation between individuals being at low risk of unemployment during their career as well as access to higher earnings capacity. They conclude that the returns from vocational training are “significant and of substantial magnitude”(p.52). Notably, however, these labour market outcomes for apprentices are not solely evident in Germany; there are similar enhanced labour market outcomes for apprentices recorded within the UK economy (McIntosh, 2007) as are financial gains for employers engaging apprentices (Hogarth et al, 2012).

Brockmann, Clarke and Winch (2010) also report on the reputation of apprenticeship systems elsewhere and contrast England’s apprenticeship approach with the “continuing high status of apprenticeship in many European countries, particularly those with the dual system of apprenticeship, such as Germany” (p.113). In a critical review of the approach to apprenticeship and work-based learning in England, they draw comparisons with other European countries apprenticeship schemes which offer “a distinctly different approach and framework, being based on social partnership and the education of young people into a broadly defined occupation” (p.112). In particular, they identify two distinct approaches to

vocational education and training (VET) which influences the relative esteem given to apprenticeship. In England, VET offers a skill or task-based approach whereas in Germany (and, indeed, the Netherlands and France) VET offers an occupational model, focused on developing the individual's potential with a qualification awarded upon completion of the apprenticeship. Such an approach, they claim, creates an idea that competence is "multi dimensional and includes the capacity of the individual to deal with complex and unpredictable situations by integrating theoretical and contingent knowledge, practical know-how and social and personal qualities" (p.113). This research echoes some of the ideas of Fuller and Unwin (2003) in terms of expansive/restrictive continuum. Thus, the expansive approach has many features, such as breadth of learning and knowledge-based qualifications, in common with this occupational model of learning. The research carried out by Brockman et al (2010) further echoes ideas advanced by Mazonod (2016) who similarly compared apprenticeship learning transnationally and found that a key factor which influenced the quality of learning was where apprenticeship was placed within its own national education and training system.

What is relevant for my research is why such differences exist and whether professional solicitor apprenticeships will garner the prestige enjoyed elsewhere in Europe by adopting key features of German apprenticeships. Certainly, the aim for solicitor apprenticeships, situated at the highest level of apprenticeship, and regulated both by the relevant apprenticeship standard and the SRA, should offer an innovative and robust approach to qualification. Solicitor apprentices have, of course, an occupational specificity. The period of apprenticeship ends with the acquisition of degree qualification. Moreover, given that the solicitor apprentices will have to pass both the SQE 1 and 2, they will inevitably satisfy the Statement of Solicitor Competence which incorporates both the Statement of Legal Knowledge and the Threshold Standard. Given these parameters, the solicitor apprenticeship would seem to fit well within the more reputable occupational model of apprenticeship. If this is the case, I would hope that the corresponding esteem also follows.

## *Critique of the German Apprenticeship model*

However, the German apprenticeship model, and more specifically the dual vocational system within which it is placed, is not without criticism. Over the last few years, some academics have explored the future viability of this model of training. Baethge (2001a) and Zwick (2001) argue that dual vocational training has reached its limits, with a greater importance being placed on university graduates with higher qualifications. So too, Haasler (2020) described the “dominant position of the dual system” (p.57) as being under challenge, both by the increasing importance of tertiary education and also school-based vocational programmes. Haasler (ibid), whilst generally supportive of the dual system, voices concern that the vocational education and training (VET) system (which includes not only apprenticeships but also school-based vocational training) by its own very success has excluded low achieving young people from access to the vocational programmes (p.58). Moreover, other changes in the labour market including increased IT opportunities and digitalisation means some skilled workers/occupations are effectively redundant and there are fewer German apprenticeship roles as a result. Equally, though these changes in skills needs and evolving labour market demands will mean that there will also be evolving occupational profiles that the dual system will need to meet. However, Haasler voices concerns that whilst these broader occupational profiles have to be developed to reflect the changing labour market, these changes may be being made too slowly for the dual system to retain its dominant position in the skills formation system (p.68).

As such, it is argued that there is a crisis in the dual education system, described by Baethge (2007) as an “education schism”. Walden and Troeltsch (2011) recognise the “outstanding role”(p.305) that apprenticeships have in the training of skilled workers (both as school leavers and graduates) but also report a decline in numbers over recent years (e.g some 1.6 million individuals underwent apprenticeship training in 2009 whereas in 2017 it had declined to less than 1.4 million). This is contrast to the increasing numbers of university student numbers in Germany, as referred to above, where in 2013, for the first time in German history, the number of first year students in HE was higher than the number starting a dual apprenticeship programme (Federal Ministry of Education and Research, 2017). This stands

in contrast to the UK where the proportion of 18 year olds who gained a place in higher education reached 32.6% (241,585 students) (UCAS, 2017) compared to 107,000 apprenticeship starts in the under 19 years age group in 2017/18 (Foley, 2020).

Walden et al (2011) seek to explore the causes of the problems with the German apprenticeship market and powerfully challenge the argument that the declining apprenticeship numbers “are due to an inability of the dual vocational training system to adapt to the needs and demands of today’s service society and to the resultant lack of willingness on the part of enterprises to provide apprenticeship training” (p.312/313). Rather, they assert that the falling numbers of apprenticeships is unrelated to the dual vocational system being outdated, but rather that it is due to the close connection between the apprenticeship system and the employment market. Simply, then, declining employment levels correspond to a decline in the number of apprenticeships on offer. They conclude by advocating that the dual vocational system will continue to offer “the most important channel for training young skilled workers.” (p. 320) whilst also recognising that there may be a need to create school based alternatives to meet demand for places. They firmly identify apprenticeships as a viable model for training and education, and see it as an evolving model of learning. They, too, identify a particular feature of the German apprenticeship as being the fact that the vocational training system provides apprenticeships for specific occupations (the ‘occupation principle’). Linked to this, therefore, they identified a need to modernise the system by creating new occupations in order to meet the challenges of a changing labour market.

It is certainly important to consider these criticisms that have been made of the German dual system, but, I would suggest, in terms of the potential impact on my research, the criticisms will have marginal relevance. The degree level apprenticeships would appear to satisfy many of the concerns expressed by Hassler (2020), Baethge (2001a) and Zwick (2001) in any event. From a consideration of the relevant literature, and despite any challenges it may face in the near future, it is clear that German apprenticeships are highly regarded and that the causes of this are many and varied. In order to develop a common understanding of diverse apprentices across Europe, Markowitsch and Wittig (2020) offer a conceptual framework seeking to classify apprenticeships by reference to their underpinning training logic. Such a

framework could provide an effective analytical tool when trying to replicate some of the strengths of the German system in the context of trailblazer apprenticeships. Their suggested classification would consider such matter as the apprenticeship purpose, responsibility and financial underpinning. The aim of such typology would be to recognise similarities and meet the challenges of apprenticeships from a transnational perspective, “the classification of Apprenticeship programmes in Europe can be used as an additional point of reference by national policy makers to identify programme and countries with similar challenges and facilitate international collaboration....to understand difference between them and to explore dynamics of change in apprenticeship” (p.19).

It would be foolhardy to suggest that solicitor apprenticeships in England and Wales can simply replicate these complex differences in the German model to create a highly regarded training regime. However, it would appear that many of the highly regarded features of the German apprenticeship are present in solicitor apprenticeships. The occupational specificity, the corresponding high skill level, the range of stakeholders, the quality training standards and the funding arrangements are all common features. So too, the fact that these are solicitor apprentices, joining a highly prestigious profession and who will have law degrees. Having identified these factors, the difficulty then is being able to anticipate how these new solicitor apprentices will be perceived in the short term. The German system has a long history which has allowed a judgement to be made on the knowledge and skills ability of apprentices. So, too, the longevity of the German system allows an assessment of labour market outcomes. For my research, even by the time of submission of my thesis, no solicitor apprentice will have yet qualified as a solicitor. The career path of these new qualifiers would be fruitful ground for future research and only by having that perspective, can the lessons from the German apprenticeship be properly evaluated.

### ***2.3. Apprentices and the Widening Participation debate***

My research aim is, in part, to discover the apprentices’ reasons for their choice of training pathway. This also, crucially, includes uncovering their motivations for rejecting the traditional pathway to qualification via full time university attendance after A-level. These

findings can then be contrasted with the choices/motivations for the trainee solicitors. Part of my data collection was designed to allow me to discover the educational background of both sets of participants, in order to reflect on the relevance and impact of this, if appropriate. It became apparent to me that some of the literature surrounding widening participation could be relevant to my study, in the sense that the socio-economic backgrounds of the participants could be a relevant factor underpinning the decisions that were made.

### ***2.3.1 What is widening participation?***

Widening participation “aims to address discrepancy in the take-up of higher education opportunities between different under-represented groups of students” (Connell-Smith and Hubble, 2018, p.3). These students include those from disadvantaged social backgrounds and lower income households (as well as underrepresented ethnic groups such as BAME students, although these do not form part of my research, simply because of word count limitations). Widening participation has been on the agenda for higher education for very many years and research into this area provides a rich source of literature (e.g Archer and Yamashita (2003); Archer (2007); Reay (2001); Reay, Crozier and Clayton, (2010)). There have been a plethora of government initiatives designed to remove the barriers to access to education. Widening participation is an area heavily influenced by government policy (e.g. white papers). The implementation of such policy is overseen by the Office for Students (previously the Office for Fair Access), which is England’s independent regulator of higher education. Its overview strategy is “to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers” (Office for Students, Overview Strategy). Additionally, every higher education institution has widening participation activities and strategies (e.g. University of Sheffield, Access and Participation Statement 2019/20) as well as a statutory duty under the Higher Education and Research Act 2017 to publish their admissions and retention data by gender, ethnicity and socio-economic background.

As well as an abundance of policy initiatives and strategies for widening participation, there is, of course, the corresponding voluminous data collected which reports on the participation rates by various sectors (in terms of, for example, ethnicity and social class) and is published by various bodies (Department of Education, UCAS, the Higher Education Statistics Agency, Office for Students, SRA annual statistics). This data is then used to evaluate the “success” or otherwise of these various widening participation strategies. For example, and by way of simple overview, the number of disadvantaged young people accessing higher education has risen sharply in the last decade or so. Entry rates for those from black ethnic backgrounds have seen an increase of 42% between 2009-2015 (BIS, Equality Analysis: Higher Education and Research Bill, May 2016, p.11) although equally young white males from the lowest socio-economic backgrounds remains low (ibid, p.37). Bolton (2020), in a paper considering Higher Education student numbers, was careful to draw a distinction between the total student entrant numbers (which simply informs us of the overall size of the student population) and the relative numbers of different groupings of students and how successful they are at securing a university place. Reference was made to UCAS and its various definitions of “disadvantaged” students (e.g. where people live, family income, eligibility for free school meals). UCAS combined these measures into the multiple equality measure (MEM) which aggregate pupils into groups (p.12), where group 1 contains those least likely to enter Higher Education (and thus in this context, the most disadvantaged). Of this grouping, only 13% accessed Higher Education in 2019, compared with 58% in group 5 (Bolton, p.12). Furthermore, in 2019, only 3.1% of 18 year olds from England who were eligible for free school meals secured a place at a higher tariff university (i.e. those universities requiring higher A-level entry points and generally considered to be more prestigious).

This multitude of data can be hard to decipher at times, but the overall picture is summarised by Connell-Smith and Hubble (2018) who conclude that, “increasing the number of students from under-represented groups in higher education has proved to be stubbornly difficult to achieve. Improvements have been made but large differences still remain between access rates for disadvantaged groups and non disadvantaged groups”(p.16).

In the Social Mobility Commission's annual State of the Nation Report 2018/19, access to education is identified as a key barrier for social mobility. The report highlights an unfair education system with a lack of information about educational choices as a major difficulty. This is especially the case for post-16 students who need to be given "an informed choice" about their future (p.2, State of the Nation Report 2018/19, Summary). Indeed, whilst apprenticeships "are often considered a ladder of social mobility" (Executive summary, Social Mobility Commission, Apprenticeships and social mobility, Fulfilling potential, Research Report, June 2020), significant concerns are raised in this report about the provision of apprenticeships in England. Their research makes for sombre reading as they report disadvantage gaps in every aspect of the apprentice journey: selection, the quality of training and progressing to higher level apprenticeships and rates of pay. The effect of the apprenticeship levy is particularly negative in terms of the reduction in the number of apprenticeship starts for disadvantaged learners (p.8). It is suggested that the effect of the COVID-19 pandemic will reduce economic activity and this in turn will negatively impact on apprenticeship opportunities. Whilst much of the report focuses on level 2 and 3 apprentices, it was also noteworthy that only 13% of degree level apprenticeships go to disadvantaged apprentices. This would, of course, suggest for solicitor apprentices the opportunity for increasing access to the profession is rather limited.

### ***2.3.2 Widening participation in legal education and diversity within the legal profession***

Widening participation has also been on the agenda for the legal profession and its regulators. The Legal Education and Training Review report in 2013, which led to the proposed changes in the qualification route for solicitors, considered various aspects of "fair access and barriers to entry" (p.XVII) including the cost of training, and advocated flexibility in training pathways. This included the apprenticeship pathway which was welcomed as a way of increasing diversity, although subject to appropriate evaluation of the quality of both the workplace and classroom training (Chapter 7). By categorising apprenticeships in this diversity enhancing way, it appears to anticipate that apprenticeships would appeal to different students from those already seeking to join the profession. It is noteworthy, of course, that in terms of



solicitor apprenticeships, it is simply not possible to truly evaluate any widening participation consequences at this early stage so any assessment can only be a prospective evaluation. It is also important to note that solicitor apprentices, being at level 7, do access higher education (and in that sense there is a widening participation) and will obtain a law degree. What is an important question for my research, therefore, is why this part-time higher education route, with work-based learning, was chosen by apprentices rather than the traditional full-time higher education route.

Additionally, the SRA, in response to the LETR report, developed the SQE and have repeatedly claimed that one of the rationales for this centralised assessment was that “the current system is expensive and inflexible, which creates difficulties for many aspiring solicitors, particularly those from less affluent and diverse backgrounds” (p.3, SRA, SQE Briefing, July 2020) and it is claimed that the SQE will remove “artificial and unjustifiable barriers” (*ibid.*) These claims by the SRA are supported in part by the most recent report of the Bridge Group (independent research experts on diversity and social equality) who conclude that the overall SQE assessment design is fair and has powerful potential to help to improve diversity and access issues in the legal profession. However, there were concerns that increasing the pathways to qualification could lead to confusion for students making their choices: “We identified the risk that greater choice of training, whilst of itself a good thing, could make the training market more difficult for students to navigate. We emphasised the need for effective information, advice and guidance; and indicated that if data from the SQE is collected and analysed effectively, it will allow closer monitoring of the performance and progression of particular groups”. (p. 2, The Bridge Group: SQE Monitoring and Maximising Diversity, July 2020).

### ***2.3.3 Barriers to participation in legal education and diversity in the profession***

As referred to above, in the Bridge Group’s report of July 2020, one of the main barriers to access to the profession was the cost of qualification. The SRA have recently confirmed that

the fee for the SQE 1 (testing functioning legal knowledge) will be £ 1,558 and SQE 2 will be £2,422 (testing practical knowledge and skills) (SRA, SQE Update July 2020) which is significantly lower than the varying costs (£7,600 to £17,300) of the LPC across a variety of providers (Legal Cheek, 2020). It is claimed by Julie Brannan, the Director of Education and Training at the SRA, that these lower SQE fees together with the new qualifying work arrangements, will “remove the LPC gamble” and will create a better foundation for a diverse legal profession. In terms of financial implications, solicitor apprenticeships, however, it must be remembered that the whole cost of qualifying is met by the employer via the apprenticeship levy. As such, I wish to explore in my own research whether the financial cost of entering the legal profession was a motivating factor for the choice of training pathway for my participants.

The question of student attitude to debt is, of course, a crucial part of the widening participation debate, and in particular, whether debt aversion can have a deterrent effect on prospective students. This issue has been explored in the wider higher education environment (Bachan (2014), Harrison et al (2015b). In a study undertaken in New Zealand by Haultain et al (2010), the research considered the structure of attitudes to debt among both final year secondary school children and university students. The study was conducted in three stages to allow valuable longitudinal data to be collected (as the secondary school children became university students). The findings suggested that the structure of attitudes to debt had two dimensions; fear of debt itself and ‘debt utility’ (in the sense that it was a necessary element to building a successful career, thus the debt had a ‘use’). The findings, based on the longitudinal study, suggested the very “acquisition of the debt led to a greater tolerance of it” (p.322). Haultain et al further comment that, given both the global use of student loans for tertiary education and also the significant size of those loans, “student debt is a significant phenomenon in its own right”(p.323).

Research based in the UK by Callendar and Jackson in 2005 (based on a 2002 study) found that debt aversion was indeed a deterrent for some students, especially those from lower socio-economic backgrounds. Later research by Callendar and Mason in 2017, based on a 2015 survey, showed a more nuanced picture, which reflected in part the changing student funding policies from 2012 and prospective students having an evolving attitude to debt. This

later study suggested that students had more favourable attitudes to debt and increased awareness of the benefits of higher education, but it was still significant that debt averse attitudes were strong among economically disadvantaged students. Moreover, these students appear to be more likely to be deterred from higher education participation than even in 2002. “Lower-class students are still far more likely than students from other social classes to be deterred from planning to enter higher education because of the fear of debt” (p.27, Callender and Mason, 2017). They conclude powerfully by saying the current higher education system “potentially undermines widening participation policies rather than broadening and equalising higher education participation”. (p.30, *ibid*).

As I discussed earlier, the attitude to the cost of going to university is something I wish to explore in my research and given that I am interviewing both trainees and apprentices, I can seek to discover any contrasting attitudes.

In an earlier report of the Bridge Group on the SQE in March 2017, various other factors were identified as possibly affecting diversity in the legal profession, including school attainment and guidance, university access, perceptions of the profession, access to work experience as well as the challenge of securing a training contract. A summary of these factors is set out overleaf (Figure 2, p.10/11, Bridge Group Report, Introduction of the SQE, March 2017).

Figure 2: Factors affecting diversity in the legal profession

<b>School attainment and information, advice and guidance</b>	Attainment at school, or college, is critical to the prospects of aspiring solicitors, since high attainment is the ticket to selective universities, continues to be used as screening criteria amongst two thirds of leading legal firms, and affects candidates' ability to secure a training contract. There is a strong correlation between socio-economic background and school attainment, and this also applies to many minority ethnic groups. <sup>15</sup> Wider experiences at school matter, too: there is evidence that school pupils from less advantaged backgrounds make subject choices that negatively affect their prospects, and that the quality of information, advice and guidance is weaker for these pupils. <sup>16</sup>
<b>University access</b>	Lack of diversity in the legal sector is partly a construct of the corresponding lack of diversity in the applicant pool. Employers typically target the most selective universities, whose students apply in high numbers; students at these universities are more likely to have been educated at selective or fee-paying schools, or be from relatively affluent backgrounds. <sup>17</sup> Alongside ready access to employers, students who attend these universities also typically have access to: higher status professional networks; academic staff with links to leading firms; finance to support travel for placements and other work experiences; and are more likely to develop non-educational competencies that have premium in professions. <sup>18</sup>
<b>Perception of the profession</b>	Research indicates that students from lower socioeconomic backgrounds may self-select out of the application process in relatively high numbers, even when educated at Russell Group universities. "This can be explained in part because some of the activities conducted during campus visits may reinforce elite firms' image of exclusivity, so that students from these backgrounds may feel that they will not fit in, or that their academic credentials might not be acceptable". <sup>19</sup>

<sup>15</sup> [www.gov.uk/government/publications/state-of-the-nation-2016](http://www.gov.uk/government/publications/state-of-the-nation-2016)

<sup>16</sup> *Ibid*

<sup>17</sup> [www.hesa.ac.uk/news/04-02-2016/performance-indicators](http://www.hesa.ac.uk/news/04-02-2016/performance-indicators)

<sup>18</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/434791/A\\_qualitative\\_evaluation\\_of\\_non-educational\\_barriers\\_to\\_the\\_elite\\_professions.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/434791/A_qualitative_evaluation_of_non-educational_barriers_to_the_elite_professions.pdf)

<sup>19</sup> *Ibid*

<b>Access to work experience</b>	Work experience can aid entry to the legal market in many ways. The working knowledge and practical experience gained makes students more attractive to prospective employers, while providing direct links to firms who offer training contracts. However, access to work experience can be limited by networks that enable introductions (for example through their university, or family), and by the amount of time available (for example, an individual with caring responsibilities, or who has a need to earn additional income). <sup>20</sup>
<b>Completing the LPC</b>	The LPC is a year-long course, when studied on full-time basis. It is a crucial part of the pathway leading to a career as a solicitor, and typically requires access to significant funds for those students who do not secure employer funding. There is also a great deal of risk attached to the investment; a high proportion of students who undertake the LPC do not secure a training contract. <sup>21</sup>
<b>Training contract</b>	Before a person who has completed the LPC can practise as a solicitor they must also complete a two-year training contract. Securing a training contract is much more competitive than gaining a place on the LPC. The firm in which a solicitor receives their training can affect pay, conditions and career prospects. Recruitment practices vary, usually dependent on the size of the firm, creating different barriers to the profession depending on the firm individuals apply for.
<b>Recruitment practices of legal firms</b>	Recruitment and selection processes typically deploy a specific notion of 'talent' which may further advantage candidates from higher socio-economic backgrounds. Firms seek out the "brightest and best", however, definitions are not uniform across the sector, or indeed within individual firms. The predictive validity and reliability of performance measures prior to entering the profession (such as type and name of institution attended, and qualification scores) is not as established as many assume. And the use of proxy measures of quality may disproportionately disadvantage those from lower socio-economic groups. A range of non-educational skills and attributes are also sought, most acutely by elite firms, including the capacity to present a "polished" appearance, display strong communication and debating skills, and act in a confident manner at interview. <sup>22</sup>
<b>Progression in the legal profession</b>	Increased diversity at entry to the legal profession is not the only objective. Individuals from lower socio-economic backgrounds may encounter more problems climbing the career ladder than their more privileged peers. Research has shown a negative correlation with numerous characteristics, such as ethnic origin, gender and social class, and the chance of progressing to high ranks within the profession, for example becoming a partner in a firm.

<sup>20</sup> <https://research.legalservicesboard.org.uk/wp-content/media/2010-Diversity-literature-review.pdf>

<sup>21</sup> <https://www.sra.org.uk/sra/consultations/solicitors-qualifying-examination.page>

<sup>22</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/434791/A\\_qualitative\\_evaluation\\_of\\_non-educational\\_barriers\\_to\\_the\\_elite\\_professions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/434791/A_qualitative_evaluation_of_non-educational_barriers_to_the_elite_professions.pdf)

These factors make for engaging reading and helped to inform my research methodology. In particular, I chose to include questions in my interview about the academic attainment of both apprentices and trainees, and explore what guidance/information was given to both groups at school, as well previous access to work experience. The question of academic attainment has been subject to another related report from the Bridge Group in July 2020 which further explored the question of access to selective UK law schools. Their findings were that students from lower socio-economic backgrounds were less likely to receive an offer of a university place (p.3) but that, if offered, the applicants from the less advantaged group, are significantly more likely to have the grade profile AAB than their more advantaged peers. These seems a curious contradiction in the law schools admissions policies despite the “widespread commitment to equality and broadening access to law schools” (p. 1, Bridge Group, July 2020). It will be interesting in my research therefore to compare the A-level grades for trainees and apprentices, as well as their general experience of education thus far in their lives.

## ***2.4 Apprenticeship Training and Education in the Changing Landscape of Legal Education.***

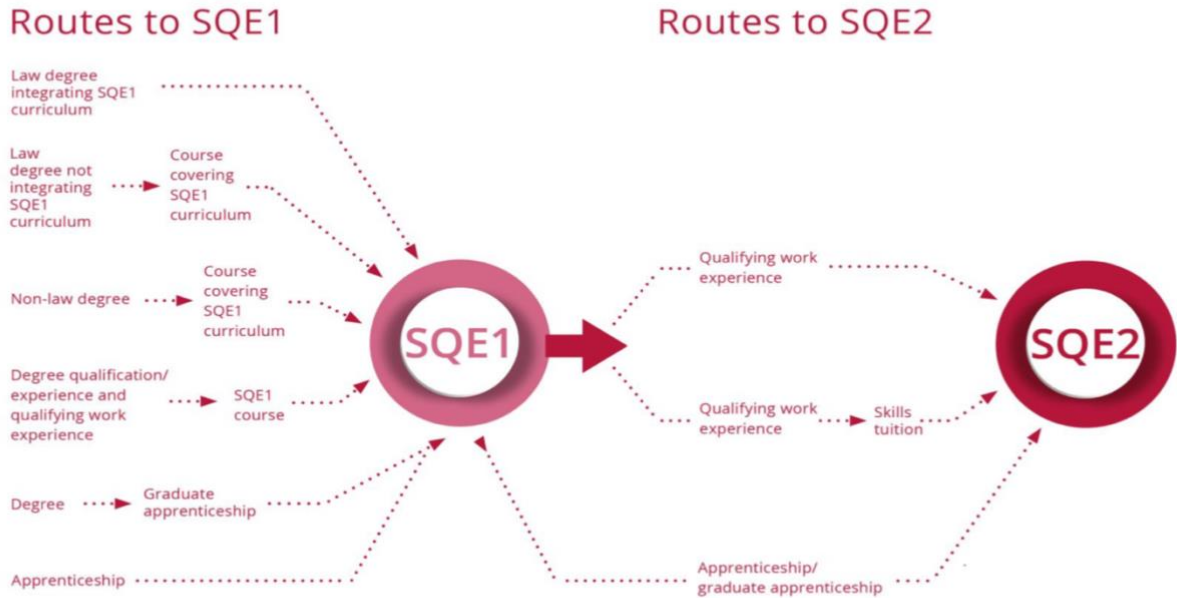
As explained in Chapter 1, the background to the introduction of solicitor apprenticeships is found in the Legal Education and Training Review (Webb et al, 2013), a sector-wide review of legal services and education. One of its recommendations was to develop a higher apprenticeship pathway (at level 6/7) to qualification as a solicitor, and that this could support widening access to the profession. Additionally, one of the Review’s criticisms of the current system of legal education and training was a perceived lack of flexibility and varying standards of quality of assessment and achievement.

As a response to this sector-wide review of legal education, the SRA published their Training for Tomorrow Policy Statement which outlined their desire to evolve from “a system where

we prescribe the pathways to qualification to one in which we set out the day-one skills, knowledge and attributes that a new solicitor must possess and where we permit much greater flexibility as to how those competencies are acquired” (SRA, Policy Statement: Training for Tomorrow, 2013). This renewed focus on competencies and skills to be expected of all solicitors led to the Statement of Solicitor Competence in April 2015. Two key elements underpin this, a Statement of Legal Knowledge (which sets out the legal knowledge that solicitors are required to demonstrate at the time of qualification) and a Threshold Standard (which describes the minimum standard of competences that must be shown). This competence framework places an emphasis on what the would-be solicitor learns rather than how it is learnt. Additionally there is an emphasis on outcomes, so what the aspiring solicitor must know and understand at the point of qualification. The SRA referred to the definition of competence advanced by Eraut (2001) as being the ability to perform roles and tasks required by one’s job to the expected standard. The Statement of Solicitor Competence (which specifies such competence as ethics, professionalism, technical legal practice, communication skills and commercial awareness) directly maps to the level 7 solicitor apprentice standard (referred to at paragraph 1.1.3 above).

A fundamental change in the assessment regime for would-be solicitors was also announced by the SRA in response to the LETR’s recommendations. As explained in Chapter 1, from September 2021, all aspiring lawyers will have to sit and pass two centrally set exams, known as the Solicitors Qualifying Examination (SQE) (rather than as now, the most common route to qualification is via a law degree and the Legal Practice Course, both with the institutions setting and marking their own assessments). Under both systems, a period of work-based learning is also required although under the new regime this period of time is undertaken before SQE2. The most recent SRA briefing on the SQE in July 2020 described these changes in helpful pictorial form, set out below (Solicitors Regulation Authority, SQE Briefing August 2020, Annex 2 p.29)

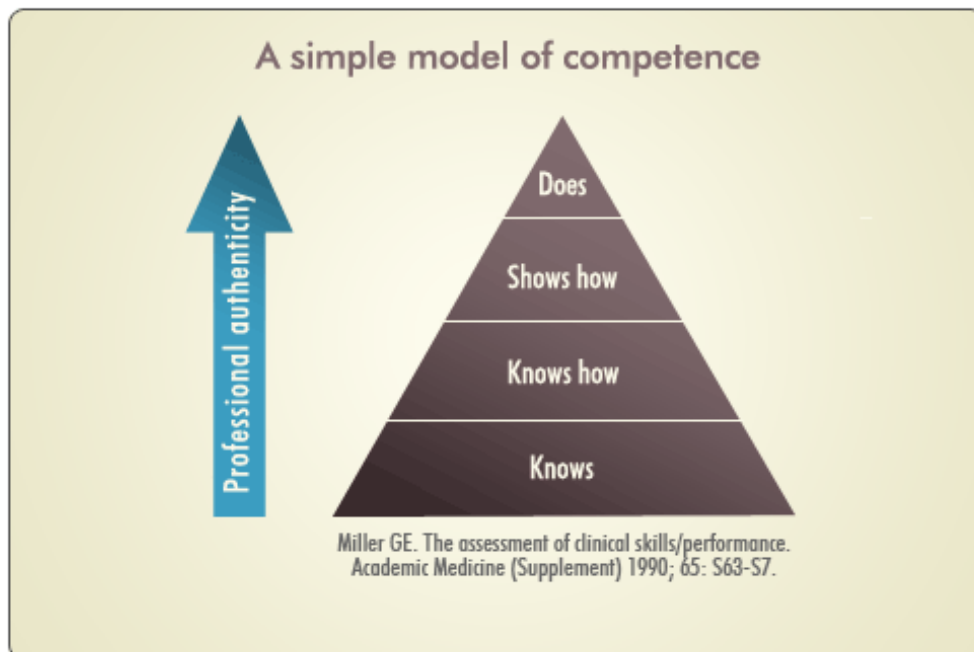
## Annex 2 – Indicative new routes to admission



Candidates must pass SQE1 before attempting SQE2. But, candidates can integrate preparation for SQE1 and 2 and qualifying work experience in any way they wish. These are indicative pathways only. We expect and wish to encourage different, innovative routes.

We do not accredit SQE training providers.

The solicitors’ standards and competencies referred to above are to be assessed by the 2-stage SQE. Draft assessment specification for the new SQE was published in June 2017 (Solicitors Regulation Authority, Draft Assessment Specification, June 2017) and final assessment specifications followed in 2019. The SQE is designed in a way to test *competences* to ensure all would-be Solicitors meet the skills/knowledge required for a newly qualified solicitor. The SQE assessment strategy draws on a framework used in medical education which tests professional competence, namely Miller’s pyramid (Miller, 1990).



The pyramid contains four elements linking knowledge, application of that knowledge to ultimate performance. Using this framework, Stage 1 of the SQE will test legal knowledge through a variety of assessments focusing on substantive and procedural law. The method of assessment will primarily be computer based, using multiple choice formats (SRA, Draft Assessment Specification, 2017, Annex 4). Stage 2 assesses practical skills (although not directly legal knowledge) focusing on client interviewing/advocacy as well as legal research/writing/drafting.

These changes in the landscape of legal education will have an impact on solicitor apprentices, as they are required to sit both elements of the SQE and will be amongst the first to sit these centralised exams. However, the SQE could also offer a significant opportunity. By creating an identical, standardised assessment pathway to qualification with the trainee solicitors (who will also have to pass the same assessment), a direct comparison can be drawn. As such,



it would appear to potentially assist with solicitor apprenticeships gaining value, reputation and esteem (subject to pass rates between the two cohorts being comparable, of course). It is important also to remember the overall context of the changes in assessment which again could offer an opportunity for apprenticeship to garner prestige; the desire to have a “single, rigorous assessment” (SRA SQE briefing July 2020) comes amidst much criticism of the traditional training routes both in terms of general grade inflation in higher education (Office for Students Analysis of Degree Classifications Over Time, December 2018) and concern over the significant variations in pass rates for GDL and LPC courses (Law Society Gazette, 17 February 2020). So rather than a law degree and university experience formerly seen as the gold standard, it appears to be a training route whose star is fading. The concept of combining formal education (“knows”) and practical training (“knows how”) seem to be at the heart of the changing landscape of legal education, with the declared emphasis on competencies. Apprentices would perhaps be best placed to demonstrate these, since their legal knowledge will have been supplemented from the very beginning of their legal journey by their work-based learning which inevitably involves procedural tasks and skills based activities. As previously stated, there appears to be a degree of consensus that apprenticeships offer a pathway to the elusive “skills acquisition” (Hogarth, Gambin, Husluck, 2012; Mazonod, 2016). The apprentices, too, will have a much longer period of work-based learning in which to hone these skills. Taken as a whole, the SQE presents an real and realisable opportunity for apprentices to situate themselves as a valuable training pathway.

## ***2.5 Professional Skills Acquisition, Employability and the Undergraduate Curriculum***

In the process of researching apprenticeships as a vehicle for learning, I became intrigued by the arguments in the literature surrounding the appropriateness of placing the acquisition of professional skills within undergraduate legal education specifically and within undergraduate education generally. In the context of my current research into apprenticeship, the distinction between formal academic and vocational education seems nominal. For apprenticeship learning, both academic study and vocational learning occurs concurrently and it is the very purpose of the apprenticeship to combine knowledge with

practical skills, although clearly the apprenticeship pathway offers occupational specificity that undergraduate degrees lack.

Much of the discussion concerning skills acquisition centres around an agenda of employability now increasingly important in HE institutions. Students are being prepared not just for their academic successes, but also for future careers. This involves an emphasis on embedding in undergraduates both an awareness of graduate attributes and providing experiences that can help acquire and demonstrate those attributes. Indeed, one only needs to consider the Advance HE (formerly the Higher Education Academy), a professional membership scheme promoting excellence in HE, framework policy statement for graduate attributes (which details the qualities and skills graduates should develop) to see how pressing this issue is. Employability was also identified as one of six strategic areas of priority which Advance HE regards as key to achieving student success in higher education (Advance HE Student Success Frameworks). Thus, employability (in the sense of an ability to gain, maintain and move employment) and graduate attributes (in the sense of possessing a set of skills that facilitates obtaining employment) are uniquely linked. Advance HE has further developed this employability agenda, building on the work of Cole and Tibby (2013), in collaboration with the HE sector. It published “The Framework for Embedding Employability”, which aims to provide a strategic as well as practical process for both reflecting on, and addressing, employability provision in HEIs. The most recent published guide to this framework (Tibby and Norton, 2020) focuses on 4 key areas for enhancing employability and creating graduates who are adaptable and capable of more nuanced thinking – (1) enterprise and entrepreneurship, (2) adapting to and using IT, especially by enabling students to self-assess and to develop critical reflection (3) ensuring quality work based learning and (4) creating connectivity across programmes to develop interdisciplinary approaches.

Given the impact of Covid-19 on the UK economy and the Bank of England’s warning of a historic recession (*The Guardian*, 1 July 2020), the impact on graduate opportunities is likely to be considerable. Consequently, the pressures on HEIs to best equip their graduates to meet these challenges will only increase.

### ***2.5.1 University and the Employability Agenda – Voices of dissent***

Given my background, I was invited to take part in a conference at Leicester University in May 2019, entitled “Debating the place of Professional Writing in a changed legal education landscape”. This was a thought-provoking event in that it was very clear that there is a considerable variation between HE institutions in both their attitude and approach to embedding professional legal writing in the law curriculum. From my personal observation of the conference, this distinction seemed to relate to those HEI which were post-1992 and those which were in the Russell Group. There was, however, largely common ground as to the *value* of introducing law students to professional writing (Canto-Lopez, 2019; Cunningham, 2019) but divergence of opinion as to the emphasis to be given to it *within* the curriculum (Bradney, 2019; Cownie, 2019). Whilst the majority of contributors noted that the embedding of professional skills was driven largely by employers, motivated by a desire to equip students with “graduate attributes”, there was significant dissent by some (Bradney, 2019; Cownie, 2019) as to the appropriateness of this influence. Their voices of dissent were a thoughtful reflection on the very purpose of a university education and whether or not employability/graduate attributes had any place within that experience.

Bradney, in his key-note address at the Leicester conference, was disparaging generally about some aspects of the role of professional legal work and as result of this, he rejected the place of such professional skills in the curriculum. He cited fictitious work by Houellbecq (2002) who described such work as “tedious, tiresome tasks” (p. 239), and Graeber (2018) who referred to “the legal assistants [who] were all smart and interesting people, and working a job so clearly meaningless led to a great deal of bonding and gallows humour amongst the team” (p. 108). In perhaps more measured rhetoric, Sommerlad et al (2015) comment on the “significant attrition rates” experienced by large firms reflecting the “extended partnership tracks and growing stress levels” prevalent in the profession. To my mind, however, this

presents a different set of circumstances from the question of whether we should teach professional skills to our undergraduates at the outset of their careers.

These ideas of employability and graduate attributes within HE are not universally accepted and pose arguably a “contested concept” (Stoten, 2018). Stoten argues for a critical reflection on employability and its “apparent ascendancy” (p.9) in order to assess its validity. His paper draws upon a number of theories, including positional conflict theory, and he advances a view that employability is not concerned with graduate attributes but rather more generally with the demands/supply of the economy. This echoes the views of Bottery (1990) who argues that post-1974 education as a whole in the UK is driven by what he describes as the GNP code, that is, the needs of the gross national product and the economy.

Furthermore, Stoten (2018) acknowledges a difference amongst higher education providers in terms of their individual historical development, motivations and aspirations, “not all HEIs view employability as their *raison d’être* but rather to undertake research and compete for a variety of funding streams...for those universities, employability is largely implied through attendance at a prestigious university” (p.15). For other HEIs, of course, employability is a more pressing concern especially in a competitive marketplace for students, and it is usually an agenda which those HEIs have been attuned to historically (e.g. post 1992 universities).

There are many further dissenters who seek to separate the world of study and work (Yorke, 2004, 2006; Hil, R., 2012; Guth and Ashford, 2014). It is argued that by engaging with the employability agenda, we are allowing an ideological position to become established which is mutually incompatible with disciplinary study and university life. There is, it is argued, a mismatch about what university education is about and to allow employability to grow in importance would impact on the intellectual atmosphere and rigour of the curriculum. This offers a powerful argument to consider, especially if in allowing this other agenda, we further endanger other aspects of “traditional” university roles such as independent critical reflection and perhaps criticism of social and political institutions.

Bradney (2003) offers a powerful voice of dissent to the employability agenda. He is an advocate of liberal law education in the sense that this offers an approach to learning that empowers students to deal with academic complexities, whilst also acquiring in-depth legal knowledge, but one which is not vocational in nature. This type of education does not focus on education for a particular purpose other than the education itself. Bradney believes that professional/practical skills/employability should not be part of the curriculum and asserts, “the goal of liberal law education is not to see that students have acquired particular factual information, but rather to allow them to understand the structures and values that permeate and underpin law”. So too, Guth and Ashford (2014) express similar concerns about the possible impact of the LETR (referred to earlier) on those delivering either a liberal law education or indeed a socio-legal approach to the law (i.e. how the law works and how it impacts on people). They express concern about the impact of employability/skills teaching on the academic rigour of the curriculum and assert that the very focus of the LETR is based predominantly on the views of the legal profession and vocational course providers, thereby marginalising academic study.

To strengthen his argument further, Bradney points to the statistics on the employment of law graduates. In 2017, there were 15,896 law graduates (with a recorded 23,605 new students registering to commence law degree courses in 2017/18) yet there was only 5,719 new solicitor trainee registrations in that year (Law Society, Trends in the Solicitors’ Profession 2017, Annual Statistical Report). He argues that in light of these statistics it would be wrong to assume that all law students wish to have a career in the law. I certainly agree with this; it would be wrong to make such assumptions but equally I feel that his assertions are too simplistic. Most graduates will enter the working world in some professional capacity and to equip them with wider skills than merely subject specific knowledge is desirable in my view. I also note with interest that all the dissenters, Bradney included, make no mention of the changing economic climate for today’s students, with the soaring cost of university tuition fees and the pressing financial needs of the students to find employment post university. It was reported in the Law Society Gazette (4 February 2019) that the total cost of qualifying as a solicitor is £70,000-£80,000. This pressure cannot be ignored in the current debate about employability. Indeed, these pressures can only have been exacerbated by the impact of COVID 19 and the resulting economic downturn (Hattersley, 26 October 2020).

### ***2.5.2 University and the Employability Agenda – Voices of support***

Whatever the arguments, the employability agenda is clearly evident within most marketing and recruitment strategies of HE institutions whether Russell group or post-1992 (e.g. Nottingham Trent University, 2019, Open days <https://www.ntu.ac.uk/study-and-courses/undergraduate/why-ntu/supporting-your-future>, Durham University, 2020, Student Employability Fund <https://www.dur.ac.uk/study/ug/finance/uk/scholarships/studentemployability>, Manchester Metropolitan University, 2020, Get Ready for your Career, <https://www.mmu.ac.uk/careers/> and Sheffield University, 2020, Skills, Attributes and Employability, <https://www.sheffield.ac.uk/skills>.) and it is recognised as relevant during the allocation of national university awards (e.g The Guardian University of the Year criteria for 2019 includes student satisfaction, graduate employment and quality of teaching seemingly in equal measure). Careers advice and work placements are also areas asked about as part of the National Student Survey, managed by the Office for Students, <https://www.officeforstudents.org.uk/advice-and-guidance/student-information-and-data/national-student-survey-nss/>. Perhaps of more pressing concern for HEIs, is the importance placed on employability in the Teaching Excellence Framework (TEF). This is a national exercise introduced by the government to assess standards in teaching and, importantly, the outcomes for students. The teaching awards that can be achieved are gold, silver and bronze, with the Office for Students carrying out the evaluation under the auspices of the Department of Education (Teaching Excellence and Student Outcomes Framework Specification, October 2017). The overall aims of the TEF are to both measure and reward teaching quality. This will better inform student choice of institution and also “better meet the needs of the employers, business, industry and the professions” (p.8 Executive summary, Vivian et al. 2019). These various and varied sources suggests an increased expectation across the higher education landscape that employability is part of the higher education experience.

Indeed, Matthews (2015) and Bothwell (2015) both report the deeply embedded nature of the employability agenda within HE and confirm that it is increasing in prominence for all providers. It is used to assess, in part, the output of those providers as well as attracting undergraduates in the first place. This surely reflects the changing labour market for graduates given the vast increase in HE entrant numbers and the significant changes in student funding for university education.

Moreover, there appears to be a clear warrant for this emphasis on employability if we consider the Subject Benchmark Statement for Law set by the Quality Assurance Agency (QAA, November 2019, Law Benchmark). This clearly states, “Studying law at undergraduate level is an academic matter. Law graduates do not, by virtue of their degree, have a right to practise law professionally. The study of law involved the acquisition of legal knowledge, general intellectual skills and certain skills that are specific to the study of law” (para 1.1). The benchmark also makes it clear that in reviewing the previous subject benchmark in 2007, the QAA panel felt that a law graduate should be more than ‘a sum of their knowledge and understanding’ but also “a well skilled graduate with considerable transferable generic and subject specific knowledge, skills and attributes” (page 4). In conducting the review, the panel also updated the benchmark to include contemporary issues, one of which is employability skills (page 5) and envisaged a range of varied teaching methods which could include “experiential learning and problem based learning” (page 8, para 3.3), with feedback on student performance potentially coming from work placement employers, not exclusively tutors or even peers (page 8, para 3.2).

There is, of course, merit in reflecting on the understanding and meaning of employability. In the introductory paragraphs to section 2.5 above, I suggested that employability was about an ability to gain, maintain and move employment. Harvey (2003) considers a number of additional possible meanings, including the employment rates for graduates or even employability as a characteristic of a graduate. He reflects on whether employability therefore is something which can be simply acquired via gaining a set of skills, but proceeds to argue that employability is “something deeper” (p.2) and goes “beyond the skills agenda” (p.2). Employability, then, is more accurately described as a “range of experiences and attributes developed through higher-level learning. Employability is not a product but a

process of learning” (p.3). Harvey continues by offering a model of employability within HEIs which provides students not merely with practical skills but also a form of empowered learning which instills in them high level attributes of analysis and, crucially, encourages them to want to continue to learn and reflect on their experiences.

At this point, it would be appropriate for me to add my own voice of support for incorporating the employability agenda (in the widest sense, as per Harvey (2003) above) into the curriculum. Whilst I am a qualified solicitor, I have not practised as such since I started an academic career within Nottingham Law School (NLS), part of Nottingham Trent University (NTU) a number of years ago. I have taught on undergraduate law degrees, post-graduate courses and professional courses. Given that NLS offers a whole diet of academic and practical/professional courses, it is perhaps easy to see that there can more readily be a cross fertilisation of teaching strategies and curriculum design, given that the expertise is in situ. Indeed, given that NTU is a post-1992 university, employability and graduate attributes/skills is an outcome with which we have been aligned historically. For a number of years, there has been an Employers’ Forum which is used both as a way of involving legal employers in curriculum design/ devising extra curriculum activities but also as a way of gauging satisfaction levels regarding the abilities of graduates they may later employ. My experience is that it is the norm to teach professional skills such as writing, negotiation, drafting and interviewing within the undergraduate curriculum. Acquisition of these skills is not considered entirely the remit of the professional courses. For example, final year undergraduates can opt for a module called Path to Professional Practice (which focuses on the skills listed above as well as encouraging reflection on tasks set and a development of a professional identity among students) rather than a 7,000 word academic dissertation.

Additionally, NLS operates a legal advice clinic which enables students to take part in various simulated learning experiences. This is an important and valuable addition to the employability agenda not only for NTU, but across the wider higher education landscape (see, for example, Northumbria Law School’s Student Law Office, Swansea University’s student-run Law Clinic, Sheffield University’s Legal Advice Clinic and York Law School Clinic). Indeed, a survey of UK law schools (Carney, et al. 2014) suggested that 73% of institutions now have pro bono activities (i.e. providing legal advice to clients without charging) and clinical



education initiatives (i.e. a learning environment where students identify, research and apply knowledge in a setting which replicates a professional workplace: effectively a teaching law office). Of those institutions, more than a quarter included clinical work as an integrated part of the curriculum, which suggests that this type of 'experiential learning' is becoming embedded in mainstream legal education. This is further evidenced by the fact that in 2013, the Clinical Legal Education Organisation, after many years of organising workshops and events for those involved in pro bono activities, became a formally constituted body in order to develop a more structured approach to clinical education. Indeed, Kemp et al. (2016) observe that "it is now the exception, rather than the rule, not to see clinical or hands-on approaches to study featuring as either extra-curriculum activity or, increasingly, as part of the credit-bearing programme" (Foreword, p.2).

This considerable expansion into clinical legal education ('CLE') is a significant contribution to the employability agenda but its very growth is also a reflection of the importance of employability within higher education more broadly. McFaul (2020) suggests that it is the employability agenda that has driven CLE because of the marketization of higher education and the increased influence of human capital theory in developing education policies.

Much has been written about the advantages of CLE and the greater variety and depth which it can add to a student's learning. Wizner (2002) asserts that "law students in the clinic learn that legal doctrine, rules and procedure; legal theory; the planning and execution of legal representation of clients; ethical considerations; and social, economic and political implications of legal advocacy; are all fundamentally interrelated" (p. 191) and this would not occur in the traditional class-room. By placing emphasis on active participation and students' reflection on their practical application of legal knowledge within a clinic environment, the learning "goes beyond skills training and facilitates critical engagement with the law as an open-ended discipline" (Drummond and McKeever 2015, p.33).

My own view is that the combining of academic study with professional skills is to be applauded, especially writing skills which are so important post university, whether or not a career in the law is pursued. It is this interlinking of subject knowledge with subject practice that led me to want to explore the experience of solicitor apprentices. I believe that academic

knowledge combined with the acquisition of professional skills enhances the learning experience of the student. It facilitates an appreciation of a practical context for the law as well as enhancing employability of our students. The two aspects of learning can live together in harmony and equip the students with desirable academic and practical skills.

Nonetheless, the idea of employability and graduate attributes/skills is one that I feel we need to closely reflect upon to gauge its appropriateness in terms of focus and coverage. When these concepts are taught within the curriculum, it should be from a broad perspective and certainly not make assumptions about future careers. There is obviously a real danger of doing this with law undergraduates given the obvious career path for them, but any skills focus must not exclusively consider professional legal work. Indeed, the PPP module referred to earlier, deliberately chooses to position its seminar activities from within a professional setting, not exclusively legal (e.g negotiation, letter writing). Student feedback is very positive. Many identify the practical letter/email writing element as an invaluable skill to have acquired during their studies. Many also identify the seminars looking at commercial awareness as very helpful, since this is frequently something that employers expect students to demonstrate, yet strictly academic study would not reflect on commercial considerations. They perceive this module as a benefit for life after university. Of course, we need to be realistic about what the curriculum can offer in any event. It is not a replacement for ongoing learning once graduates start work, merely an introduction to some of the skills they will need and hopefully gives them an appreciation of some of the learning they will encounter post university.

In developing this idea of appropriateness of skills coverage, we also need to be alive to the varying/changing needs of our students and their employers. In the same way that some students might excel academically, some may appreciate and excel in the practical skills. Some students thus may already demonstrate the attributes we seek to develop in them and appear “job ready”. Equally, given the changing nature of the workplace (e.g. digital working) we also need to reflect on the changing environment of professional employers. This is even more important in a world coping with the impact of COVID 19 and how rapidly the workplace evolved.

In offering skills tuition to our undergraduates, we need to be mindful that any innovations in the curriculum align to their needs. Moore and Morton (2017) conducted insightful research into the very question of the desirability and appropriateness of “job readiness” (Harvey, 2000). Their research focused on the perceptions and attitudes surrounding professional writing skills of graduate students in an Australian study across numerous professional employers. It focused on discovering the views of the immediate supervisors and managers of the graduates, in order to both gauge whether there is a “skills gap” in graduates’ abilities and to reflect on the appropriateness of university pedagogies seeking to address this apparent gap. Its findings challenge some of the ideas about job readiness and the perceived skills gap for graduates. Whilst acknowledging differences between academic and professional writing, they discovered that most employers felt that students can only really be considered to be job ready once they have been working in that job. As a consequence of this, the primary responsibility for equipping the graduates with these skills lay with the employer. Interestingly too, it was often the case that graduate employers had bespoke training/techniques for preparing graduates for this new way of writing (such as sophisticated mentoring and review programmes). This, in part, reflected the varied, precise and distinctive writing skills/styles that each employer was seeking. This diversity in writing styles inevitably means that any “skills gap” perceived in graduates varies from employer to employer. The study found that many of the employers doubted that there was any systemic regime that universities could adopt that would ever meet the idiosyncrasies of graduate employers. Moreover, the research found that the employers’ perception of a skills gap (in written communication at least) was not as marked as previously thought. Moore and Morton conclude in part that “what students are in most need of.....is not instruction in the writing of specific workplace genres (e.g. emails, business reports) but rather exposure to a range of experiences and tasks that will help them to learn how to ‘shape’ their acquired disciplinary knowledge in distinctive and communicatively appropriate ways.”(p. 605). Thus, whilst there seems to be clear acceptance of a need for greater connection between university education and the workplace, Moore and Morton advocate a greater mutual appreciation between university academic writing skills and the workplace requirements. They assert that “universities do not surrender too much authority and expertise on such matters; nor allow decisions to be left too much to the predilections and interests of others” (p.606).

This is thought provoking research indeed. However, it is important to remember that the research was conducted across a varied professional base (accounting/education/engineering) and there was no information about the degree disciplines of the graduates. Nor was there information about the type of university that had awarded those degrees or indeed the academic profile of the graduates themselves. My view is that these are significant gaps in the findings. In terms of a law graduate seeking a legal career, prospective legal employers would share views about the style/language/ content of written communication not least because professional standards are set by our regulatory body. There would be significant commonality in what attributes were being sought in terms of job readiness. I believe also that any professional employer seeking to recruit law graduates would also have some sense of uniformity in their expectations of those graduates. Another significant factor when assessing graduate skills would also be the type of university attended and the previous academic experience of those students. From my experience, many of my students lack essential graduate skills and thus there is a need for university pedagogies to address this gap. Whilst recognising that Moore and Morton argue that a student's adaptability is key when faced with different communicative situations, I am also influenced by other research (Booth and Sylvester, 2017) which identifies a number of barriers for undergraduate students trying to develop legal writing skills albeit in a real client legal clinic module. Essentially however professional writing skills were enhanced by exposure to it. This is certainly my view. These skills should be incorporated into the curriculum and employability should be at the forefront of university education in the twenty-first century.

## *Summary of Chapter*

This literature review has explored a number of aspects of apprenticeship learning. As such it has helped to structure and inform my research questions which remain:

Firstly, why individuals who wish to enter the legal profession choose their particular training route and, secondly, what the experiences are of both solicitor apprentices and trainees as they pursue these varying training routes.

This literature review has shown that apprenticeship has a long and established worldwide history, often held in high regard and closely aligned to skills acquisition. Indeed in the UK, the renewed enthusiasm for Modern Apprenticeships over the last 25 years was born out of a desire to **enhance the skills base** within the UK education system thereby improving the so-called “low skills equilibrium” (Chitty, 1991). The underlying theory of learning in apprenticeship, advanced by Lave and Wenger (1991), of situated learning facilitated by legitimate peripheral participation in a community of practice, continues to support the many iterations of apprenticeship in the UK and beyond. However, the reputation and esteem of apprenticeships in the UK has varied, with an abundance of criticism levelled at the very system of vocational education and training as well as the perceived fragmented approach to quality in the training (Hopkinson and Sparkes, 1995; Gray and Morgan, 1998). There continues to be a sense that apprenticeship in the UK is ‘the poor relation’ compared to university education and the literature suggests a significant issue of parity of esteem and stigma. Other countries have, however, a much more prestigious apprenticeship training route and as an example of this, the German model of apprenticeships offers quality occupational training within an imbedded training culture. I wish to explore these issues within the research study reflecting on the reasons for choosing a particular training route for the trainees and apprentices, as well as considering their experiences and perceptions.

Solicitor apprenticeships offer a new innovative way to qualify as a solicitor within the established apprenticeship vehicle. Offered at level 7 degree apprenticeship, they form part of the group of trailblazer apprenticeships introduced initially in 2013 following the Richards

Review of Apprenticeship. These are employer-led and work to standards set by employer panels. These standards align then to the Statement of Solicitor Competence set by the SRA. This new training pathway is one of the measures introduced by the SRA to develop diverse pathways to qualification and widening access to the profession. This provides another framework for this research study since I will explore the social and education backgrounds of my participants.

This literature review has confirmed and informed the rationale for the research study. Apprenticeship has a confused identity in the UK. Solicitor apprenticeships offer a new pathway to qualification and the voices of these young people deserve to be heard. My chosen methodology is phenomenology since this is best suited to considering perceptions and attitudes of the participants. By providing a voice to the participants, this is one of ways in which I make a contribution to knowledge. As such, my study contributes to the wider literature on apprenticeships by gaining insights to the perceptions and experiences of degree-level apprentices. My study will also contribute further to the enquiries regarding young people's decision making.

In my next chapter, Chapter 3, I will consider the methodology used to support my research study.

## *Chapter 3*

### *Methodology*

Through my research questions I am seeking to gain a greater understanding, appreciation and insight into the experiences of solicitor apprentices and trainee solicitors. I wish to explore why this novel route to qualification was chosen or was not chosen. I want to explore their motivations, experiences and expectations.

As a short reminder of what I set out in Chapter 1, solicitor apprenticeships offer a new way of qualifying as a solicitor in England. The well established traditional route is via an academic stage namely a law degree (or non law degree with a one-year conversion course, the Graduate Diploma in Law), the vocational stage, by completion of the Legal Practice Course (LPC) and thereafter the practical work-based stage, 2 years of a training contract working for a law firm as a trainee solicitor. The solicitor apprenticeship was introduced in 2016 as part of the Trailblazer Apprenticeships. It is a Level 7 apprenticeship and takes 6 years to complete, with candidates joining the scheme post A-level. The apprentice is primarily office-based with one day a week as day release for academic study which combines a law degree with the LPC.

This chapter is divided into various sections. Firstly, I discuss my philosophical perspective in the undertaking of this research. Secondly, I discuss my research methodology and research methods, including the pilot study and research location. Thirdly, I discuss my data collection and analysis processes. Finally, I reflect on the ethical considerations and validity of my research.

### ***3.1 Philosophical Perspective***

As I have recorded elsewhere in this thesis, my background is as a solicitor and law lecturer. The majority of research that I have conducted so far has been very typical legal research, predominantly doctrinal research, investigating and providing detailed commentary on primary sources of law (statutes and cases) as well as secondary sources (journal articles, textbooks). My experience of original empirical evidence has been limited to my MA dissertation in the late 1990s where I looked at discrimination law and the experience of equal opportunities policies within law firms (via a questionnaire). As such, contemplating both undertaking and designing a research vehicle for my thesis was at times hugely daunting. Even the basic terminology of social science research (e.g qualitative/quantitative) was new to me and the learning curve was both steep and challenging.

Given that I am exploring the perceptions of solicitor apprentice stakeholders, it became apparent very quickly that I would be engaged in considering qualitative research. One of the strengths of the EdD programme is that I have been able to build my knowledge and understanding of social science research methods incrementally through the various Stage One assignments. Looking back, the very first assignment which I found so challenging, is actually one to which I return frequently, as it offers a reminder of key concepts and key themes within educational research. This assignment required me to critically discuss whether research methodologies and methods can ever be “value free” and to do so by reference to a peer reviewed paper. All this terminology was new to me. Legal doctrinal research does not concentrate on empirical research. Thus, the first assignment was challenging as the distinction between methodologies (the underlying theories and understandings by which researchers acquire knowledge) and methods (the specific research techniques) was seemingly impenetrable to me. This was the first time too that I had encountered the idea that research could be value laden, and inherently subjective, and indeed that I, too, could have a real place of hidden influence within any research, my so-called positionality. This was truly thought provoking, as I slowly understood the ideas of bias



and my subjective values having an influence when interpreting qualitative data. It quickly appeared to me, even in that first assignment, that an impartial, objective, dispassionate researcher may in fact be elusive. Moreover, the further I explored this idea, the more I felt that perhaps this inherently biased, value laden researcher was not necessarily a negative concept, but rather an integral part of the whole process.

I thus learnt on my Doctorate in Education (EdD) journey that my values, be they moral, social, political, personal, are part of me and underpin my sense of being and would inevitably influence my entire research process. I began to slowly appreciate that these factors define my ontological position (the philosophical study of the nature of being). Ontology concerns your beliefs about social reality and offers a set of assumptions about what the world is or what we understand is possible to know about the world . Sikes (2004) describes it as “the nature or essence of things” (p.19). It studies concepts that relate to being, reality and existence. Depending on one’s view of what social reality is, your approach as a researcher is influenced accordingly. A researcher may be regarded as holding a positivist view of society if, for them, social reality is independent and external to individuals. Such researchers would primarily study observable quantifiable data. On the other hand, if social reality is perceived as socially constructed and concerned with experiences and how those are expressed, a researcher is generally considered to hold a social constructivist position and be primarily concerned with qualitative methods. This constructivist approach is then further situated within the interpretivist paradigm of social science research, where “the social world is regarded as a nuanced, multilayered phenomenon whose complexity is best understood through a process of interpretation”(Denscombe, 2017, p.8).

I also became aware of various philosophical approaches to knowledge creation that I had never before encountered and the idea that discovering “truth” from my research was elusive. Thus, I am further defined by my epistemological position (i.e. the way we know things, what it is possible to know, and how knowledge can be acquired). Sikes (2004) comments that “Central to such concern is the notion of “truth”: truth in terms of how the data/evidence that research procedures obtain corresponds to and reflects the knowledge that it is claimed that it does; and truth in terms of how the researcher communicates and represents the knowledge they get from their research” (p.21). A positivist researcher seeks to

find “truth” in objective quantifiable data and is most commonly found in scientific research, which is more generally viewed as objective, generalisable and replicable. A social constructivist researcher seeks truth by interpreting the data collected, using a qualitative approach. Such knowledge is both contextual and situational. I align myself within the constructivist interpretivist paradigm since my focus is on uncovering understandings from the subjective viewpoints of my participants, based on their experiences. It is their experiences that constructs their view of social reality. As a researcher, I proceed to interpret the data through my own personal lens. Reflexivity is needed on my part in order to be aware of my own impact on this process given that it offers a way in “which the researcher comes to understand how they are positioned in relation to the knowledge they are producing, and indeed, is an essential part of that knowledge-producing activity” (Scott and Morrison, 2006 p.201).

My ontological and epistemological position determine perhaps not only what I have chosen to research but also my choice of methodology, methods, how I analyse data and how I interpret that data. By declaring my position, I hope to address questions of credibility within my research. My own values pervade each aspect of the research and my view reflects that of Eisner (1993) who argued, “the prospects for achieving ontological objectivity - the pristine, unmediated grasp of the world as it is - seem to fade”(p. 52).

### ***3.2 Research Methodology and Research Design***

#### ***Methodology***

When considering how I would undertake my process of research, I found it useful to keep in the forefront of my mind, my main research question. This question “defines an investigation, sets boundaries, provides direction and acts as a frame of reference for assessing your work”, (O’Leary, 2017, p. 116) and “provides an explicit statement of what it is the researcher wants to know about” (Bryman, 2012, p. 9). My research questions define my study, clarify its aims and help to identify any empirical and ethical issues. To reiterate, my research questions are, firstly, why individuals who wish to enter the legal profession choose their particular training

route and, secondly, what the experiences are of both solicitor apprentices and trainees as they pursue these varying training routes.

Having identified my research questions, I was encouraged to think about the idea that “there is no single pathway to good research: there are always options and alternatives” (Denscombe, 2017, p. 3). It was my decision to choose my particular research strategy (methodology) which would then allow me to design my research method. This chosen research method in turn offers me a vehicle by which to collect my data, analyse it and thereby seek to provide answers to my research question.

My chosen methodology is phenomenology. It fits within an interpretivist paradigm and is concerned with gaining insights into people’s beliefs and experiences via analysis of qualitative data. The purpose of a phenomenological study is “to understand an experience from the participants’ point of view” (Leedy and Ormrod, 2001, p.157). It is characterised by subjectivity, description, interpretation and agency. This final characteristic, agency, particularly resonated with me since I was researching the participants’ feeling of control over their own actions and choices. I am exploring the reasons and motivations behind the participants actions, and this methodology allow these explanations to be given. I wanted to prioritise agency which of course naturally lent itself to a certain type of data collection, namely semi-structured interviews. Generally, phenomenological research considers people’s perceptions, attitudes and emotions (Denscombe, 2017) and thus it is the usual strategy to adopt when trying to understand how people think and feel (Crotty, 1996). Indeed, Denscombe describes it as an appropriate strategy where the purpose of the research is to “describe the essence of specific types of personal experience” (page 5) whilst Creswell (1998) suggests that the essence is the search for the “central underlying meaning of the experience”(p.52).

Phenomenology is essentially concerned with the experience of a phenomenon, and, in the context of this research, the solicitor apprenticeship route to qualification. Observing this “lived experience” is precisely the remit of this methodology (Husserl, 1950). The approach

recognises that these experiences are not necessarily unique to individuals but could be shared by others (Berger and Luckmann, 1967).

Phenomenology has its origins in the work of Edmund Husserl who developed it as a philosophical approach to the study of “experience”, how we see a particular phenomenon and how we feel it. The experience is to be examined by those who are living it.

Phenomenology involves a detailed investigation of how people see/experience things. Its ambition is to make sense of a phenomenon directly. It is often contrasted with phenomenography, which I also considered as a possible methodology for my thesis. This focuses on the way something is experienced but more particularly considers the variations in how that phenomenon is experienced by individuals (Marton and Booth, 1997), rather than phenomenology which aspires to reveal some commonality in experiences.

This methodology is not without its limitations, as is the case with all methodologies. It offers the advantage to a researcher of discovering a detailed view of the human experience and thereby offers a deep understanding of the phenomenon. It may be possible for me to adduce clear themes from the interviews conducted with solicitor apprentices and their employers, which may then add to the understanding of their experience. This greater understanding in turn may help thinking on how the training route may be developed and contribute to the debate on legal professional education. Moreover, my findings may challenge misconceptions about apprenticeships and also give a voice to the first wave of solicitor apprentices, which mirrors my particular focus on agency.

## *Research Design*

Having identified above my philosophical approach to my research (using a phenomenological methodology), I needed then to identify an appropriate strategy for answering my research questions and to design my research accordingly (Cresswell, 1998 and Denzin et al., 1998). My research design reflects the overall structure of my research project and its aim is to ensure that the evidence I obtained via my research method (semi-structured interviews, described below) would enable me to effectively address my research questions. I decided to design my research by following a case study approach (Thomas, 2016). A case study is a choice of object to be studied (Stake, 1995) and such an approach allows an in-depth study of a particular phenomenon (in my case: the experiences of solicitor apprentices and trainees) within its real-life setting (here: a law firm). Therefore, a case study approach offered an appropriate design framework for my research. I chose one particular law firm (albeit with a national and international presence) in which to locate my research and within which to interview my participants. Thus, whilst the case study research design is limited to just one law firm, “the aim is to illuminate the general by looking at the particular” (Denscombe 2017, p.56).

In considering my research design, whilst there are many law firms now offering solicitor apprenticeships as well as trainee roles (in addition to many other types of non-traditional legal business entities such as the BBC, The Co-Op, Severn Trent Water), I had to be realistic with the range and scope of my research design. As a part-time doctoral student with a full-time job, I had limited time available. Additionally, there are prescribed word-count limitations for the EdD thesis so I had to be confident that the research data collected would be a manageable quantity. Similarly, I was aware that in seeking to interview participants, I was asking them (with their employer’s permission) to take time out of their working days too. Consequently, from the outset of designing my research, I knew that I would have to set certain limits in terms of available time to collect the data, to travel to the geographical location and to limit the financial cost involved. My research is, therefore, a relatively small scale qualitative study. As such, a case study approach would allow me to address some of the practical concerns just highlighted whilst also allowing me to focus in-depth on just one

instance of the phenomenon being investigated (Yin, 2014). My focus would be on an individual law firm, but my findings could have wider implications beyond that singular setting (Thomas, 2016).

The case study approach required me then to make a choice about the organisation in which to situate my research. Clearly it had to be relevant to my research questions in terms of employing solicitor apprentices and trainees. Given the current funding regime for apprenticeships and the operation of the levy (see paragraph 1.2.3 above), it was likely that the case study would be within a sizeable commercial law firm (as opposed to, for example, high street legal aid practice).

In order to choose the organisation for my case study approach, I searched on the Solicitors Regulation Authority's website for organisations offering the new solicitor apprenticeship scheme. In terms of a brief context for the chosen law firm, (and to give an important indication about where it is situated within the legal landscape), the firm has a global presence and is well-regarded nationally and internationally. Following the merger of its UK firm with an American law firm in 2017, it is now ranked as one of the top 50 largest law practices in the world, and in terms of revenue in the UK alone, is a top 10 law firm (The Lawyer, January 2021). In terms of its overall size, it employs more than 4,000 employees, of which 2,800 are lawyers. Its main areas of work are general commercial practice.

The firm had already gained significant publicity for their apprenticeship scheme (*The Times*, 13<sup>th</sup> October 2016 and *Law Society Gazette* 4 February 2019) and appeared to be fully committed to the new route of training since its inception in 2016. I was also drawn to the firm because of its size (11 offices in the UK, one of which was Nottingham, my home city, with another 60 offices worldwide) in the sense that I would have potential access to a large number of participants in a range of geographical locations. Moreover, I was drawn to the firm because I had done my own training contract there so I felt that would give me some initial connection with the participants. Lastly, the firm I selected was a member of the Employers' Panel for the Solicitor Apprenticeships Standards and, as such, I felt that the findings may be more likely to reach a wider audience.

I emailed the Emerging Talent Business Partner (who has overall control for recruitment of apprentices and trainees) in May 2019 to introduce myself and to explain in outline the purpose of my research. This was followed up with various phone calls and the provision by me of the participant information sheet and consent form. In due course, I conducted a pilot study in one of the regional offices in August 2019. This involved 2 participants, one a trainee and one an apprentice. The remaining interviews were conducted at another regional office in October 2019. This involved 10 participants in total who were selected at random from the total cohort of trainees and apprentices. As such, I interviewed 5 trainees at various stages of their 2-year training contract, and 5 apprentices, also at various stages of their 6-year training. The pilot study and subsequent interviews were conducted over a 2-day period. As already mentioned, the design of the research was limited by a number of factors such as the time I had available, travel between the law firm's offices and related financial constraints. It was also constrained by the time that the participants had available to them in their working days and also, significantly, by the willingness of their employer to release them from their workloads. I remain immensely grateful to the law firm for allowing me access to their employees and the manner in which participation in my research was encouraged. The number of participants in my study is a reflection of these various constraints and, to some degree, a reflection of which employees were available for interview on the agreed date of my visits. I comment further in the issue of data collection numbers in paragraph 3.5 below.

**Table One** overleaf provides some biographical data for these participants.

**Table One Biographical data for participants.**

<b>Participant</b>	<b>Sex</b>	<b>Age group 18-26</b>	<b>Stage of learning</b>	<b>A level qualifications</b>	<b>Parents university education</b>	<b>Type of School attended</b>
Apprentice Solicitor A	F	Yes	Year 2	B B C	No	State school.
Apprentice Solicitor B	F	Yes	Year 4	A* A B	No	State school.
Apprentice Solicitor C	F	Yes	Year 3	B B C	No	State school.
Apprentice Solicitor D	F	Yes	Year 1	A* A*A	Yes	State school.
Apprentice Solicitor E	F	Yes	Year 2	A* A B	No	State school.
Trainee Solicitor A	F	Yes	Year 2	A* A* A	Yes	Fee-paying.
Trainee Solicitor B	M	Yes	Year 1	A B B	Yes	Selective state school.
Trainee Solicitor C	M	Yes	Year 1	A A B	Yes	Fee-paying.
Trainee Solicitor D	F	Yes	Year 1	A A B	Yes (as mature students)	Fee-paying.
Trainee Solicitor E	F	Yes	Year 1	A* A B	Yes	Fee-paying.



### **3.3 Research Method: Interviews**

Given the phenomenological framework to my research, the method selected for gauging the experience of apprentices, trainees and their employers was by way of face-to-face, dialogical and semi-structured interviews. I sought to partake in a professional conversation with my participants whilst adhering to a particular approach that would assist in adducing the relevant information to answer/evaluate my research questions. I aspired to gauge the motivations, perceptions and experiences of my participants and, as such, one-to-one interviews were quickly identified as the most appropriate format. Kvale (1996) describes the purpose of such an interview as trying “to understand themes of the lived daily world from the subject’s own perspectives (p.27).

The intimate nature of the interview allows a consideration of more than merely observing the participants since it facilitates the revelation of the participants’ thoughts and beliefs. I chose this method of qualitative research as I considered it the best format for observing and reflecting on the emerging perceptions and experiences of young lawyers in what is an under researched area. I have already written about the inherent biases of the researcher but I believe that my own background as a lawyer working in education allowed a certain depth to our conversation whilst also allowing the participants to construct their narrative in an appropriate way.

Creswell (2012) refers to an interview as a format which allows the transfer of information from the participants to the interviewer, whilst McNamara (2009) identifies the main task of the interview as understanding the meaning of what the interviewees say/describe. Interestingly, Wellington (2015) suggests that the purpose of interviews is “to give a person, or group of people a voice. It should provide them with a platform, a chance to make their viewpoints heard and eventually read...in this sense an interview empowers people, the interviewer should not play the leading role”(p.139). I was encouraged by this as discovering my participants’ voices was exactly what I wanted to achieve. It is also worth noting here as well just how responsive the participants were in the sense that they was enthusiastic about

the chance to speak and were interested in my research. They wanted to be heard and I wanted to hear.

I chose to use a semi-structured interview format which allowed a certain flexibility and fluidity to the process (Bell and Waters, 2014). The interviews thus had a loose framework which allowed a logical sequence of questions to be considered. However, hopefully this struck an appropriate balance between having scripted questions (which clearly aid comparability of results) and retention of flexibility and openness to the conversation. I could thereby allow a conversation to develop which assisted me in reflecting on emerging themes. A copy of the questions used during the semi structured interviews appears below and is replicated at **Appendix Four**.

#### **List of interview questions.**

1. What is your background in education prior to starting your apprenticeship/training contract?
2. What attracted you to the solicitor apprenticeship/ trainee route?
3. Did you consider any other routes into a career as a solicitor? If so, what were these and why did you ultimately decide against them?
4. What do you understand by “apprenticeship”?
5. What, if any, differences do you see between “education” and “training”?
6. What do you understand by trainee solicitor?
7. Why did you apply to this firm?
8. How do you think apprenticeships/ training and the training/education they provide impacts on your Learning?
9. Is there anything else that you would like to share with me about your experiences and thoughts?

Some considerable thought was given to the design of my questions to ensure that they were as clear and unambiguous as possible and also that they were aligned to my research questions. I also wanted the questions to be flexible enough to allow them to act as a prompt for fuller responses from the participants. Additionally, as far as possible, my questions were open ones, so that in all cases there was scope for discussion and creativity with how the participants answered. I hoped that this created a sense of empowerment and control in the participants. After all it is their voices I wanted to harvest, not my own. I thought that this was important too for addressing any actual or perceived power imbalance between me and the

participants. This was a particular concern for me in relation to the apprentices who are currently studying the same courses upon which I teach (although it should be emphasised that I do not teach, and have not taught at any point, any of the apprentice participants) less so for the trainees who have all completed their academic stage of training (and again I have not taught any of the trainees). I hoped by allowing the participants to speak freely in what hopefully was a supportive and encouraging atmosphere, any perceived power imbalance would be negated or at least significantly reduced. I also reiterated at the start and end of each interview my assurances as to confidentiality and anonymity.

### ***3.4 Research Methods: Pilot study***

As a result of helpful discussions with my supervisor, I decided to conduct a pilot study in August 2019, focusing just on one apprentice and one trainee at a regional office of the chosen law firm, located in the East Midlands. This regional office was different to that used for the full study. The main aim of this pilot was to consider the overall feasibility for the larger scale interviews (Kim, 2010) and also, importantly, to allow me as a novice researcher to learn from the process (Creswell, 2012). I found the experience to be an invaluable one (Ismail et al 2018). It assisted me in improving my strategy and approach to conducting the interviews (both in terms of how I introduced myself, introduced the interview, posed the questions and how I facilitated a discussion away from the semi structured questions, as well as practical things like the set up of the room, the position of the recording device and my overall demeanour). It provided a realistic training ground for me and helped to improve my confidence. Moreover, it allowed me to assess the effectiveness of my questions in terms of their clarity and meaning, as well as reflect upon the flexibility within the questions. Interestingly, it also allowed me to preempt certain ethical issues and to formulate a response (a candidate revealed some personal circumstances during the interview and afterwards asked that those issues were not transcribed or commented on in any way). In terms of the method/questions I used during the pilot interviews, I was reassured that these appeared suitable as I could see that certain recognisable themes were emerging from even this limited data. My questions remained unchanged for the larger scale interviews with the one

exception that I asked all candidates additionally about their parents' background in education.

### ***3.6 Data collection numbers***

When I was designing my research, one of the more challenging dilemmas I faced was how many participants I should interview. I realised that one of the answers to that question would be when I felt that I had gathered sufficient data to support my analysis. As such, this seemed to be a conundrum as I would only know that I had sufficient numbers once I had started the process. The concern then became how would I know when to stop? Given that I was investigating human experiences, I was also aware that it was the quality and depth of my interviews that needed to be my paramount concern. I found in the literature that there was a discussion of a "saturation point". This idea derives from Glaser and Strauss (1967) in the context of grounded theory and essentially offers a process by which the researcher continues the research task until no new theoretical insights are being garnered by the data. This would then be saturation. As such, it appeared that searching for an actual number is elusive, although Lincoln and Guba (1985) suggested a figure of between 12-20. However, Denzin (2012) argues that as an interview can be treated as an occurrence which evidences a set of understandings and can be analysed in great depth, then the answer to the question of "how many interviews are enough? ONE"(p.23). I found these views both reassuring and confusing in equal measure!

However, I was further encouraged by the views expressed in the review paper collated by the National Centre for Research Methods (2012). This review paper gathered and reviewed the responses from 14 renowned social scientists and 5 early career researchers. Each considered the thorny question of 'how many' and the riposte for most was that 'it depends'. Various influencing factors were identified such as the research aims and objectives, time and resources as well as practical issues such as geographical distances between participants and interviewer. Bryman (2012) identifies a number of other factors as having importance

including the underpinning methodology being used. So, for a phenomenological framework, the focus can be on a smaller group size because the emphasis is placed upon the detail and richness of the individual data. Bryman proceeds to emphasize that “the most crucial thing is to be prepared to justify your sample size..... and ...the other crucial issue to bear in mind is not to make inappropriate inferences from the kind and size of the sample you end up with” (p. 426-7).

Given that the location of my research was in an international law firm, the potential number of participants could be vast for a research project of this type. The firm currently employs 35 apprentice solicitors across 8 offices. It recruits 40 trainee solicitors per year and 10 apprentices. My decision about how many to interview was guided by some of the principles outlined above. I had to balance the time constraints upon me and the participants (who were kindly taking time out of their working day to contribute to my research) as well as practical issues of the cost/time of my travel to the regional offices. My focus was to garner the best data I could whilst balancing these factors.

Fortunately, in my research, it became evident very quickly through my interviews that similar themes, motivations and perceptions were emerging. Indeed, even during the pilot study, the views expressed shared some commonality and the data appeared rich and detailed. In total I interviewed 5 trainees and 5 apprentices, all at various stages of their training. All participants were enthusiastic and seemingly committed to their contribution to my research. Indeed, many expressed sincere gratitude that I had chosen to investigate the apprenticeship route. They wanted to share their experiences and there was a sense of pride that someone wanted to hear their voice. I should also comment that I thoroughly enjoyed my meetings and discussions with all the participants. It was immensely enjoyable and I felt privileged to be in a position where I could have these conversations with a variety of participants. I also feel confident that the group size was appropriate given my earlier comments about saturation. I consider the validity of my data later in this Chapter.

When I was originally planning my research, I had intended to interview solicitor apprentices, trainees and employers. I had hoped to add breadth and depth to my data by considering

differing viewpoints. It also appeared to me that a key element in the success of the apprenticeship route was the employers' commitment and enthusiasm for them. Quite simply, without an employer offering them the new training route could not succeed. Initially, I designed my research questions to discover what motivated an employer to offer apprenticeships and how they were perceived in the hierarchy of the organisation. My initial set of research questions therefore included:

- Why do employers offer the apprenticeship route?
- What are the expectations, experiences and perceptions of apprentices/trainees/employers?

I tried to contact other law firms over several weeks to interview them for this same purpose. Two of the firms I contacted declined to take part, giving no reasons for their decision. The other law firms answered neither my phone call nor my emails. This was hugely disappointing. As such, I needed to refine my initial research questions to reflect the difficulties I had encountered with data collection from employers. My focus therefore shifted to solicitor apprentices and trainees only which meant that my final study was more limited than I had originally intended. However, I did conduct a single interview with the Emerging Talent Business Partner ("the Employer") at the law firm chosen. I had to reflect then on whether I should use any of that data given the limitations on my study. I was reassured by the quality of the interview I had with the Employer. The information garnered was in depth and offered rich data. I found the Employer's candour and enthusiasm to be invaluable. Given the limitations I have identified above, the data I collected here does not form part of the main data analysed in the next chapter, nor has it been thematically analysed, given that I had only one response. Given this, I considered that there would be significant issues with the validity of data from just one employer, especially given that I had 10 interviews for the apprentices/trainees. I have, however, carried out documentary analysis of the transcript for indicative thoughts only. I record them here as it did form part of my overall research design and they do offer valuable insight. I would tentatively suggest that the employer's perspective could be fruitful ground for post-doctoral research.

### ***3.7 Data analysis: Transcription***

In total, I conducted 11 interviews at 2 different geographical locations. Each recorded interview lasted for approximately 30 minutes although the time spent with each participant in total was probably 45- 60 minutes (to allow time for me to introduce myself, explain the purpose of the interview, reiterate issues of consent and confidentiality and so forth). In addition to the audio recording, I also made field notes to assist me with directing any specific questions to develop any themes and to act as a safeguard for any IT difficulties with the recording device (iPad).

This meant that by the end of my days' interviewing, I had amassed significant amounts of data. The next key task was to adduce meaning from this data, whilst not losing the richness of the conversations, and the depth of feelings/thoughts revealed. I wanted to capture the subtle details of the perceptions especially when the meanings are "intricate and complex" (O'Leary 2014, p. 299). The first step to adduce this meaning was to transcribe the audio recordings, since analysis is based on the written text rather than directly from the audio interview. I appreciated that this would be very time-consuming but I felt that it was an important stage in my research journey. I did briefly consider using a professional transcription service but was concerned about the confidentiality and security of my recordings. To have used such a service would have raised a number of ethical dilemmas that I felt were easily avoidable and, of course, there would have been a financial cost to me as well.

Having resolved to transcribe the recordings myself, I seriously underestimated the time involved in doing so. Each 30-minute recording took me 4/5 hours to transcribe, with a constant to-ing and fro-ing between typing and listening to the conversation. It required high levels of concentration as I endeavoured to accurately record each pause, each sentence end and each turn of phrase. Once I had completed each transcript, I then listened to the whole recording again to ensure accuracy and to verify anything I may have misheard. Each transcript was a verbatim record of the recording. The whole process was labour intensive

and by the end of the transcription process, I had generated over 150 pages of written text. I found the process to be a challenging one.

However, the transcription process allowed me to reflect on the complexities of the change in medium of my data. I was mindful of the limitations of the written word compared to the fluidity of the spoken interviews. Yet in the same moment, because I was so familiar with the audios, I could almost hear the participants' voices in the text. I was drawn to Kvale's view that "the practical problems of transcription raise theoretical issues about the differences between oral and written language"(1996, p.160). I felt that the written transcripts did indeed produce a "decontextualised version of the interview" (Kvale, p.160) since despite my best endeavours, the written text could not capture any non verbal gestures, mannerisms or facial expressions. It was difficult, if not impossible, to accurately record the fullness of the conversations, the length of any pause or silence, the quality of any hesitation or emotional tone of the conversation. Nor could it convey what I perceived to be the considerable enthusiasm, interest and encouragement of the participants, both apprentices and trainees alike. All of this, together with the more subtle nuances I detected, could be fertile ground for my interpretation but were all lost in the transcription. The very flow of the conversation was stifled by my text. Having recognised these limitations, I should also comment that the actual quality of the audio recordings was very good, allowing me to listen clearly and accurately to every word spoken.

The difficulties with the transcription process could have an impact on the overall reliability and validity of the data collected, given that they offer an "artificial construction" (Kvale, p. 163) of what was said. I returned each transcript to each participant for their authentication. I offered to each participant a further opportunity to query or add to the transcript, although at the same time, I was also alive to the impact that the transcript might have on the participant. Given that it was a verbatim record of a conversation, the transcript to the participants could sometimes look incoherent, contain digressions or be poorly expressed. Accordingly, when I returned the transcripts to the participants, I used standard wording in an attempt to alleviate any of these concerns and reminded them that the transcripts would reflect the informal, relaxed style of conversational speaking. I felt this was especially important to emphasize as my particular audience of participants were all junior lawyers and,



as such, more familiar with the strict formal style of legal writing used in witness statements for court proceedings. I endeavoured to allay any concerns they may have about the purpose of the transcripts for qualitative research and also to reassure them that the conversations we had had were highly valuable, despite any colloquialisms or informalities. I tried to reassure them that it was their natural voices I was interested in, not their more formal, legal voices.

None of the participants wanted any changes to be made or raised any query about the transcript. To that extent then the data collected is trustworthy. I have tried to focus on what was “right” about each transcript, rather than create any notion of absolute accuracy in light of the limitations previously referred to. This sense of being “right” involved the transcripts being an accurate and fair version of the essentials of what was said (e.g. their motivations and perceptions) and that it did record the essence of their views, if not every nuance. My transcripts are useful tools by which I can extract “the communication of the meaning” (Kvale, p.166) from my discussions with the participants. I would also argue that my decision to transcribe the recordings myself allowed me to be fully embedded in their narratives but also made me, at the same time, acutely aware of the need to reflect on my role in the process (Wellington, 2015).

### ***3.8 Data analysis: Thematic Analysis***

The next stage in my research process was to extract meaning from the wealth of data now amassed. From the reading I carried out for this next stage of my project, I was aware that qualitative approaches to analysis of data can be diverse and complex, although thematic analysis appeared in the literature to be a common tool used for analysis, especially for early career researchers (Denzin et al. 2005). It also appealed to me as a novice researcher as it appeared quite accessible as a technique and to offer flexibility in terms of its independence from any particular epistemological view. At its simplest, thematic analysis offers a

mechanism for identifying recurring patterns in the data and from this, I could develop my analysis of the findings (Creswell, 1998).

Denscombe (2017) refers to the five stages of the data analysis process (transcription, initial exploration of the data, analysis via coding, presentation of the data and validation of the data). Following this framework, my next task was to explore the data and analyse via coding. I had already spent a great deal of time transcribing the data and reviewing the transcripts. I was very familiar with each transcript and had listened to each recording many times already. Analysis of the data via coding was the next task to be completed. At this point, I considered if it would be useful for me to use a form of computer assisted qualitative data analysis software (CAQDAS). As part of the EdD weekend sessions, we were provided with a whole day's training on NVivo, a popular form of CAQDAS. This software seemed to offer a process whereby organisation and storage of the data would be useful but it was also clear to me that it did not offer a panacea for the actual process of analysis. The use of any new software would also require considerable investigation by any researcher in order to become familiar with the process (O'Leary, 2017, Wellington, 2015). Ultimately, I decided manual coding would suit me better. It felt, to me, a natural step after my close involvement in the transcription process. I had already become immersed in the data and I felt I had become attuned to the participants' voices.

As a novice researcher, the process of data analysis was entirely new to me. I had never before "coded" any document nor conducted any form of thematic analysis. Braun and Clark (2006) offer a 6-phase framework for thematic analysis which is presented below and it is this framework which I adopted for my own analysis. Additionally, I found the step-by-step approach to coding and thematic analysis (based on Braun and Clark's framework) offered by Maguire and Delahunt (2017) to be insightful. I understood that my task was to identify patterns, themes and meaning from the data I had collected. Once these are uncovered, I could then analyse the findings.

**Braun and Clarke (2006) 6-phase framework for thematic analysis.**

Step 1	Become familiar with the data
Step 2	Generate initial codes
Step 3	Search for themes
Step 4	Review themes
Step 5	Define themes
Step 6	Write up

Braun and Clarke (2006) also distinguish between levels of themes that could arise from the data: semantic and latent. A semantic theme lies “within the explicit or surface meaning of the data and the analyst is not looking for anything beyond what a participant has said or what has been written” (p.84). My analysis identifies these semantic levels although my later chapter 4 develops my analysis of these themes by attempting to interpret and explain them. This is in contrast to a latent theme which looks more deeply at what the participants said and “starts to identify and examine underlying ideas, assumptions and conceptualisations – and ideologies – that are theorised as shaping and informing the semantic content of the data” (p. 84).

My research questions were centred around discovering perceptions of the participants and their experiences of their training route. As such, my thematic analysis is more of a ‘top-down’ thematic analysis (“a top-down analysis” Maguire and Delahunt, 2017, p. 3354) which is driven by my research questions rather than an inductive one which is driven by the data itself. This was inevitably the case as I wanted to discover what attracted the participants to the various training routes, how these routes were perceived, what motivated their decisions and what their experiences and understandings were.

When I commenced the process of analysing my data, I realised quickly that Braun and Clarke's six steps were not necessarily linear and I found myself moving between the phases frequently. Indeed, my whole research process can be characterised by its iterative nature. I was prompted on more than one occasion to re-listen to the audio recordings and re-check again the accuracy of my transcript. This was time consuming but invaluable in terms of my understanding of what had been said in the interviews. I had, of course, by these processes become very familiar with my data and this assisted me when generating my initial codes. I viewed coding at first as something a little mystical and had initially thought coding was concerned with using numbers rather than words. I wrongly assumed that there was a "right answer" to what I was doing. I eventually realised that coding was rather more straightforward in some ways since it is in fact a process of reducing the volume of data into bite size "chunks of meaning" (Maguire and Delahunt, 2017, p. 3355). What was required of me was to select key words or phrases that I considered as important and that may offer a common understanding or meaning within the context of my research question. There was no right answer as such, only validity and reliability in terms of the process I followed. I created my own initial codes rather than use any pre-set ones, and modified/refined these as I went along. Given that my aim with coding was to derive "chunks of meaning" from the voluminous data that I had collected, it was imperative that I was as familiar as possible with my transcripts. Indeed, I had already begun to jot down certain early impressions. For example, with the apprentices, I had recorded in my field notes "*apprentices greatly value learning on the job, acquisition of key skills simultaneous with study, university not really an aspiration, some issues of parity of esteem*" (Field notes, 23 October 2019). As I had very specific research questions, I coded any part of the transcripts that was relevant or of interest to my research questions. I already had some ideas about codes after becoming so familiar with the data as I observed how certain ideas and sentiments were common to the transcripts. Once I had coded one transcript, I would review it carefully before proceeding. When the next transcript had been coded, I would look at both sets of codes critically, modifying any code, if necessary, before moving on. All of this was done by hand, using hard-copy transcripts, with my codes in the margins. Once I had completed my coding of each category of transcripts (i.e. apprentices or trainees), I then prepared summary documents identifying all codes that had appeared in each transcript. An extract of this coding summary appears below in **Table Two** and an illustrative coded transcript is at **Appendix Five**.

Apprentice E	Apprentice D	Apprentice C
A level success	A level success	Put on wrong stream at school initially
Attitude to university, applied, not for me	Not completely sure about university	Year 9/10 one of the highest achieving students. Excellent GCSES
Already work experience	Uncertainty about the various training routes	Self doubt, not academically good enough
Personal circumstances affecting decision	Lack of knowledge/awareness of apprenticeship scheme	Visited Cambridge/oxford
Chanced upon apprenticeship	Stigma of apprenticeship	Early decisions do law
Huge competition to get TC	Cost of University/amount of debt	Personal circumstances affecting decision
Certainly of qualifying with apprenticeship	Own research to find options	A level success
Student debt a concern	Good reputable law firms	Applied to uni but don't know if really want to do that
Paralegal work	Work experience	Stress of getting to uni
Apprenticeship as learning by doing	Work exp as stepping stone to your career	Not committed to uni, uni pushed on you at school as only option
Difference in education and training	Supportive employer and firm	Wants to work, strong work ethic
Trainee has done education needs training. We do both	Challenging interview process	Desire to work ASAP attracted me to solicitor apprenticeship
Apprenticeship improves learning	Mum at uni now, dad has a degree	Apprenticeships on the job learning
Better equipped than trainees Basic understanding for office life/practical skills	I was wrong about an apprenticeship is.	Not just a degree but also experience, invaluable
Significant student away from work, hard to do with work	Good time management	Education as qualification
Skills taught via academia . Client care	Studying on the side is time consuming	Training as specific
Relevance of law to practice/hard to fit with day job	Motivated and enthusiastic	Apprenticeships associated with trade, vocational not professional
Value of gap year	Trainees as intellectually capable	Doing the apprenticeship I amazing

**Table Two Summary of Coding (extract).**

I found this coding summary document very helpful for the next stage of searching for themes across the transcripts. These themes were patterns that emerged across the transcripts which were significant to my research questions. As I had coded manually, I used a considerable array of differently coloured highlighters to identify which codes fitted within an overarching theme. For example, there were several codes that related to attitudes to going to university generally and attitudes to debt. I collated this under a theme of 'Academic context'. Similarly,

there were several codes about how apprentices were viewed and these were collated under a theme of 'Perceptions and understanding of Apprenticeships'. Using different coloured highlighters to identify similarities in the codes was visually very effective in helping me review and refine the themes. The process was time consuming especially as I reviewed and revised my themes over the course of a few weeks. I wanted to be as confident as I could be that the themes made sense from the coding and the data supported those themes. I achieved this by a mixture of cut and paste with the word document as well as taking scissors to my colour coded transcripts.

My final step was to refine my themes and also "to identify the essence of what each theme is about" (Braun and Clark, 2006 p. 92). I also tried to identify sub-themes within those themes. **Table Three** overleaf represents my final definition of themes arising from the data. In my next chapter, I endeavour to analyse those findings.

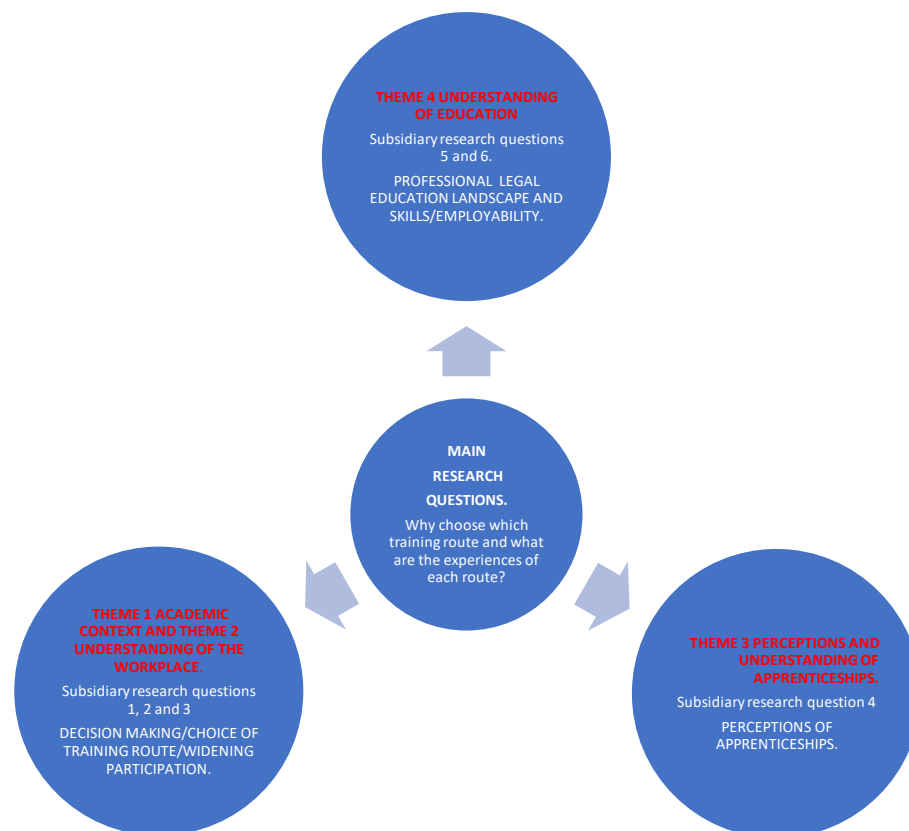
I also set out overleaf **Diagram Two**, which seeks to demonstrate the connection between the research questions and these themes.

**Table Three Summary of themes arising from Thematic Analysis.**

<b>Themes</b>	<b>Sub-themes</b>
1. Academic context	1.1 Attitude to going to university 1.2 Attitude to university debt
2. Understanding of the workplace	2.1 Attitude to working 2.2 Awareness of career paths/awareness of apprenticeships
3. Perception and understanding of apprenticeship	3.1 The meaning of Apprenticeship 3.2 Perceptions of status and gravitas 3.3 Perceptions of advantages 3.4 Perceptions of disadvantages
4. Understanding of Education	4.1 The meaning of education 4.2 The role of skills in the curriculum

**Diagram Two**

**Connecting the main and subsidiary research questions to the themes arising from the thematic analysis.**



### ***3.9 Ethical considerations***

In any collection of qualitative data, I was acutely aware of my intrusion into people's thoughts, experiences and beliefs. As such, ethical considerations are a key component.

As a former solicitor, the role of ethics was not new to me. Adhering to the SRA standards of professional behaviour is mandatory and certain principles are prescribed. These underpin all aspects of practice (SRA Standards and Regulations, November 2019) and include such things as upholding public trust and confidence, honesty and integrity. Many of these principles are equally applicable to empirical research.

Ethical considerations arise in any form of research but these concerns and considerations are magnified when that research is centred on the study of people (Wellington, 2015). Essentially, I saw my task as a researcher, in terms of ethics, as one requiring me to justify my endeavour to all interested parties. This echoes the view of Sieber (1993) that "ethics has to do with the application of moral principles to prevent harming or wronging others, to promote the good, to be respectful and to be fair" (p. 14).

In order to comply with the University of Sheffield's research ethics approval process, I was required to complete and submit an online application form prior to commencing any empirical research. This is in addition to a compulsory Research Ethics and Integrity Module that I successfully completed at the end of year 2 of the EdD.

This study was informed by the British Educational Research Association Ethical Guidelines (BERA, 2018) and was approved by the University of Sheffield's Ethical Review Panel in July 2019. A copy of the approval letter is located at **Appendix One**.

As is required by the ethical approval process, I prepared two supporting documents, namely a participant consent form and an information sheet. These documents are located at **Appendices Two and Three**. These were the key documents sent to all participants prior to any interview taking place.



Once I had identified the firm of solicitors in which I wished to situate my research, I had an initial, informal telephone conversation with the Emerging Talent Business Partner to explain what the research involved and the various roles of the participants in the study. This was followed up by a formal written communication, to which I attached the consent form and information sheet. In accordance with the terms of my ethical approval, all interviews took place between August and October 2019. Prior to conducting the interviews, I ensured that each of the participants had a hard copy of those documents and gave them the opportunity to raise any questions or concerns.

I also facilitated a discussion of the advantages and disadvantages of taking part in the research. In terms of advantages, although there would be no immediate benefit for those taking part, I suggested that the research would help inform the debate on legal education (and more specifically the future roles of legal apprentices) which would be for the benefit of the legal profession as a whole. It would also allow them a voice in the changing landscape of legal education via any conference presentation I contribute to or journal articles I write.

Similarly, I explained that there would be very few, if any, disadvantages for those taking part in the research. The main one was simply the inconvenience of time since the interviews took place during their normal working hours. However, as far as possible I tried to minimise the disruption to their day by ensuring the time for the interviews was strictly adhered to. None of the interviews in their entirety lasted more than 50 minutes. I travelled to the participants' place of work and allowed them to select the day and time slot for the meeting.

I also explained that they could leave the process at any point with no adverse inferences or consequences. I was mindful that as it was the Solicitors' firm that had been my direct point of contact; this meant essentially that it was the employer "inviting" their employees to participate. It is well recognised that being asked by your employer to participate could create a sense of obligation on the part of the employees and perhaps create a concern for any negative impact on their career development should they decline to take part. Thus, if they declined, I made it clear that at any point the participant employees could leave the study, with no communication from me back to the employer. Additionally, the documentation

made it clear who they could raise concerns with arising out of my conduct of the research. I felt confident in all these circumstances that I had received informed consent from all the participants (Denscombe, 2017, p. 347).

Additional safeguards were put in place for the security of data collected as well as ensuring confidentiality was maintained. All audio recordings of the interviews were only used for analysis and no one outside the project had access to the original recordings. During the process of transcription, the audio recordings were stored electronically and securely with password protection. All information was anonymised immediately after the interview took place. I was the only person involved in the transcription process. Once the process of transcription had been completed, I returned each script to the participant for approval and/or comment. The recordings were destroyed once transcribed. Any hard copy of data collected (including my hand written notes collected during the interviews) used was kept in a locked filing cabinet in a locked room in my house. On completion of my research, I will arrange for all hard copies to be shredded. Accordingly all data was safely collected, securely stored and in due course will all be destroyed (O' Leary, 2017).

### ***3.10 Validity and Reliability of Research***

As acknowledged elsewhere in this work, undertaking qualitative research was almost entirely new to me. The research process appeared to me to be wholly subjective and offered fundamental differences with legal research. My aim in this research was to discover perceptions of apprenticeship from a variety of stakeholders. Inevitably this involved exploring personal accounts and subjective viewpoints. Lincoln and Guba (1985) argue that such an approach can be considered as “undisciplined” and to lack “rigour”(page 289). This view resonated deeply with me. By conducting interviews with these stakeholders, I created data. The evidence for my research is the extracts from this data, a process which seemed to me at times entirely self serving. I chose what and how to use these extracts and I attribute my meaning to them. My involvement in the research process was all enveloping given I

designed the research question, chose who to interview and chose what questions to ask. All of these were my personal choices. I was aware of Gewirtz and Cribb (2006, p.142) who assert that “evaluative judgements are made at every stage - in deciding what questions to ask, what evidence to record or collect, how to interpret that evidence, what findings and interpretation to emphasise in reporting that work, and in thinking about the practice or policy implication of the research.” Indeed, even my findings cannot be easily replicated since if my semi-structured interviews were to be repeated, using my framework of questions, there would be so many variables in terms of the setting/participants/timing that the results would inevitably differ. I am acutely aware that as a result of this there is limited credibility and generalisability with in-depth focused studies like this. Consequently, from the start of this process, I have been thoughtful as to how my research can offer any credibility. Indeed, the very fact that I am now questioning my processes, I would argue adds some honesty and realism to my analysis of the data and thereby contributes in a small way to its credibility.

There needs to be an understanding as to what credibility means. It seems to envelop an idea of *validity* in terms of relevance and accuracy and, also, its *reliability* in terms of consistency/dependability. For me to demonstrate both of these, I need to emphasize *how* I analysed my data which in itself is described as “a messy, ambiguous, time consuming, creative and fascinating process.....it is not neat.” (Marshall and Rossman, 2011, p.207). The volume of the data collected and analysed exacerbates the difficulty in showing validity and reliability.

In searching for this seemingly elusive credibility in my research, I was influenced by Denscombe’s statement that “good research relies on the use of good quality data,” (p. 299) and that it is for the researcher to make a *claim* the data is of good quality rather than any notion of that quality being self apparent. Indeed, Denscombe further claims that the credibility of the research can be enhanced by the writing skills of the researcher to produce a convincing, persuasive account based on the evidence to hand. This viewpoint particularly resonated with me since it seems to be adopting some of the language from a legal stand point, that you must formulate a convincing argument/submission based on the evidence available to you but leaving the reader to make the final assessment (as you would with a

judge). Indeed, Denscombe proceeds to talk about having to show that my data is “reasonably likely” to be accurate (p.326) in order to be valid, which seems to echo the civil burden of proof “on the balance of probabilities”. Denscombe proceeds to advance certain verification criteria that if adhered to would demonstrate good practice and enhance credibility (p. 326-330).

These criteria are:

- (1) Credibility/validity,
- (2) Dependability/reliability,
- (3) Transferability/generalizability and
- (4) Confirmability/objectivity.

Similar criteria were proposed by Guba and Lincoln (1994) who advocated an alternative approach to the assessment of credibility of qualitative research and referred to the criteria as an assessment of the *trustworthiness* of the research.

In my research, credibility and validity is sought through the participants’ validation of the data produced. I returned both the data and findings to my participants as a mechanism for ensuring factual accuracy and confirmation of my understanding. Additionally, as described earlier in this chapter, I also seek to claim that my sample size was appropriate and demonstrates “saturation” and that the research method (interview) was appropriate for the research study. I strive through these various steps to show that my data is “reasonably likely” to be accurate.

For dependability, I have kept complete records of all phases of my research. I have provided a detailed account of my methods, analysis and conclusions. My processes offer a complete audit trail. These show “the readers in as much detail as possible the lines of enquiry that led to particular conclusions” (Seale 1999, p. 57). I have outlined carefully all the various steps taken in my research process and reflected on the many actions I have taken to minimise bias and personal influence. All these measures taken as a whole seek to demonstrate dependability.

For transferability, I fully acknowledge that my study is small scale and within a limited context. My findings are thus confined to this study. I have already acknowledged my integral role in the process so any claim that my findings can be transferred is limited. However, I believe that my findings are detailed and offer rich data due to the uniqueness of my study. My results offer a voice for the stakeholders that has not before been heard. My findings, while not directly transferable, may however point to possible avenues of future research on similar questions. My research questions and methods may indeed be transferable to other contexts.

For confirmability/objectivity, this is the most challenging of the criteria since my values and beliefs cannot be entirely eliminated from the process in which I am involved. Cohen et al (2011) suggest that researchers should be reflexive, and both acknowledge and disclose their own values while being thoughtful as to their impact on the research (p. 225). I have sought to declare my own positionality in chapters 2 and 3 which goes some way to reveal my values and how they could influence this research, although of course it does nothing to remove these values entirely. To achieve that seems impossible since “research methods cannot be value free in their application because values will always impact upon research” (Greenbank, 2003, p. 798).

In the next chapter, I will describe the data analysis process and present my findings.

### *Presentation of the Research Findings and Discussion*

#### *Introduction*

In this Chapter, I outline the research findings from the interviews carried out in Aug - October 2019. In total, there were 5 apprentices (one in the first year of the apprenticeship, two in year 2, one in year 3 and one in year 4) and 5 trainee solicitors (four in the first year of the training contract, one in year 2). These research findings are presented, supported and evidenced by tables and relevant extracts from the interviews. Thereafter, the findings are critically discussed in the context of my research questions (set out below) and the literature reviewed.

The main aim of this study is to gain a better understanding of the choices and experiences of solicitor apprenticeships and trainee solicitors. My main research questions are:

1. Why individuals wishing to enter the legal profession choose the solicitor apprenticeship route or the trainee route?
2. What are the experiences of solicitor apprentices and trainees as they pursue these different entry route?

In order to pursue the two main research questions, a number of subsidiary questions were identified:

1. Why do students choose the apprenticeship route?
2. Why do students choose the trainee solicitor route?
3. What are the social and educational profiles of these students?
4. What are the expectations, experiences, and perceptions of apprentices/trainees?
5. Can practical legal skills be effectively incorporated into academic study?
6. Does working while learning enhance skills acquisition?

I also outline the findings from the fruitful interview conducted with the employer of the above participants. I reported in Chapter 3 the difficulties I had in interviewing any more employer participants and, as such, the data I collected from this single employer is not part of the main data analysis, nor has it been thematically analysed. I have, however, carried out documentary analysis of the transcript which I record here as it did form part of my overall research design and the employer's response does offer valuable insight. Again, as recorded in Chapter 3, I would suggest that the employers' perspective could be fruitful ground for post-doctoral research.

Whilst I have previously described the process of transcription used for the interviews, there is merit in briefly reflecting on it again here. I transcribed each interview personally and as such was very familiar with the data collected before I began to thematically code. The scripts were anonymised save for categorising the type of participants (i.e. apprentice or solicitor). Retaining the information about the type of participant (apprentice or solicitor) was, of course, essential given that my study is focused on discovering perceptions of apprenticeships by both apprentices and trainees. I took a number of steps to ensure rigour in both the transcription process and whilst conducting data analysis.

As part of the transcription process, I spent considerable time in listening and re-listening to the recordings so that I could verify the accuracy of my transcript. By doing this, I could ensure that each pause, each sentence and each turn of phrase was recorded fully and accurately in the written materials. I was acutely aware that the transcription process offered "an artificial construction" (Kvale, p.163) of what was said, given the essential differences between oral and written language (see Chapter 3, paragraph 3.7). The scripts were returned to all the participants for verification. None of the participants raised any subsequent questions or queries. During the thematic analysis process, I utilised the framework offered by Braun and Clark (2006) to ensure a robust approach was followed (see Chapter 3, paragraph 3.8).

Given that I have adopted a phenomenological approach, within a case study research design, the aim of this study is to discover the participants' own experiences in depth. Their descriptions are at the core of this study. By a process of thematic coding, the quest for uncovering/discovering meaning from the interviews began and is continued by my

interpretation of these descriptions. The aim of the analysis in this Chapter is to highlight and demonstrate the thematic findings, which will create an evolving understanding of the participants' experiences. Merriam and Tisdell (2015) describe data analysis as "the process of making sense out of the data" which involves "consolidating, reducing and interpreting what people have said and what the researcher has seen or read" (p.202). O'Leary (2014) describes qualitative analysis as a "more organic process" (p.301) which sees an overlapping cycle of coding data, data analysis and interpretation. This iterative process is creative, whilst also rigorous. This systematic, repetitive, questioning and re-questioning approach to analysis can thereby testify to the precision and accuracy of the study, enhancing the quality of the process. Denscombe (2017) described the purpose of analysing something as being "to gain a better understanding of it" (p.261). I hope to achieve this greater understanding in the discussion which follows.



## Research Findings

Thematic analysis was applied to the data. Four key themes emerged from the data. **Diagram Two** (p. 111) demonstrates the connection between these themes and the main and subsidiary research questions. The themes were: (1) the academic context, (2) the understanding of the workplace, (3) the perceptions and understandings of apprenticeships, and (4) the understanding of education. Each of these themes, and sub-themes within them, are presented in diagrammatic form below for ease of understanding (**Diagram Three**). When considering each of these themes and sub-themes, I have structured my analysis in a similar way. Thus, in each section, I recording what the findings were, present extracts from the data as evidence of those findings and then seek to draw meanings and conclusions, where possible, by reference to those findings and by reference to the existing literature. It is useful to reflect on the overall profile of the participants at this stage and, for ease of reference, I have copied **Table One** which also appears in Chapter 3.

Participant	Sex	Age group 18-26	Stage of learning	A level qualifications	Parents university education	Type of School attended
Apprentice Solicitor A	F	Yes	Year 2	B B C	No	State school.
Apprentice Solicitor B	F	Yes	Year 4	A* A B	No	State school.
Apprentice Solicitor C	F	Yes	Year 3	B B C	No	State school.
Apprentice Solicitor D	F	Yes	Year 1	A* A* A	Yes	State school.
Apprentice Solicitor E	F	Yes	Year 2	A* A B	No	State school.
Trainee Solicitor A	F	Yes	Year 2	A* A* A	Yes	Fee-paying.
Trainee Solicitor B	M	Yes	Year 1	A B B	Yes	Selective state school.
Trainee Solicitor C	M	Yes	Year 1	A A B	Yes	Fee-paying.
Trainee Solicitor D	F	Yes	Year 1	A A B	Yes (as mature students)	Fee-paying.
Trainee Solicitor E	F	Yes	Year 1	A* A B	Yes	Fee-paying.

Whilst I was writing this chapter, an issue arose concerning protecting anonymity for the participants in the study. I had originally given the apprentices and trainees pseudonyms as can be seen in Table One earlier, which I hoped would protect their anonymity when referring to the extracts from the data. Thus, when attributing any quotation as part of my analysis, I would refer to the pseudonym only. I felt initially that it was important to attribute each quotation to a specific participant. This would give helpful and valuable context, since a cross reference could be made to the table below in order to gain an understanding of that particular participant and their background. However, in doing so, I became increasingly concerned that I was in danger of compromising the anonymity of the participants. Given the relatively small number of participants in my study, and given that the main data collection occurred in one office on the global law firm, it would be possible to clearly identify, as an example, Apprentice A as a female apprentice in year 2 with A-level grades BBC. As a result of my concerns, which I discussed with my supervisor, I eventually decided not to attribute the quotations any more precisely than “apprentices” and “trainees”. I acknowledge that this inevitably means that the presentation of the findings may lose an element of context but protecting anonymity is paramount. Given that the thesis is aimed at discovering perceptions and experiences of apprentices and trainees generally, presenting the data by reference to those generic labels will still support the core purpose of this thesis.

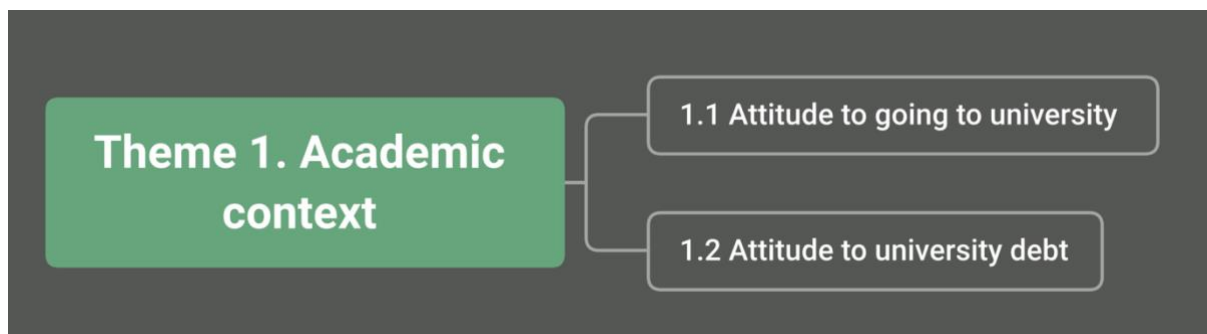
Diagram Three. Key themes and sub-themes



## ***4.1 Key Theme 1: The Academic Context***

### ***Introduction to the Key Theme***

This theme records the reasons and motivations for the participants' choice of training pathways post A-level. In particular, it records the attitude towards continuing into higher education at university. This led to 2 sub-themes emerging: firstly, the attitude to going to university and secondly, the attitude to university debt. The diagram below reflects this theme and these sub-themes.



### ***Sub-themes 1.1 Attitude to going to university***

#### ***Findings and Evidence***

There was a clear sub-theme that emerged from the data about how going to university was viewed, and, it was apparent that the views expressed by the two groups of participants were seemingly polarised. In terms of this first sub-theme (the attitude to going to university), the apprentice participants expressed largely homogeneous sentiments, with most expressing an idea or feeling that university “just wasn’t them” in a sense that it did not suit them or their learning style, nor did it offer a lifestyle that appealed to them (4 out of 5 apprentices expressed these views). There were expressions too of a sense of pressure to go to university from school, rather than to pursue any other option (all 5 apprentices said this). Yet there was

also a general feeling that the university route was synonymous with “success” (2 out of 5 apprentices). There were some expressions by the apprentices of “not being good enough” (2 out of 5 apprentices) to pursue a university education but given the high A-level achievements for all the apprentice participants, this was clearly not borne out in any sense of lacking in academic ability or skill. Indeed, the A-level attainment for the apprentices was on a par with the trainees, and as such it is clear that had a university experience been sought, it was well within their academic capabilities. However, these sentiments of “not being good enough” may be interpreted in a more nuanced sense, not based on academic skills or attributes, but perhaps based on a lack of personal self-belief, or perceived social or economic standing. Interestingly, the majority of the apprentices (4 out of 5) did not say that they had indeed chosen university, albeit through the apprentice route (which, of course, includes the study of law to degree level). Rather, they described their choice of post-18 training as a direct choice of apprenticeship or university. Only one apprentice described her decision as “I do do uni, in a different way that’s all”. This observation is most intriguing since it reflects the seemingly “either/or” choice about university for the higher-level degree apprentices. Their focus is on the apprenticeship as a vehicle for their learning but they did not describe a university degree as being a necessary component of their learning, even though they will all achieve a Masters level degree upon completion of the apprenticeship and qualifying as a solicitor. For them, their focus is on the apprenticeship, rather than obtaining academic qualifications. Indeed, their emphasis was on the training needed for the job that they wanted to do, reflecting a clear focus on the end goal rather than the journey they would embark upon.

A number of the extracts below illustrate these apprentices’ sentiments. For reasons explained earlier, I have not attributed the extracts below to any specific apprentice participant.

*I applied to university but to be honest throughout this time I really wasn’t sure that university was for me.*

*I was initially going to go to university and I did go for freshers’ week but I wasn’t completely sure on going to university to start with.....it wasn’t really me ...I would have liked to have been thrown in the deep end...*

*Self doubt, I am not essentially good enough. I applied to university but I kinda thought to myself I don't know if I really want to do it.*

*6<sup>th</sup> form stress of being under so much pressure to go to a good uni.*

*I don't want to go to uni...I still want to get to where I want to be ...without uni. Cos I feel like it's pushed on you from such a young age...you know...uni is the only way you can ever be successful.*

*Personal circumstances affecting my decision.*

*It wasn't that I didn't want to go, it was just that I had never considered something like this.*

*I do do uni, in a different way that's all.*

*I applied for university as was the norm...So the only reason I applied to uni was to do this job which I am now already doing.*

Perhaps not surprisingly, the trainees also expressed largely similar views to each other about choosing to go to university. All the trainees cite the “university experience” as a major factor. Accordingly, this was a very powerful sentiment as shown in the extracts below.

*My only reservation (about the apprenticeship route) is not having the university experience.*

*I wanted the university experience.*

*I wanted the university experience...I guess a bit more independence, going away, sitting in a lecture hall.*

Many continued to articulate their understanding of what the ‘university experience’ involved (4 out of 5 trainees). This seemed to incorporate many elements, including the benefits of the extracurricular activities offered by universities as well as the development of social skills, exposure to varying social experiences and diversity as well as gaining independence from parents.

A number of the extracts below illustrate these trainees solicitors’ sentiments.

*The one great thing from university, mingling with people..... who come from the richest of the rich to the families at the other end of the spectrum ...I think it's invaluable...it was a flexible, expressive time..... it was finding my own independence I think was the main thing I wanted.....*

*For me, I am probably glad the way I trained....partly the whole university experience...I had a great 4 years.....I developed social skills ...meeting people at university, get comfortable talking to people who*

*perhaps you wouldn't have come across...I think it's a massive loss not to have been to uni.....university is one of the best times of my life....it's an amazing experience, it's a big deal.....*

*I did quite well academically at school and I was always doing well in that regard..I wanted to go to uni because..I don't know...it's got that thing about you go and you have that massive social aspect to it as well. I think I would have just seen as well if I have got the grades to go to uni then I want to go to uni for that experience as well as getting a degree and all sorts as well.*

Only one trainee expressed a desire to learn academically as being a major factor.

*I always did well academically. I found it quite easy and I also enjoyed it. I thought university would give me more of a challenge too..... so I chose to do a history degree and then convert to law later. I really enjoy learning.*

## **Sub-themes 1.2 Attitude to university debt**

### **Findings and Evidence**

There were some differences between the trainee and apprentice participants in their attitudes to the issue of university debt but these were not, on the whole, significant differences.

Amongst the trainees, there was a marked sense of resignation to the accumulation of a large debt if a university education were pursued. All the trainees expressed similar sentiments, as can be seen from the extracts below.

*I mean when I do get my reminders from student finance about how much I owe, it is a bit shocking.....it makes you think harder about it ....but for me it wasn't an option not to go to university. ..it's not the same as a normal loan, as it's based on your salary. But it is shocking to see the amount!*

*To be honest...because the student loan is all ready...I just accepted this huge amount of debt with the motivator, the driver, being to become a successful lawyer.....it definitely wasn't an issue.*

*Student debt? It's not a problem for me personally... I think I am at peace with never paying it off and the £30 to £50 per month I pay is a perfectly worthwhile contribution to what I got out of university and where it's got me....it's the day to day living expenses that is the barrier.*

*At 18 I just didn't think of it as a debt... and I was the first year of £9,000 fees so it was kinda like you just have to do it...I didn't think there were any other options.*

There were also rather euphemistic descriptions of the debt as being a “grad tax” (1 out of 5) (“but I kind of see it as a grad tax...”) and even a refusal to acknowledge it as a debt, (“it's not a debt..it's a tax that you only pay off post employment”). None of the trainees identified the debt as a negative factor influencing their choice for higher education post-18.

The findings were a little more mixed amongst the apprentices but, again, it did not appear that the debt was a major influencing factor for not choosing university for the majority of apprentices (3 out of 5 apprentices). Indeed, the majority of apprentices also expressed feelings of resignation to acquisition of a significant debt if they chose university and even described it as “necessary evil”. It appeared to many to be a neutral factor in deciding post-18 options (“it didn't really put me off”). Many other factors influenced their decisions more significantly than the acquisition of student debt, with factors such as how they identified as a learner being influential, as well as a strong practical work ethic. These factors are discussed within later sub-themes.

The extracts below reflect these sentiments from the 3 apprentices about university debt.

*I would never say that I would let that ...you know... prevent me from going ...I think there's a stigma around these university fees taking a massive proportion of your monthly salary but in reality you only pay 9% once you're over a certain amount...*

*I mean it's great that it means I haven't got a student debt ....but for me I kinda see student loans as a necessary evil because everyone has to have ...but to be paying that much.....I didn't want to go to uni because of the debt if that makes sense. It wasn't the biggest factor.*

*It didn't really put me off....the idea of debt, I didn't think oh great then equally I didn't....it wasn't something that would have put me off massively either.*

Only 2 apprentices voiced concern about university debt (extracts below) and only one of those described university debt as a major factor in rejecting the university option (“it was



one of the biggest things”) but interestingly for that apprentice, there was a high level of appreciation of the total cost of qualification as a solicitor and the competitive nature of applying for training contracts. Her views seemed to be much more considered in terms of the total journey to qualification and showed significant knowledge of current legal education issues (for example, she also displayed a good understanding of the SQE and proposed changes in legal education, as well as the additional costs that that could entail).

*To be honest I was also a little concerned about student debt for university and I enjoyed being paid.*

*...the more I was thinking I am spending so much money here (whilst at uni for freshers week before leaving)...quite a substantial debt...it was one of the biggest things...I just hated the idea of getting that much debt early on especially how many qualifications I would need...the cost of them...it seemed risky to me...I wouldn't have been happy with that much debt...a huge factor..*

## **Discussion of Research Findings**

There are a number of important observations to be made based upon the findings within the academic context theme.

In terms of widening participation within the legal profession, there are 2 significant observations from my findings; firstly, the parity of A-level qualifications for the apprentices with the trainees and, secondly, the fact that the vast majority of apprentices were first generation university attendees. The Bridge Group’s research referred to in Chapter 2 paragraph 2.3 summarised factors affecting diversity in the legal profession. One of those factors was school attainment, “Attainment at school, or college, is critical to the prospects of aspiring solicitors, since high attainment is the ticket to selective universities and continues to be used as a screening criteria amongst two thirds of leading law firms, and affects candidates’ ability to secure a training contract,”(figure 2, p.10/11, Bridge Group, March 2017). For the apprentice participants, they have a pattern of high academic attainment and have academic parity with the trainees at aged 18 years (see **Table One**). In theory at least, they could access the selective universities. However, one of the other factors identified by

the Bridge Group was this very question of university access being more complex than simple A-level qualifications. Employers target the more selective universities and students who attend these are more likely to have been educated at a fee paying or selective school, and, also, be from relatively affluent backgrounds (Higher Education Statistics Agency, 2018/9, UK Performance Indicators: Widening Participation) and, as a consequence, are more likely to have access to higher status professional networks and financial support for travel for placements and work experience (ibid.).

It appears to be significant too that only one of the apprentice participants would be a second generation university attendee. This is in stark contrast to the trainee solicitors, whose parents all had university undergraduate degree level qualifications, as a minimum. Additionally, all the apprentice participants had attended state schools and all but one of the trainee participants had attended selective or fee paying schools.

Interestingly, this very issue appeared at the forefront of my employer participant's mind. When asked why the law firm offered apprenticeships, the reply was "We realised that we were missing out on candidates that wouldn't get through our graduate recruitment process so we wanted to put something in place that would give them the opportunity,..... so it's very much about diversity....it's something good to do to give you a different pool across the graduate/apprenticeship piece.....it brings a difference in the way of looking at things which can be useful sometimes to break that mould". Moreover, there was an awareness and apparent understanding from the employer that apprentices may feel that university "just wasn't them". The employer described apprentices as feeling "perhaps that they don't work in a university way", but rather more practically and through the acquisition of skills.

There was, however, some concern recognised by the employer about the very similar A-level entry requirements for apprentices and trainees, "They are broadly the same so for graduates intake we have ABB as our entry requirements and for apprenticeship it's BBB so it is slightly lower.....we had quite a lot of debate about this when we decided what to go for...so having the same for apprenticeship almost defeats the point of apprenticeship .....so we didn't want to have the same as the apprentices may not learn in that academic way so to impose the same requirements seemed a bit odd....most of our applicants have ABB..so broadly similar but we have one apprentice in Manchester who left school at 16 with no A levels...and who

wouldn't get through our graduate process but because he did an apprenticeship between 16 and 18 we can then take him into our scheme on the back of that so we are seeing I guess people like that, .....plus we have also apprentices who couldn't go to university either for financial reasons or family reasons...to care for family members..... so couldn't go away and is now with us as an apprentice...so those kind of people we pick up through this process which we wouldn't have done otherwise .....”.

The findings from this study would suggest that the apprenticeship route is having the desired effect in recruiting excellent academic candidates but from a wider pool of recruits. This may well address issues of social mobility, therefore, since the apprenticeship pathway attracts those young people who, through their perceptions of going to university, would not have otherwise entered the profession at this level. Whilst the similar A-level entry requirements many continue to be a barrier to access, it appears significant that the employer is alive to this challenge and willing to offer some flexibility in entry requirements in order to increase diversity in the workplace.

Turning to the trainees and their stated reasons for choosing university, my findings were, on the whole, however, in keeping with the research findings of Hobsons in 2017 (Chapter 2, paragraph 2.2) which reported on the main reasons cited by students as to why they chose to go to university. The only main difference of note was that only one of the trainees referred to a desire to study at degree level and to gain an 'academic experience', whilst the Hobsons findings places this as the main motivating factor.

My findings around attitudes to student debt seem also to be largely in line with other large scale studies referred to in my literature review (most notably the work of Callendar and Jackson, 2014) in the sense that students have an evolving attitude to debt which has developed in line with student funding policies. Given that tuition fees for university education have been a reality since 1998 when all students were required to pay up to £1000 per year, it is unsurprising that my participants expressed feelings of resignation to the acquisition of debt. These young people have grown up in a world accustomed to this way of funding for higher education and have never known any alternative funding regime. By way of contrast, and as referred to in the literature review, there was a small scale study carried

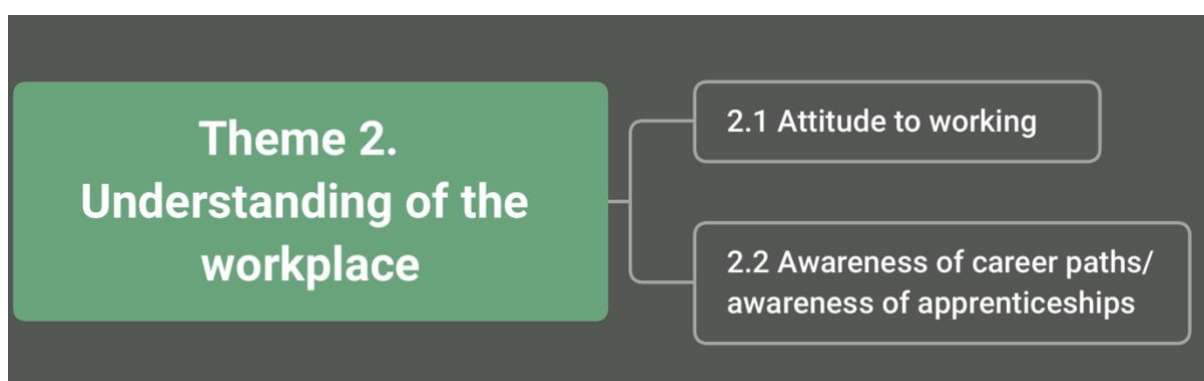
out by Fletcher (2019) which focused specifically on solicitor apprenticeship but has different findings. The research, focusing on why the apprenticeship route had been chosen, (and thus very close to my study) reported on the findings of a very small scale qualitative study of just 2 apprentices. That study found that the university funding regime was a “main theme” for choosing an apprenticeship instead of going to university and there was clear evidence of debt aversion. Fletcher concludes, “tuition fees for these two apprentices were a barrier to entering higher education and qualifying as a solicitor” (p.20). However, I would suggest that the findings in this small-scale study are more nuanced than suggested by Fletcher. For example, it is clear that even for those 2 apprentices, there were many other influences at play, not just tuition fees. Rather than that being a “main theme” as Fletcher suggests, it is in fact part of a multi-factorial picture. Those apprentices too expressed a real desire to start work, to learn practically and to earn a salary (p.20/21). These sentiments are broadly in line with my own findings and are discussed below.

Debt aversion can clearly be an important factor nonetheless in the decisions made by young people. Indeed, the research by Callendar and Jackson (2014) went further in analysing continuing debt aversion amongst economically disadvantaged young people. This could be fertile ground for future research of my own but the data collected for this study does not include a detailed assessment of the participants’ socio-economic backgrounds.

## **4.2 Key Theme 2: Understanding of the Workplace**

### **Introduction to the Key Theme**

This theme reflects the understanding and meaning given to the workplace by the participants. Two sub-themes emerged. Firstly, the attitude to, and indeed, experience of working. Secondly, how much awareness there was of the various general career paths and choices post-18 as well as awareness of legal apprenticeships. The diagram below reflects this theme and these sub-themes.



### **Sub theme 2.1 Attitude to working**

#### **Findings and Evidence**

It was noticeable with the apprentice participants that there was a high level of motivation to work from a relatively young age. All the apprentices interviewed had significant work experience whilst at school (and even before sixth form) and had a strong recognition that the work-place was still a place of learning. There was a maturity of understanding of, and appreciation for, the value of work experience, both in terms of career progression and networking. These sentiments were much less pronounced with the trainees who identified study and work as quite separate things. Indeed, the trainees seemed to associate the workplace with certain negative connotations, with it being described as inflexible and restrictive. For them, in contrast to the apprentices, academic study offered flexibility, freedom and a time for personal development and the workplace was seen to curtail this.

A number of the extracts below illustrate these sentiments.

### ***Illustrative extracts: Apprentices***

*I thought the best thing to do was probably get a job....it would help me look a bit more competitive if I had already worked.....I thought are there any entry level jobs that don't require a degree...you know so I could get a foot in the door....a stepping stone to something else....*

*I mean I started working when I was 16, as soon as my NI number was through the door, I was out! You know, I wanted to work. I think it was that drive that really said to me you want to be doing something where you can be active and you can do both things (work and study) along side each other.*

### ***Illustrative extracts: Trainees***

*I didn't want to have a 9 to 5 existence ...I wanted a more flexible time...I wanted to study without having the stresses of a working environment.*

*I didn't want to work straight away...I probably wanted to delay it quite a bit!*

## ***Sub theme 2.2 Awareness of career paths/Awareness of apprenticeships***

### ***Findings and Evidence***

There was a noticeable difference again here between the two groups of participants. The apprentices all expressed a sense of not having really known what their choices were post-18 if the university route was not followed, despite having a strong work ethic and having gained valuable work experience prior to leaving school. Most said that they had experienced feelings of uncertainty about their career paths post-18 and all were unaware of solicitor apprenticeships until they actively searched for information. They talk of having “discovered” apprenticeships almost by chance rather than design. There were also several comments about the inadequacy of careers support and information. To an extent, however, this may be a reflection of the newness of this training route into the legal profession. This sense of uncertainty as to future career paths is in sharp contrast with the trainees, with the vast majority, 4 out of 5, having a good awareness of the traditional routes to qualification into a professional legal career, having followed the usual route into university education. These 4

trainees all had undertaken a law degree and perhaps this awareness again is probably unsurprising, given the clear vocational link between a law degree and entry to the legal profession. Consequently, it was not surprising that the non-law graduate trainee did not show the same awareness as law graduate trainees of career routes into law (“I went to university to do a history degree....I wasn’t even thinking of law at 18.....I just stumbled across it”). In general terms, all the trainees showed a lack of awareness of legal apprenticeships although again this in part may reflect the newness of the apprenticeship training route by comparative reference to the age of the trainees. For example most of the trainees would have gone to university in the academic years 2013/14/15, so before legal apprenticeships were widely available.

A number of the extracts below illustrate these sentiments.

### ***Illustrative extracts: Apprentices***

*I started to look at alternative routes into a professional career, and just chanced upon legal apprenticeship.*

*I didn’t know about alternative ways to becoming a solicitor.*

*I think it was my drive that really said to me you want to be doing something where you can be active and you can do both things alongside each other so obviously I came across this.*

*I wanted to do this job (lawyer). It was important to see the end goal of the apprenticeship. For me, I feel like when I was at school, it was very much I was jumping through the hoops to actually have to get to the next stage of just learning.....even when you’ve got your degree, it’s not necessarily going to lead to anything because there’s so much competition.*

*Well it’s a bit of a funny one for me because my...we were having our kitchen done at the time and the builder who was doing our kitchen, his wife works at Eversheds. So he must have said...my mum must have been talking to him one day and he mentioned that they did this .....So then it was sort of ..literally word of mouth which is a bit odd for this kind of apprenticeship that you wouldn’t expect everybody to be talking about it but that was how ....*

*I didn’t realise that you could do it through a solicitor apprenticeship route...I had seen para legal apprenticeships as my college told me about those.*

*Literally word of mouth*

*I think really my main thing with apprenticeships is that there needs to be more awareness of ones like these...it needs to be on a wider scale you know what I mean? ....there are a lot more opportunities than even I was aware of...my School was useless...I went to the careers Dept and said about apprenticeship and what ones are available and they sort of said look it up! I’ve been lucky that a few of my friends have also done apprenticeships.*

*I think the biggest block for apprenticeships generally and especially apprenticeships in like....higher apprenticeships is the ...not understanding what higher apprenticeships are ...meant that both schools and parents aren't supporting them enough. For example I went to quite a small school, we had one woman who basically...she was fabulous and did loads of jobs, she basically did the job of ten people and she was the careers advisor and she organised the work experience for year 10 and sixth form, and she was the sixth form pastoral care and she sort of wore about ten hats but what that meant was she, unless someone flagged something and she did try to get us all the options, it wasn't necessarily something that would have come on her radar especially if it was a new thing and it's with the same with school as well. So for example, my brother's school, he went to a grammar school, and up until very recently it didn't really care unless you were going to Oxford, Cambridge or Durham. And it's those kind of schools where you are going to have ...I mean it's changing but it's changing the schools' attitudes because there is definitely an opinion amongst my peer group where the school were not supporting apprenticeship.*

*People were never going to know about apprenticeship until it became a bigger thing.*

Only one trainee talked about the awareness of an apprenticeship from a client's perspective too (*"A lot will depend on a clients awareness too of an apprentice ...which I am not sure is massively in-depth a lot of the time.*) This is a different view to that expressed by the employer participants who thought that there was a higher level of understanding of apprenticeships with clients, " Some of them [are aware of apprenticeships] as I have spoken to them .....so in particular the in-house legal teams find apprenticeships quite popular for them, it clearly removes a lot of the restrictions about the three areas of law [*a trainee must gain experience in at least three areas of law, to include both contentious and non-contentious*] and having to do contentious work.....so its gives them more flexibility so can be more popular....". These issues of wider perceptions are explored further in the next section.

### ***Illustrative extracts: Trainees***

*From quite a young age, I always thought I wanted to be a barrister...I was always interested in an international side of things. I was one of the lucky ones in that I always knew what I wanted to do and was quite clear.*

*I was more drawn to the commercial side of law....I was interested in business for a long time....I was pretty committed to going into law. I was really career focused at that point (A levels).*

*After I graduated I didn't know what I wanted to do. I found myself working in a boutique law firm and decided to go into law from there.*

*I was aware of the TC route and I vaguely knew about CILEX as a route to qualifying but that didn't seem very common.....I wasn't aware of any other routes into qualifying at the time I was applying*

*The apprenticeship wasn't on my radar at all ..I'm not sure at what stage it was....whether it was at the real nascent form,...*



*No not heard of apprenticeships. The first time I ever heard of it was when I joined here. I don't think there is enough information on it. I don't even know what route the apprentice takes in this firm let alone as a general thing*

*I hadn't heard of it at all until I started my GDL and I did some work experience somewhere and I met an apprentice.*

## ***Discussion of research findings***

The findings for this key theme help contribute further to the development and understanding of some of the findings described in the discussion for the first key theme relating to the academic context. The apprentices' highly developed work ethic is logically reconciled with their reasons for not going to university, since they were very focused on entering the workplace which they described as "the end goal". They appear to have a different learning strategy and ethos, and value the workplace as a learning environment in its own right. However, it is disappointing that there was not a clear signposting of the apprenticeship route for this cohort of young people by careers advisors/school/colleges, when clearly this route reflects their learning style. Most reported having 'stumbled' across solicitor apprenticeships rather than it being an active choice to pursue after school. This echoes the arguments of Ryan and Lorinc (2018) who claim that young people do not necessarily make choices about education and training as "rational informed customers" but often based on "patchy and and incomplete information, often rooted in personal anecdotes"(p.3). It also echoes some of the findings by Atkins (2016) who considered the experiences of young people on vocational programmes and their reasons for undertaking them. She argued that social positioning is significant both to their decision making and to how young people perceive and construct their careers. Atkins also emphasised the influence of serendipity on their transitions from education to work. Additionally, my findings also recall those of Ball et al. (2002) who also observed that young people's decisions with regard to choice of higher education institution in this context are informed in part by their perceptions. This is certainly a theme that emerges from my findings and one to which I will return in my discussion below.

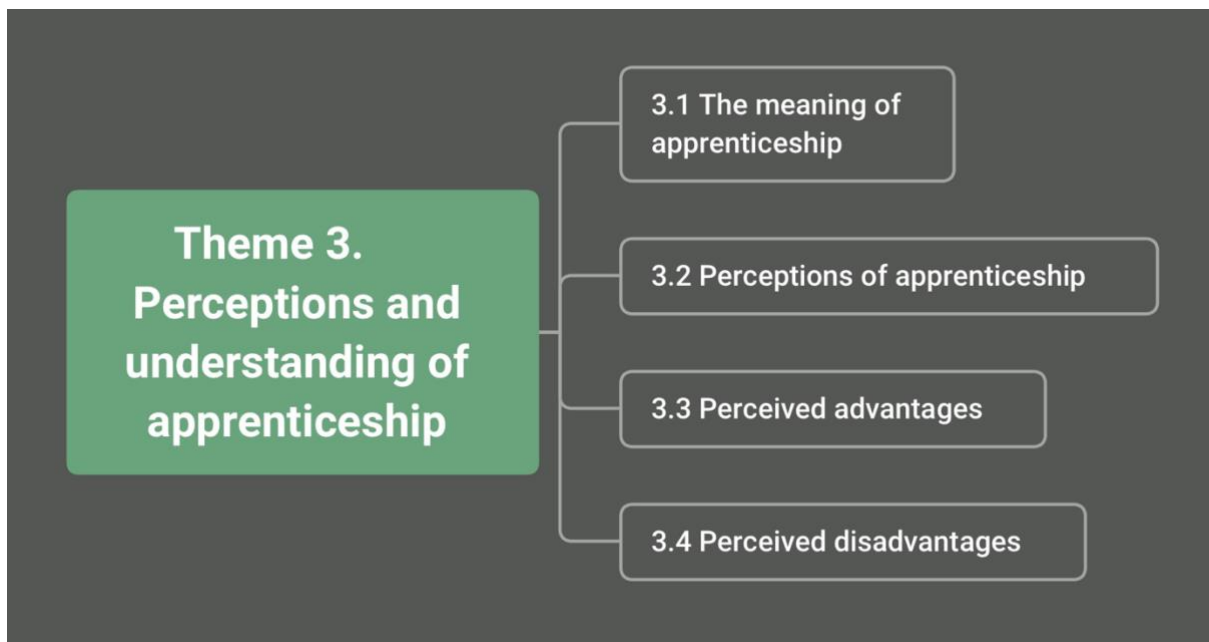
Of course, some of this limited awareness of career choices may have been due to the fact that solicitor apprenticeship has only been available since 2016. Whilst statistical evidence from Powell (2020) indicates that the introduction of the apprenticeship levy in 2017 has had a significant impact on the number of apprenticeship starts (e.g. between August 2017-July 2018, there were 125,200 fewer apprenticeship starts in England than in 2016/7), it is noteworthy, however, that in the context of higher apprenticeships like solicitor apprenticeships, of the total number of starts in 2018/19, some 19% (some 75,100) were at the higher level, reflecting a sustained growth for this category. There may well now be a greater awareness of the solicitor apprenticeship route that has grown since 2016 and certainly within the legal profession, there seems to be a wider recognition of this training route (see for example, the Legal Education Conference North 2020, which focused significantly on this training route and the numerous articles in the weekly *Law Society Gazette* over the last few years, e.g. 6 February 2017). Moreover, it was reported in *The Lawyer* (17 October 2019) that there were now 859 apprentices (which includes solicitor and paralegal apprenticeships) in the UK200 law firms, up from 712 in 2018. The SRA reported in a news release (13 May 2020) that there are now more than 500 solicitor apprentices in England and Wales.

The analysis of these key themes clearly shows that the participants had a strong sense of personal preference in the choices they made which was often connected with how they identified as a learner. This then in turn justifies the choices they made.

### **4.3 Key Theme (3) Perceptions and understandings of Solicitor Apprenticeship**

#### **Introduction to the Key Theme**

This theme is at the core of my research since it focuses on finding out and understanding the perceptions of apprenticeships both by apprentices themselves and their trainee colleagues. It is this key theme, more so than the others, that gives the young apprentice participants a voice by which they can narrate their experiences. By listening to these voices, valuable insights can be gained into an understanding of the apprenticeship journey. There were 4 clear sub-themes. The diagram below reflects this theme and its sub-themes.



## **Sub theme 3.1: The meaning of apprenticeship**

### **Findings and Evidence**

For this sub-theme, it was clear that there was considerable commonality in the understanding of what an apprenticeship involves. All the participants, whether trainee or apprentice, described an apprenticeship in terms of 'learning by doing' and all described it in a positive light in the sense that the practical tasks can aid learning. It was considered to be beneficial to learning how to become a solicitor. There was also some recognition of the skills acquisition element to apprenticeship (e.g. time management and practical application of the law).

The extracts below illustrate these sentiments.

#### **Illustrative extracts: Apprentices**

*Apprenticeship as learning by doing.*

*Apprenticeship improves learning.*

*It's on the job training, learning at the same time as doing.*

*So I think apprentice....I used to have a different definition of it... Before I came into it...I used to think it was like a fall back option.....like trying to avoid doing actual work.... I don't know what I thought really.....I was completely wrong....now I would ...think the word apprentice is someone having to time manage because a lot of people don't even see how much work you have to put in..behind the scenes...it isn't just going to work then a bit of studying on the side...it's that you have to manage...if your workload changes so you've got to sort of figure out how to balance all these areas of my life... you know.....make sure that I am getting the practical experience and make sure I am getting the qualifications....*

*I think it's on the job learning so an opportunity to get not just a degree and qualifications behind it but also the experience which is pretty invaluable.*

*So to me an apprenticeship...is literally just on the job learning alongside a training programme of some sort....and being paid an amount to do it.*

*Erm...to me, I suppose it's the combination of learning on the job and studying...the combination of studying and working...like at the same time. Yes I think that about sums it up.*

*An apprentice is someone who is really motivated, good at time management and definitely got a lot of enthusiasm for what they do.*

## ***Illustrative extracts: Trainees***

*It's quite a practical way of learning. I would take it to mean vocational training where you learn a skill, partly by studying with an exam element but also mainly through practical application of that skill.*

*It's a really good scheme for people who are driven about wanting to be ...a lawyer.*

*It's learning a trade by someone more experienced.*

*Er, I think it means getting a start in the law career by doing similar jobs as paralegals or even to the level of a trainee solicitor whilst at the same time learning the law.*

*So learning and studying on the job, as an alternative to going to university.*

## ***Discussion of Research Findings***

It was interesting to see that the descriptions given were all positive ones, although it was notable that the apprentices were more effusive about it as a style of learning. One described apprenticeship as something which “improves learning”, another emphasised the “invaluable” work experience that was gained. There was also clearly recognition that it was not an easy route since the combining of studying and working brought particular pressures and required skills such as efficient time management and dedication.

The trainees showed a good appreciation of the purpose of an apprenticeship and used words such as “a practical way of learning” to describe it, as well as it being an “alternative to going to university”. It was interesting to note however that one of the descriptions given referred to “learning a trade by someone more experienced”. This felt a little out of place as a description, since rather than a trade being learnt, the apprenticeship leads to professional recognition. It was curious, too, that none of the trainees identified what they were doing during their 2-year training contacts as having any similarities with the apprenticeship route, in the sense that they too are engaged in a period of work-based learning. It is worth emphasizing that one of the trainees, referred to above, does refer to apprentices as “doing similar jobs....even to the level of a trainee”, thereby acknowledging the similarities between the roles. Clearly there is considerable overlap here with the style of learning, as both trainees and apprentices are learning skills and practical application of core legal knowledge. Indeed,

the apprenticeship model was the foundation for the articulated clerk (the term used previously for a trainee solicitor) (Ching, 2012).

### ***Sub-theme***

## ***3.2 Perceptions of the status/gravitas of solicitor apprenticeship by apprentices***

### ***Findings and Evidence***

This sub-theme explores the perceptions of the overall standing and reputation of the apprenticeship route by those participating in it and by the trainees standing alongside it. As such, it is at the core of this research study. It is this section, more than any other where I feel that I need to comment further on the process of obtaining my data, the transcription and coding, and, in particular, to reflect on its limitations. I have, of course, considered these issues in considerable detail in Chapter 3. The main limitation for my study is that the written transcripts are a “decontextualised version of the interview” (Kvale, p.160) and, nowhere in this thesis (other than here, of course) can I reflect on the lack of emotion that the transcripts (or indeed the recordings themselves) contain. I am personally in the unique position of having spent time with each participant both during the actual interview but, also both before and after the interview. During these times, I could discuss issues informally with the participants and build something of a rapport especially as immediately after the interview, there was a level of intimacy established through the conversation. Whilst all the participants were generous and open with their conversations, the apprentices especially were enthusiastic about their interviews. They had a huge sense of pride in their roles at the firm and were clearly pleased to have been given this opportunity to share their narratives.

It is clear from both the apprentices’ interviews and the informal conversations I had with them before and after, that there is an enormous sense of pride in their apprenticeship training and in the firm in which they were working. The apprentices were keen to stress the overall benefits of the scheme both in terms of the esteem that they perhaps command and the overall benefits of on-the-job learning. There was also a reflection of the demands of the

apprenticeship in terms of the challenge of combining work and study. This in itself was seen to enhance the status of the apprenticeship.

A number of the extracts below illustrate this sentiment.

### ***Illustrative extracts: Apprentices***

*I think I am held in very high regard and I feel that the learning on the job puts me ahead of the new trainees as I have so much more experience of the work within context. I am really glad that I chose to do it this way.*

*I had such misconceptions...so I would say it's really important that people have an open mind. So have an open mind when it comes to the opportunities..it's a really good thing.*

*..... the scheme that I am doing is amazing.*

*(Perception from colleagues) Within my team and my partner who I work for, I, you know they give credit to being able to manage it...a lot say to me I would never be able to work full time as well as studying a degree full time and still have a life.*

However, it was abundantly clear that the apprentices recognised that there was a certain “stigma” attached to apprenticeships. This seems to be the result of a number of factors. Firstly, there was a wide recognition of the usual connotations that the word apprenticeship offers, namely a training associated more closely with a vocation, trade or industry, and not a professional training including a degree level qualification. As a consequence, there was a concern about the lack of parity of esteem with a qualified solicitor (who had undertaken the traditional training route). This concern extended to the wider community, not just within the legal profession. The views expressed a concern that the apprenticeship would be seen in a “lesser light”, or attract a “stigma” and, indeed, may offer a training that did not lead to full qualification as a solicitor. Thus, the gravitas of the scheme was clearly an issue, despite the very high regard that apprentices personally had for the scheme and the overall reputation of the firm within which the apprenticeship was situated.

A number of the extracts below illustrate this sentiment.

### ***Illustrative extracts from apprentices***

*Cos sometimes you just think an apprentice....the word...sometimes... people have a ...you know....a stigma...it's kind of like a fall out route to doing something else....but it's really not but I didn't know that at the time....like trying to avoid doing actual work...I don't know what I thought really ....I was completely wrong.*

*I think if you say the word apprenticeship to somebody, they don't necessarily think solicitor. They think, you know, like, plumber or electrician or hairdresser because they are the kind of vocational subjects that have offered apprenticeship for quite some time....I have the feeling that if you said to somebody 'oh I qualified as a solicitor by doing an apprenticeship', they may see you in a lesser light as somebody who just said 'oh yeah,, I went to university through the traditional route'.*

*I mean...probably in my head before I discovered apprenticeships like this....bricklayers....you know...manual jobs.....not really sat in an office doing things like this..*

*People didn't really think that it was going to be something where you would be a fully qualified solicitor...*

*Apprentices I think were perceived as maybe like they had taken the easy option or they weren't as smart as people who were going to university...they weren't able to access HE.*

Secondly, there was a very broad feeling expressed by the apprentices that even within the legal profession and wider legal community, there was a lack of understanding of solicitor apprenticeship. This may in part be due to the range of different legal apprenticeships that are available which also included paralegal type work. This apparent lack of understanding was most acute when the apprentices were commenting on how they understood trainees to perceive them, and it was noticeable that there was a feeling of tension between the groups. The apprentices felt that they were viewed negatively on occasion by some trainees and this was borne out of a lack of understanding of apprenticeship, which may, in some way, threaten the trainees. The narratives here contain emotive language, reflecting the depth of feelings from some apprentices, with some describing how they were viewed by trainees with resentment or even jealousy.

*[Perception held by trainees as expressed by apprentice] they say I'm really lucky to be able to be in the position that I'm in....I think the trainees will think that it's a bit unfair as I'm still having going to have... you know one day off*

*[Perception held by trainees as expressed by apprentice] I suppose that's a hard one... I think...maybe a bit in the same way in that they don't quite understand... I think there still a bit of a perception that "we've been to uni and we've done this and we've done that"...but we know different things.*



*[Perception held by trainees as expressed by apprentice] Their perception was why are these people without degrees taking up our spaces on the training contract...so I think they were very angry some of them....the other thing I think they feel when they first meet us is sort of apprehension as well...but I also think that when they have met us they are quite surprised...often quite jealous...they are quite shocked when they realise we're not some idiots who are coming along and taking some of the places on the training contracts.*

The narratives from some of the trainees revealed three main sentiments.

Firstly, there was a clear appreciation of the challenge of an apprenticeship with one trainee commenting very positively on the personal determination of an apprentice:

*I think as well that they have a lot more drive. Because someone who knows what they want at 18 and actively go and push for that is someone who probably is very able in their job anyway.*

Whilst another trainee commented:

*it's perceived to be a good alternative route but no means an easier route which is important to emphasise.*

Secondly, and linked to the above extract, some trainees described the overall reputation of apprenticeship in a positive way and to be considered on a par with a training contract:

*I suppose it's not a huge difference between them other than a trainee has already done their education whereas an apprentice is doing it at the same time....but in terms of what they do in the workplace, I don't think it will be hugely different....there may be people who for whatever reasons do not see the apprenticeship as significant or as much as a qualification.*

*..it's an important route for people to qualify...so I don't think it carries the same stigma as apprenticeships have historically....the law apprenticeship sits perhaps in its own bubble....*

However, the third and last set of narratives revealed some strong negative sentiments about apprenticeship. What is a challenge with these narratives though is trying to attribute, if possible, the sentiments to the trainees themselves, as a reflection of their own beliefs, or whether they are simply describing other people's attitudes. It could be, of course, a simple projection of their own feelings, and perhaps they felt uncomfortable admitting any negative feelings about their colleagues during interview. I am aware of the potential pressure that the trainees might have felt that they were under given the personal nature of the research topic being investigated. They may well have felt that they needed to be positive about the colleague apprentices. Given this, I present these extracts as a repetition of what said only and can draw no further conclusions.

Some of these expressed negative sentiments were linked to the theme mentioned earlier about the general meaning and low associations of apprenticeship. This, of course, reflects what the apprentices themselves had expressed but with the trainees, there was a more keenly expressed comparison between the two training routes as a reflection of this low status of apprenticeship:

*But it's the term ...associated with apprentice..especially where I was from, people, don't think of it with the type of career I was going for. When I hear apprentice you sort of think of people going into trades. ... there are still a lot of traditional people...people are accustomed to trainees...might trust them...*

*I guess that maybe not (held in as high regard as trainee but others) I feel that the apprentice in our team is more qualified than me especially as I have just started....based on their work I don't think it's any lower but I guess there is still that element...that apprentices and paralegals are right at the bottom.*

It was noticeable too that some of the trainees associated apprenticeship with having a stigma and described it very negatively, in the sense of not being equal to a training contract and as having offered an “easier” route to qualification. However, following my comment above about the challenge of deciphering personally held beliefs from a more generic description, it is worthwhile emphasizing that, in both the comments below, the trainees described the negative connotations as being “a general perception” and a “prevailing view” rather than necessarily their own.

*I would say that the general perception is that apprentices are the ones who couldn't get a training contract, there's definitely a negative view of that...and amongst trainees I know they see it as the less preferred way in basically...there's definitely a stigma I would say.*

*I think the main point for me is that there is that stigma held by trainees in particular against the apprenticeship route because the prevailing idea is that they have found an easy way in.*

Perhaps in an attempt to offer some justification for this, one trainee thought that even clients might in some way prefer a trainee as being more qualified than an apprentice.

*I think the trainee (perception) thing might be borne out of resentment or the whole you didn't do it the way I did thing...I think partners might see it that way. But clients....I think would be inclined to think that the trainee is perhaps somehow more qualified without any evidence just because that is the traditional route in.*

Another trainee also expressed some concerns about how clients may have a confused understanding of apprentices simply because of the novelty of the training route. This could be exacerbated by the fact that they do not have “the natural security of a university education” and even the younger ages of some of the apprentices:

*There are still a lot of traditional people and I think it might be... people are accustomed to trainees, trainees are a known quantity, I think people might just naturally because they know them..might trust them .... So client X who would go ... would automatically assume if they [an apprenticeship] have come straight out of school at 18.... So you wouldn't then want an 18 year old working on this..... whereas the natural security of a university education because they know it..... but externally I don't know... because trainees are a known quantity so people may be more comfortable working with them”.*

There was also a degree of cynicism expressed by one of the trainees as to the overall motivation behind employers even offering such apprenticeships:

*It does seem that the (law firms) are doing it just for the sake of doing it.*

The employer's perspective on the standing of apprentices is particularly valuable bearing in mind the above narratives. The employer confirmed that across the firm that whilst there was a general lack of understanding and appreciation of apprenticeship, this disappeared once a department had been exposed to working with an apprentice, who then became “highly prized”.

*I think there is still a slight difference in those teams who have got apprentices and understand them, know how they work and can see the value..... so absolutely I think there are still groups who don't have apprentices and don't understand them....I don't think they see them as less valuable, they just don't yet really understand what they are....as they start to go through rotation that's when they will see the wider business and at that point, we will see the difference in terms of the level that they are getting from those apprentices.....*

Interestingly, too, the employer thought that apprentices were popular with clients too;

*Certainly the clients I have spoken to see it as a great diversity initiative in terms of broadening access to the pool of people we get....so we are seeing clients that buy into this ...so when we submit pitches etc they are asking what we are doing with the apprenticeship levy generally so that's quite high up in their agendas... the type of clients we work with have all got apprenticeship/diversity initiatives so I think it's probably just part of what they do.*

This comment suggests that the employer's perspective may well be different to that of some of the trainees. The trainees seem to identify solicitor apprentices as a unique phenomenon, perhaps seen separately to apprenticeships within the wider employment landscape. The employer does not appear to share this view, and sees the existence of apprenticeships as commonplace and well established. Given this, there is a sense of acceptance and of the normality of apprenticeship within the workplace.

### ***Sub-theme***

### ***3.3 Perceived advantages of apprenticeship***

#### ***Findings and Evidence***

Having considered the question of perceptions and gravitas of apprenticeships, the next sub themes concerned the perceived advantages and disadvantages. Both the apprentices and trainees cited an abundance of advantages to the scheme. This was, of course, to an extent, to be anticipated for the apprentices who had already identified apprenticeship in a hugely beneficial light, albeit tainted with perceptions of stigma and lack of gravitas. The apprentices' sense of pride both in their own abilities in the workplace and in the benefits to be gained from apprenticeship was abundantly clear. The apprentices all expanded on the "learning by doing" understanding of an apprenticeship and often identified such learning as being a real advantage in the workplace in terms of basic skills acquisition and office etiquette:

Working on the job makes the learning better. I am better equipped than if I had gone the training contract route.....I have a basic understanding of office life, such as creating bundles and drafting witness statements.

Indeed, a number of the apprentices felt that the combination of academic study at the same time as acquiring office skills was a significant advantage they held over the trainees and would give them the "edge" in terms of overall performance in the job. There was also a real sense that the experience and knowledge of doing the actual job of a lawyer would be much more embedded for apprentices at the point of qualification, simply because they had had more exposure to that experience and knowledge:

*Work and study complement each other and you would be getting those skills much earlier on. When I talk to trainees..they say it is quite a big shock you know ..as they are so capable and know the knowledge but actually figuring out how does this work, it's a big shock..you have to learn to talk to people, to solve the problem together.*

*We will have a lot of experience...we would have the edge...that bit of extra knowledge and extra sort of being comfortable at work.*

*I already know more than them not necessarily from a legal perspective ....they don't know the firm, they don't know the people....in terms of hitting the ground running and also knowing how to deal with people in the environment and the culture of the firm, and that kind of thing, erm, that's when we are going to have the upper hand.*

*What I found the most beneficial and nice about being a solicitor apprentice is that you can come into work and you are surrounded by people who are qualified and that can give you real insight into their journeys and their paths into becoming a lawyer. I think I might be at an advantage when I am NQ as I will have 6 years of experience behind me...you probably only have 2 years of a training contract.....is probably not on a par with the experience you are gonna have in doing a 6 year apprenticeship.*

It was noticeable, too, that the apprentices were aware of the competitive job market for training contracts and that they feel a sense of relief that they did not need to be concerned about that process. Interestingly, however, none of the apprentices commented on the fact that they had already gone through a competitive process to secure their apprenticeship. This seems to echo their earlier expressions of perhaps not thinking of themselves as academically gifted or oriented enough, despite that clearly not being the case (see discussion at Key Theme 1, sub-theme attitude to going to university).

*So yes I am lucky in a sense because I got my degree paid for me, you know, I am doing everything in one...I don't have to apply for a training contract and go through that vigorous process.*

*I liked the certainty of qualifying especially when I think of friends at university who are just doing 8 hours a week with no certainty at the end of it....there's huge competition to get a training contract.*

All the trainees, without exception, similarly described apprenticeship as having a range of advantages. All saw it in a positive light in the sense that apprentices would have more job know-how and a greater range of skills. All described the relative position of apprentice/trainee in such a way that the apprentice was generally seen as more able. The trainees, again without exception, were generous in their descriptions of apprentices and it was curious that previously the descriptions of the connotations and stigma of apprenticeship had been so marked. However, as stated earlier, those comments could have been the descriptions of how others viewed apprenticeship, and were not indicative of how they

themselves felt. It would be hard to reconcile some of the previously expressed negative connotations of apprenticeship with these effusive descriptions if those earlier negative views had been personally held:

*Well, the apprentice would be much more useful in the workplace than the trainee. Definitely. Like I say the one in my team has only had 2 years and is only 20 years old but is really good.*

*I think it's a really good thing. It's really positive.....you must learn so much through it..*

*....that at the point of finishing your degree you would be in a much stronger position than someone who has just done a law degree and never set foot in an office.*

*It is a really good scheme as it sets you up from basically university education all the way to qualification....there are real advantages...because the particular problem with law is the entry routes to becoming qualified....an apprentice will have the upper hand compared to a trainee.*

*It's a complete advantage to be an apprentice...an apprentice will be far and away more useful to a team than a fresh faced trainee.....it would be difficult to argue against that one I think.*

*I would say that it's quite an advantage from the perspective that you know what is going to be expected of you from an early stage so you know where you are going. ....doing the studying and working concurrently is probably quite an advantage....as a whole the apprentices probably have the upper hand to the majority of first year trainees.*

### **Sub theme 3.4 Perceptions of disadvantages**

#### **Findings and Evidence**

Perhaps not surprisingly in light of the findings above, very few disadvantages were identified by either category of participant. There was some recognition by the apprentices that their choice of training would be demanding since it involved combining study and work. There was also an appreciation that some social aspects of life may need to be sacrificed to allow time for academic study after work:

*If I am completely honest there are certain elements that you have to think about sacrificing a little bit like....the social element of going to university. If you need to do some studying you definitely can't say well I'll do that after I have been out...you really can't...you've got to sacrifice it...*

This sentiment was recognised too by the trainees who showed admiration for the apprentices' ability to manage their time effectively.

*I can't imagine what it's like trying to work and study at the same time, if you have deadlines at work and at university, at such a young age I can imagine that it can be really demanding and pressurising.*

*I wanted to go to university so I didn't need to study and work so for these apprentices it must be so stressful doing both.*

*It would be a disadvantage in that it's probably going to be hard to time manage especially coming straight from A levels as going to uni you learn how to time manage...*

Only one trainee reflected on the possible disadvantage of having made a decision to be an apprentice solicitor immediately after A-levels. This trainee thought that having committed to such a training route as such a young age, may make it hard to leave if there was a realisation that the profession was not for you.

*I also think a disadvantage is that you get given this opportunity to do an apprenticeship at a firm like this and then if you decided halfway through that it's not for you, you still have to stick with it..it must be hard to say no.....*

### ***Discussion of Research Findings sub-themes 3.2-3.4 Perceptions of status/gravitas, advantages and disadvantages***

Taken as a whole, the findings in these sub-themes largely reflect the descriptions and observations found in the relevant literature described at length in Chapter 2.

Apprenticeships in England and Wales whilst well established, are an evolving model of learning which is being reconceptualised as a result of ever-changing government policy and initiatives. Trailblazer apprenticeships, including the solicitor apprenticeships, are a new creation and one which needs to find its identity, both within the hierarchy of apprenticeships and within the legal profession.

All those interviewed for my study valued the model of apprenticeship as a crucial learning tool. Equally, however, there were unequivocal expressions of apprenticeship having a confused and confusing place and identity in the legal profession. This leads to profound difficulties of repute and esteem, which is especially the case when considering parity of esteem with trainee solicitors.

Situated learning theory remains at the heart of how an apprentice learns, with learning occurring in the context of the social situation in which it is located. This theory still offers a coherent theory of modern apprenticeship, with apprentices moving from a position of legitimate peripheral participation to full participation in the community of practice. This theory of learning applies equally, of course, to trainee solicitors during their two-year training contract. However, as explained in Chapter 2, the situated learning theory has its limitations in the context of my study, in terms of the peripheral participation being much more prescribed within a professional context, and the necessity for academic learning to acquire core legal knowledge. Indeed, with the advent of the SQE in September 2021, all would-be solicitors will have to sit and pass SQE 1 which is based entirely on functioning legal knowledge; an assessment of fundamental legal principles. Nonetheless, all the participants in this study showed an appreciation of the spirit of the situated learning theory and readily described it as “learning by doing ....from others”. All were consistently positive about the advantages that it can offer in terms of job “know-how” and office etiquette.

However, despite this, the findings of my study echo those of Fuller and Unwin (1998) who expressed concern about modern apprenticeships and their status and credibility. They described apprenticeship as having a difficult identity, with a complex evolution because of interrelated dimensions at play (e.g. the contractual relationship with the employer). This resonates with my own findings; apprenticeships are seen as highly beneficial but, even within the context of a highly prestigious, international law firm as a workplace, there are stated misunderstandings, even tensions about their status, parity and credibility amongst the trainees and apprentices. It is, of course, important to remember that there were no such tensions reported by the employer participant, who described apprentices as “highly prized”.



Drawing further upon Fuller and Unwin's ideas of interrelated dimensions of apprenticeships, I would suggest, based on my study's findings, that there are additional dimensions at play for solicitor apprenticeships. In particular, there is the complex relationship with the trainees which is clearly reflected in the narratives. This means that, based on a lack of understanding of apprenticeship, there is a perception that apprentices are less qualified and command a lesser status. These tensions can extend further to other employees, partners and even clients. The solicitor apprenticeship route and trainee route stand in direct comparison and competition with each other; this is not the same for other apprenticeships within England and Wales. The tension between them perhaps comes from this direct comparison, with the traditional graduate entrant viewing the new route as something of a direct challenge. This tension then is exacerbated by the apprentices themselves who are similarly struggling to understand and conceptualise their role and parity in the workplace. This "new" dimension is one therefore of interrelationships between the different training pathways, with those training pathways offering equivalence in terms of professional qualification. When reflecting on this dimension, it is worth emphasising however that from September 2021, with the advent of the SQE regime, all would-be solicitors whatever the training route chosen, would have to sit both parts of the SQE and undertake a period of qualifying work experience. Perhaps at that point any real distinction between the two groups will slowly become difficult to discern. This may represent a significant levelling of the playing field that will assist apprentices to gain parity with the trainees.

One of the main factors influencing the status and reputation of apprentices which was identified in the literature, was the positioning of the apprentices as learning by reference to the expansive/restrictive continuum (Fuller and Unwin, 2003; Mazenod, 2016). This categorises apprenticeship learning as being at either end of a continuum (Chapter 2, paragraph 2.1). An expansive approach offers a greater breadth of learning whilst a restrictive approach offers a more limited access to learning. Mazenod, in her work, observed that the English apprenticeship at vocational level was usually located towards the restrictive end of the continuum and moreover the overall prestige of apprenticeships would be dependent on how the education and training pathways were designed. This, then, in turn, would reflect the overall value given to the apprenticeship. Within the context of my study, given that the

solicitor apprenticeships are at level 7, it is clear that the learning falls into the expansive side of the continuum. There is clear breadth of learning which includes degree level study, participation in multiple communities of practice (as within the workplace the apprentices, like the trainees, move from department to department for their training), there is dedicated time away from the workplace to attend study workshops and to consolidate learning, with very explicit recognition by the employer of their status as learners. To this extent, the solicitor apprenticeship is well positioned to gain credibility and status.

Yet despite this, narratives revealed in this study suggest deep rooted issues of stigma and perceived lack of gravitas. These sentiments are reflected across the various studies identified in the existing literature, where apprenticeships are regarded as having low status and lack of prestige (Brookmann et al., 2010; Hogarth, Gamblin and Hasluck, 2012). These themes and perceptions are reflected too in other studies of degree level apprenticeships (Mulkeen et al, 2020; Fletcher, 2019).

The narratives in my study echo to a large extent those narratives described in the study conducted by Ryan and Lorinc (2018), based on 17 apprentices attending a mix of level 2 and 3 programmes across diverse sectors including childcare, Information Technology and business administration (see Chapter 2, paragraph 1.2.2). Their study used thematic analysis to explore participants' experiences and perceptions, in much the same way as my own study. Indeed, their methods and data analysis techniques influenced the development of this study (see Chapter 3). Ryan and Lorinc additionally used narrative analysis to explore how individuals stories were told and how the participants "make sense of the world"(p.6).

As with the findings in my study, Ryan and Lorinc found "interesting contradictory narratives"(p.6) across the data. They, too, observed that their participants were very positive about the overall advantages and benefits of apprenticeships but that the participants were acutely aware of a sense of negativity from the wider community. There was also a pronounced feeling of low esteem and stigma. This idea of stigmatisation includes stereotyping and a loss of status (Goffman, 1963), which can lead to a sense of being undermined or even discriminated against. A key aspect of this sense of stigma is being seen as unusual or abnormal. These themes were clearly at play in the study conducted by Ryan

and Lorinc, and mirrored to an extent in my own findings. Deciding to qualify as a solicitor via the apprentice route was not only novel, but highly unusual within a professional context when I carried out my interviews and apprentice solicitor. Goffman (1963) explored how a feeling of stigma can be resisted and, one of the processes of resistance can be the use of different rhetorical and strategic tools (Lamont and Mizrachi, 2012). These very processes were seen in the Ryan and Lorinc' study, who commented that their apprentice participants used specific rhetorical devices to reclaim the "normalcy", worth and validity of their training pathways. As an example, their participants drew partly on official discourse widely available in government advertising campaigns ("earn while you learn") to assist in avoiding negative connotations and stigmatisation.

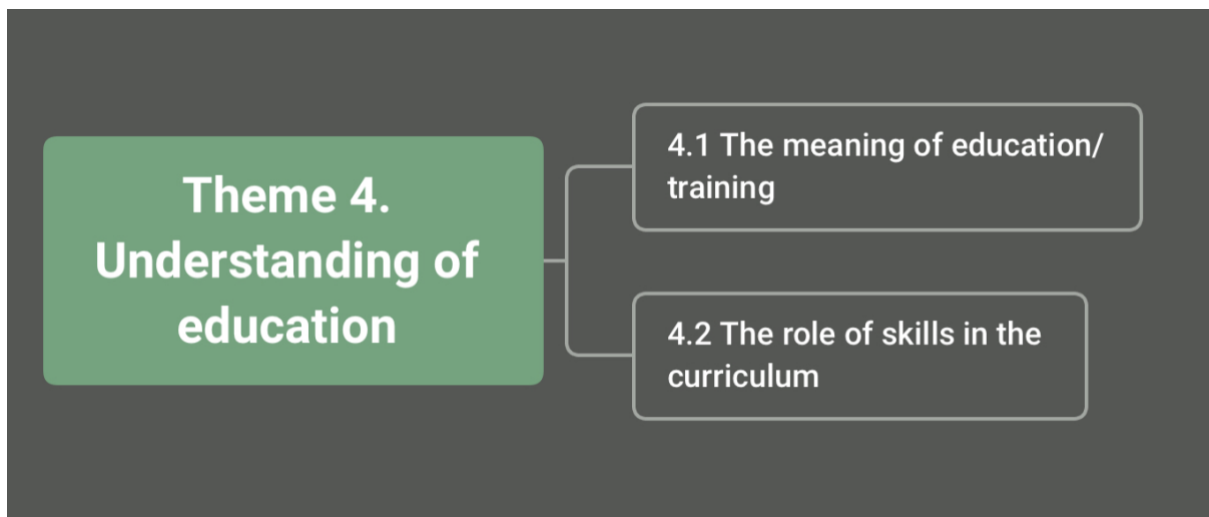
Such rhetorical devices were seen in abundance in my data, with the apprentice participants describing in considerable detail the value of practical work experience and the acquisition of vital key office skills and office etiquette (e.g. "working on the job makes the learning better", "an apprenticeship is a really good thing", "the experience is invaluable"). Far from feeling less able than the trainees, there was a profound sense of enhanced ability and value, and even maturity. The choice of the apprenticeship was presented in my data therefore as sensible, meaningful and valuable. They all sought to challenge the negative stereotype of apprenticeship and in so doing, seek to champion their value and merit, even presenting apprenticeship as a more demanding and rigorous training route because of the difficulties of combining work and study.

#### **4.4 Key Theme 4. The understanding of education**

##### **Introduction to the Key Theme**

This theme focuses on the understanding and meaning attributed to education by the apprentice/trainee participants and the employer participant. In particular, it records the considerable similarities but, also the subtle differences, in any perceived understanding of education and training. It also records how the participants' separate training pathways were perceived to fit within the education/training dichotomy. Linked to this, there was also a discussion of the role of skills acquisition and its place within education and/or training.

The diagram below reflects this theme and these sub-themes.



## **Sub-theme**

### **4.1 The meaning of education/training.**

#### **Findings and Evidence**

The comments by both trainees and apprentices were largely homogeneous, with no significant differences between the two sets of participants in how they understood and described education and training. All participants described education and training as different things. There was a general sense that education had a formal yet familiar meaning, involving a defined structure. This formal structure was built around learning a subject for a period of time and working towards an end point of an examination. This would result then in a formal recognition of the examination achievement via an academic qualification. Additionally, education was usually associated with a school or university setting, with an emphasis on learning “things”. On occasions, there were some subtle differences voiced. For example, one of the trainees described education as “*having a practical aspect to it*” and only one apprentice described education as not “*necessarily all about reading books...it’s very much...it should serve a purpose*”.

#### **Illustrative extracts: Apprentices**

*Education is formal, factual, exams based. They [education and training] are different things.*

*Education is to receive a qualification in any form of subject*

*Education is learning, learning new things, it sort of makes me think more of school like education ...its formal.*

#### **Illustrative extracts: Trainees**

*For me education is more theoretical,... would be learning concepts and ideas and facts....purely understanding things*

*So, I think education, the whole academia thing is to gauge your interests and to make you think about topics that you hadn’t thought of before. I think academia/education is very much about tapping into theory.*

*Education? Immediately I think of a formal education route, schools, secondary schools, sixth form to university, that’s what education means to me and always has.*

*Education is academic learning mostly, some practical aspect to it but I think predominantly for me, in my mind, it's related to academia.*

*Ermm,...something that is a right and is to be enjoyed and appreciated and something to help develop your mind.*

The employer participant also saw education and training as different things, again with an emphasis on learning the law as 'education' whilst learning 'to do' in a practical sense was seen as the 'training element': *"For me, I suppose the difference is more about the practical application so it's clearly one of the differences with the apprenticeship that you go through the education place in terms of "this is the law".... and it is what it is..but we then add the training on top in terms of the practical application....in terms of how it works in the team, ...in this firm and that's the real difference for me. I guess education is slightly wider, and the training is almost that's why we take these bits out of what you have been taught and we will then train you to use it...."*

The ideas expressed by the employer participant above about the meaning of training ("*train you to use*" the knowledge of the law) are reinforced in the responses given by the apprentices and trainees. Training was described as a practical learning appropriate to the workplace. It involves how to use academic knowledge already acquired in a practical way and, therefore, the application of legal principles to the clients' particular requirements.

### ***Illustrative extracts: Apprentices***

*Training is about doing the job, practical.*

*Training...erm, I think that's more specific so rather than learning about the history or how something came about, it's how that applies in real life.*

*....When I think of training I think of more physical...doing something right having somebody teaching you how to....*

*Training to me is more sort of people passing on skills to others...and training you to do a specific thing... or job or skill*

### **Illustrative extracts: Trainees**

*Training is I think more to do a specific thing, I suppose that would involve how to apply, learning how to apply skills for the tasks of a job.*

*Training is about knowing what your soft skills are and sort of being able to apply them in a working environment.*

*Training means....I don't associate it with education .... I see it more as learning how to do something separate to an academic field...for example, football training, using computers, learning new skills....*

*Training is development, progress, inexperience turned to experience*

*Training is practically based so sort of the reverse of what I said about education so it's literally how to do what you are going to do in your job.*

### **Discussion of Research Findings**

A number of interesting observations can be drawn from these extracts. Firstly, the descriptions of training from both categories of participants were a near perfect articulation of the situated learning theory, with its emphasis on legitimate peripheral participation in a community of practice. There was reference by the participants to “having someone to teach you”, “people passing on skills” and move from “inexperience to experience”. All the participants described their workplace learning as “training” for the profession of solicitor and appreciated its value. They all articulated the importance of learning from others more skilled in the role of solicitor as crucial to their development, thus reflecting the idea of newcomers becoming slowly more skilled. Indeed, many of the participants (7 out of 10) referred directly to training being associated with the acquisition of skills.

Secondly, given the importance and value that the participants placed on training, it is not surprising that there was no declared view that training was in any way less valuable than education. Indeed, the comments would suggest quite the opposite. This is a difference from the study carried out by Mazenod (2016) referred to in Chapter 2. In that study, Mazenod considered transnational education and training systems in light of Fuller and Unwin's (2003) conceptual framework for classifying the learning taking place in apprenticeships (on the expansive/restrictive continuum, referred to Chapter 2, paragraph 2.1). Mazenod concluded that the positioning upon the continuum depended upon the overall education and training

systems prevalent in each country. In this country, there was a tendency to regard apprenticeship as offering training rather than education. This, argues Mazenod, leads to English apprenticeship being characterised as at the restrictive end of the continuum (i.e. one that equips the apprentice with employer specific skills and does not support the apprentice being embedded in a community of practice) rather than being located at the expansive end of the continuum (i.e. one which enables the apprentice to develop a deep occupational competency). Training can be perceived as less valuable than education and Mazenod describes the two terms as having “an underlying divide” (p.114) between them. As such, apprenticeships are viewed in contrast to academic, formal education and learning, rather than supporting and complementing that learning. The argument over parity of esteem rages on and vocational training “seems doomed to be perceived the inferior” (p.109). Mazenod contrasts this approach in the UK to other jurisdictions (e.g. France) where apprenticeships are conceptualised as education and garner more esteem as a result.

In this study’s findings, training is not viewed in a lesser light, far from it. It is important to remember, of course, that my study is located amongst degree-level apprenticeships, and thus the positioning of solicitor apprenticeships within the English education and training system is different from the intermediate level apprenticeships which were the subject of Mazenod’s study. Despite these differences, Mazenod’s view that the prestige and status of apprenticeship is “dependent on how the education and training pathways is constructed and how their value is perceived”(p.109) appears most relevant to the findings in my study. Here, training is perceived as highly beneficial and valuable, underpinning the formal academic education.

#### ***4.2 Sub-theme***

##### ***The role of skills in the curriculum.***

##### ***Findings and Evidence***

This final sub-theme considers the participants’ views of practical skills being taught within the degree curriculum and whether they had had experience of that themselves. As such, this leads on from the above discussion about what education and training represent. All



participants saw education and training as different aspects of learning, with education essentially seen as technical knowledge acquisition and training essentially seen as acquiring practical know-how.

There was a unanimous consensus of views for this sub-theme. Practical skills (such as practical legal writing) were perceived as not being routinely embedded into the degree curriculum in any meaningful way for either apprentices or trainees. Yet all participants thought that it would be a helpful bridge between education and training if the core curriculum did integrate these effectively and considered its absence to be a missed opportunity.

### ***Illustrative extracts: Apprentices***

*[Degree study knowledge and day job skills] ..it's easy to see how one can lead into the other and how they can complement each other rather than two separate entities.....you would be getting those job skills much earlier on if they were taught at the same time..but there is just nothing really mixing the two things when I am at university. University is university and work is work.*

*So you don't always use the subject knowledge...that doesn't always support where you are working...but it's more learning to do things...the skills that you learn that help. I feel that often the subject knowledge I am getting is very different to what I do in the day. I sometimes think it would be better if I was taught them together*

*Yes for me it's quite separate...so here's what I do at work... then I go in and I'm learning about cases and statutes....sometimes we do face to face days and they are more skills based, a little bit more relevant but like sometimes they are a little bit too basic. It's a real shame it can't be more linked.*

*I thought that being an apprentice would mean I would learn at university what I then did at work but it's not like that. So I can be studying tort and criminal law but working in real estate. So not even the same are of law let alone practical aspects of it.*

### ***Illustrative extracts: Trainees***

*The tricky thing is that a law degree is a fantastic degree even if you don't go into law but it's not practical at all....it's doesn't teach you all you need ...I think there were definitely gaps in my education ...no practical skills were taught in my degree that I can remember which I think is a missed opportunity*

*Writing in academia, writing in practice are two completely different things and I didn't even realise that until I was a trainee. I don't feel that there is much of a link between the two. It's a real shame.*

*We did do various optional modules on my degree, such as negotiation and ...mediation...although they give some insight, they still felt academic... I really feel more could have been done to link the degree with your life after a degree*

Perhaps not surprisingly a majority of the trainees (4 out of 5 participants) distinguished the LPC, given its practical focus, in this regard.

A number of extracts below illustrate these sentiment.

*but the LPC does give you an insight into the work you may be doing and was skills focused. It definitely helped make the link between what I had done at university and what I would do at work. I also felt it was invaluable in terms of preparing me for job interviews.....as I did lots of things like I had to do at assessment centre days for training contracts....writing, drafting, presentation*

*I think the LPC certainly does help with the training, it bridges the gaps between education and training and work at a law firm..... I feel like its not something you can teach.....you have to practise those things and that's what I did on the LPC.....I still use my notes as part of my day job now!*

*It was only on the LPC that I had skills training..a lot of the skills that we were taught I am using now like legal research, proof reading.....it's a real shame that I didn't do them before, as part of my degree as that would have been really useful in seeing the real world.*

*Only on on the LPC did I learn writing skills....that was more of a practical course...I really saw the value of it.*

These sentiments suggests a powerful student voice in favour of embedding skills into the core degree curriculum. Given my own knowledge and experience of teaching undergraduate law, I do wonder if some of these sentiments may not necessarily reflect the full extent to which skills are already embedded into the core curriculum. My experience is that, for many years, practical skills have been taught in conjunction with academic content across many core modules, with a focus on post-university life and employability. Moreover, as explained in Chapter 2, paragraph 1.5, the Subject Benchmark for law set by the QAA (QAA, November 2019 Law Benchmark) requires a wide ranging curriculum, not just focusing on core knowledge but also transferable skills and attributes, including employability skills. As such, it is difficult to see that across Higher Education Institutions there is not a determined approach to embedding skills. Of course, the participants may have a different perception no matter what the reality and this may be fertile ground for further research. In particular it may be interesting to research across a range of HEIs to see if there are institutional differences.

It is important to acknowledge here, as I did earlier in chapter 2, that there are strong voices of dissent when we talk of embedding the employability agenda/skills acquisition within the curriculum (Bradney, 2003; Stoten, 2018). These voices are not ones with whom I concur and from the participants' extracts above, it would appear that these voices are in the minority.

This concludes the presentation of my research findings and discussion.

In the next chapter, I will present my conclusions.

#### Introduction

The main aim of this study was to gain a better understanding of the choices and experiences of solicitor apprenticeships and trainee solicitors.

My main research questions are:

1. Why do individuals wishing to enter the legal profession choose the solicitor apprenticeship route or the trainee route?
2. What are the experiences of solicitor apprentices and trainees as they pursue these different entry routes?

In order to pursue the two main research questions, a number of subsidiary questions were identified:

1. Why do students choose the apprenticeship route?
2. Why do students choose the trainee solicitor route?
3. What are the social and educational profiles of these students?
4. What are the expectations, experiences, and perceptions of apprentices/trainees?
5. Can practical legal skills be effectively incorporated into academic study?
6. Does working while learning enhance skills acquisition?

My aim in the thesis was to understand the backgrounds, motivations, expectations, and perceptions of the apprentices, in particular (given the novelty of the training route), but I also wanted to explore what the views are of “traditional” trainees, especially in terms of how the new route to qualification is viewed and perceived.

Initially I had also wished to explore the motivations of employers in offering solicitor apprenticeships and interrogate their expectations, experiences and perceptions of the new

route. However, as is recorded in Chapter 3 (paragraph 3.6), I encountered many difficulties in gathering data and only spoke to one employer. This data is presented in Chapter 3 and I reflect at that point on its value and limitations.

In order to address these questions, this research study used a phenomenological framework as its philosophical approach, supported by a case study research design, which, in turn, supported the chosen method of data collection: interviews. Chapter 4 presented the evidence and findings of the empirical data collected and discussed those findings with reference to the existing literature in the field.

In this Chapter, I will outline the conclusions from the qualitative study. I will also acknowledge any perceived strengths and limitations of this study. When seeking to draw my conclusions, I will reflect upon how the findings address the research questions above. My approach here is, therefore, to view the study retrospectively at the end of my doctoral journey and to offer a synthesis of the findings. I also offer a forward-thinking perspective to my study by looking to the future and considering the potential impact of this research study. I will outline the contribution to knowledge that this study could make and evaluate the implications of this research, whilst outlining my intentions to publish. I will also suggest implications for future research. This chapter concludes with a short personal reflection on my doctoral journey which includes a consideration of the impact of COVID-19 both on my own studies and the wider impact on apprenticeships.

### ***5.1 Contributions of the thesis to the theory, practice and resilience of Apprenticeships***

In the previous chapter, I presented my research findings, with illustrative extracts in support. I also analysed my findings and linked this analysis to the existing literature in the field. In the section that now follows, I revisit my initial research questions to reach conclusions, and offer a synthesis of the key ideas that run through my thesis.

I start with a short synthesis of my research exploring the main research questions (although these questions are inevitably expanded in my exploration below of the subsidiary questions).

The first main research question explored why certain legal career paths were chosen. As is discussed in the paragraphs below, it is clear that the participants' experiences up to the age of 18 were influential in their decision making. The participants were greatly influenced by their experiences and "successes" at school and within formal, academic education in general. Also of significant influence in their decision making was whether they would be first or second generation university students, with the former more likely to consider alternatives to the university route to a legal career. Moreover, it was noticeable that the apprentice participants more likely to have a stronger work ethic at a younger age than the trainees. Access to careers information at school was also an important factor as was the attitude to student debt.

The second main research question was to discover the experiences of solicitor apprentices and trainees as they pursue their different entry routes. The findings revealed that whilst the overwhelming experience of apprenticeships was positive (especially the link between learning academic law and the acquisition of practical legal skills), there were significant issues of perception of lower esteem and status for apprenticeship.

**Research sub-questions focusing on choice and social/education background were:**

- 1) Why do students choose the apprenticeship route?
- 2) Why do students choose the trainee solicitor route?
- 3) What are the social and educational profiles of these students?

In offering answers to these questions, I synthesise my findings from key theme 1 (academic context incorporating attitude to going to university and attitude to university debt) and from key theme 2 (understanding of the workplace incorporating attitude to working/awareness of career paths). Linked to these findings, was the social and educational backgrounds of the participants (see **Table One** in Chapter 4).

Navigating young people's decision making is an area requiring further investigation (Ryan and Lorinc, 2018; Holmegaard, 2015) and one which Atkins (2016) describes as "poorly understood" (p.641). When the participants in this study were asked about their choices, unsurprisingly, they expressed diverse views. As such, the solicitor apprentices all rejected pursuing a full-time university route post A-level for a variety of reasons. These included a sense that formal education did not suit them, as well as a feeling of not being strong enough academically. They also identified as having a strong work ethic. The trainees, however, often spoke simply of the desire to have the 'university experience', which incorporates ideas of gaining independence and developing social skills. When considering the social and educational backgrounds of the participants in light of these comments, it is significant that only one of the apprentices was a second-generation university attendee. This was in contrast to the trainees who were all (at least) second-generation university attendees. Additionally, all trainees had attended selective grammar schools or fee-paying schools compared to the apprentices who all attended state schools. In terms of widening participation (see chapter 2 paragraph 1.3 and chapter 4) therefore, it would appear that solicitor apprenticeships can offer a gateway to increasing diversity, which mirrors the aspirations of the SRA when devising varying routes to qualification.

The attitude to university debt was, for the majority of participants, a relaxed one with most displaying a sense of resignation to it. My findings did not suggest that the apprentices were considerably more debt averse than the trainees, nor that the acquisition of debt was a significant factor that deterred them from applying to university. Similar studies included in my literature review (Callendar and Jackson, 2005; Callendar and Mason, 2017; Fletcher, 2019) had, in contrast to my findings, identified debt acquisition as a significant deterrent to pursuing university studies, although they also reported an evolving attitude to debt in line with the changes in funding arrangements for Higher Education in the UK over the last few years. Bachan (2014) reported an increased expectation of debt being a significant factor in its acceptance, and that accords with my findings.

**Research sub-question, focusing on the perceptions and experiences of apprenticeship, was:**

4. What are the expectations, experiences, and perceptions of apprentices/trainees?

In offering answers to this question, I synthesise my findings from key theme 3 (on the perceptions and understanding of apprenticeship, which incorporates the meaning of apprenticeship as well as advantages and disadvantages).

As I reported earlier, I was unable to interview any more than one employer (see chapter 3, paragraph 3.6). I had originally hoped to gain an insight into how employers viewed apprenticeships and had devised my research questions accordingly. Given the difficulties that I had in gaining access to employers in order to gather data, I had to amend my research questions and inevitably my research had a narrower scope. However, I did gather valuable data from the one interview I carried out with an employer and wanted to use it as illustrative only. I did not thematically analyse the data collected from that interview but I have included various extracts from the employer's perspective at relevant places in chapter 4. Thus, in recounting what this employer has indicated, I do so in the full knowledge of its limitations. Having said that, it is important to comment on the motivations of that employer in offering solicitor apprenticeships. There was a very clearly stated desire to recruit from a wider pool of talented candidates and to enhance the diversity within the profession. There was also a recognition that some good candidates would not want to go to university for various reasons and, importantly, that accepting lower A-level grade attainment from a wider pool of schools/colleges, could support widening participation.

In terms of expectations, experiences and perceptions of the participants, the data collected was rich and illuminating. There was considerable commonality in the understanding of what an apprentice was and there were many articulations of the 'learning by doing' description. Apprenticeships were invariably described positively ('a good scheme') and the value of the practical learning they offer was a key positive feature highlighted. There was a recognition and awareness of the fact that solicitor apprenticeships run in parallel with trainee solicitors, as well as recognition that there was a degree of parity in the tasks the trainees and apprentices were performing.



However, despite this positive understanding of apprenticeships, when I analysed the data in terms of perceptions and gravitas of apprenticeships, a more nuanced picture emerged. The apprentices certainly voiced enormous pride in their training ('it's amazing') and felt that they were held in high regard within their workplace. However, the data also suggested that there was a degree of stigma and lack of prestige/status associated with it as a training route from the wider economic, social and professional business community. These findings of stigma and low esteem are reflected in many other studies, with Fuller and Unwin (1998) describing apprenticeship as an "evolving model of learning" and one which struggles to find a clear, well-regarded identity (Fuller and Unwin, 1998, 2003; Mazenod, 2016; Brockmann et al, 2008; Fletcher, 2019; Ryan and Lorinc, 2018). One of the main challenges for apprenticeship as a vehicle for learning is the struggle for parity of esteem with the perceived good standard of university education. Indeed, Fuller and Unwin (1998) described this as a "relentless battle" whilst Mazenod (2016) described vocational training in apprenticeship as being "perceived [as] inferior" (p.109).

The data also suggested some tensions between the apprentices and trainees, largely born out of lack of understanding of the novel training route. So to this extent, the apprenticeship still appears to be evolving, with trailblazer apprenticeships trying to find their place in the hierarchy of professional education.

#### **The final research sub-questions asked about skills acquisition:**

*5. Can practical legal skills be effectively incorporated into academic study?*

*6. Does working while learning enhance skills acquisition?*

In offering answers to these questions, I synthesise my findings from key theme 4 (on the understanding of education generally, which incorporates the different understandings of education and training as well as skills in the curriculum). There was a majority sentiment for all the trainee and apprentice participants that skills acquisition was greatly enhanced by work-based learning. All placed significant value on skills acquisition. What was more interesting as a theme was where and how skills could be, and should be, acquired. There is

clear evidence of a divide in the literature between the understanding of education and training (Mazenod, 2016; Ryan and Lorinc, 2018) and this was mirrored in this study. Education is generally seen as the formal acquisition of knowledge whilst training is seen as practical. However, in contrast to the findings in the literature, there was no sense of education being valued more highly than training by the participants in my study.

### *Summary of key themes arising from my thesis*

- Solicitor apprenticeships attract students who would not otherwise have accessed university-level education post-18 and, as such, may offer a vehicle for increasing diversity in the legal profession.
- Solicitor apprentices have a strong sense of personal preference and how they identify as a learner.
- Trainee solicitors value, and aspire to have, the “university experience”.
- The attitude to university debt acquisition is evolving among young people and debt aversion was not a significant factor for the majority of the participants.
- There was a clear understanding of what an apprenticeship can offer and a demonstrable appreciation of the value of practical on-the-job learning and its benefits. Apprenticeships are valued as a model of learning by all participants.
- There were complex perceptions of solicitor apprenticeships, with issues of stigma and parity of esteem being vocalised. Apprenticeships were not usually perceived as being at a professional level and there was a lack of knowledge, awareness and understanding of solicitor apprenticeships.
- Work-based learning enhances skills acquisition. Greater integration of skills into the curriculum is desirable.

### ***Concluding observations***

This thesis has described the long history of apprenticeship in the UK, and indeed, globally. It is well established as a model of learning but, within the UK, it has suffered from a “chequered history” (p. 155, Fuller and Unwin, 1998). This is caused in part by ever-changing government policy initiatives over the last few decades which has meant apprenticeships have struggled to find a clear identity and have been tainted by low esteem and low career expectations. The national reputation of apprenticeship is at odds with our European neighbours, notably the German apprenticeship scheme which is held in high repute. However, this thesis has also described the resilience of apprenticeship as a model of learning. It is a model which is ever-changing and evolving (Guile and Young, 1998; Fuller and Unwin, 2003). It is important to remember this resilience when considering solicitor apprenticeships.

Solicitor apprenticeships are part of the government’s trailblazer apprenticeship system established in 2013, introduced to reform and improve apprenticeships. Panels of employers were established within a particular sector, who then worked collaboratively to set apprenticeship standards. These new apprenticeships would all have an end point assessment to ensure competence. Whilst there are a number of levels of apprenticeship, solicitor apprenticeship is at the highest level 7, degree apprenticeship. As such, there are a number of key features of solicitor apprenticeships which offer huge potential for gaining a reputation equal to the other training routes to qualification as a solicitor. Indeed, given the extensive work-based learning element to the scheme, it may offer an improved way of training to become a solicitor.

In terms of an underlying theory of learning, Lave and Wenger’s situated learning continues to be the essence of apprenticeship learning, with a focus on newcomer moving to expert under the guidance of an extensive community of practice. However, the features of it have evolved. There is now an emphasis on the ‘duality principle’, namely the combination of work-based learning being supported by formal class-room learning. For solicitor apprentices, the

very nature of their apprenticeship being at degree level could help to gain parity of esteem with other training routes. However, it is important to reflect more deeply on the degree apprenticeship itself since this is a new concept for apprenticeships training and one which requires multiple stakeholder input. Designing and delivering such degree level apprenticeships poses its own particular challenges too (Mulkeen, Abdou, Leigh and Ward, 2019) and interestingly in this research, issues of parity of esteem were also raised in the sense that degree apprenticeships were not perceived as being equivalent to a traditional degree.

Nonetheless, when considering the conceptual framework for classifying apprenticeship offered by Fuller and Unwin (2011), the solicitor apprenticeship would appear to be classified as being an expansive apprenticeship. This suggests high quality apprenticeship and one which enables the apprentice to develop deep occupational competence. The advent of the SQE also offers an opportunity for solicitor apprenticeship since it requires all would-be solicitors to pass a standardised end-point assessment prior to qualification. As such, this can offer a level-playing field for the various training routes. Additionally, the SQE may also help promote a more diverse profession, since the new pathways to qualification will attract candidates who would otherwise not have entered the profession. The SQE removes the costly LPC gamble and the huge difficulties in securing a training contract.

There are therefore a number of opportunities for solicitor apprenticeships to flourish and gain a high reputation given the current training landscape.

### ***5.1.1 Strengths, weaknesses and limitations of the study***

The main strength of this study is the voice given to the participants, especially the solicitor apprentices whose voices have not been heard before in any significant qualitative study. Furthermore, this study offers an insight into the perceptions and experiences of degree-level apprenticeships which have not received significant academic attention to date. It also contributes to the ongoing discussion and understanding concerning young people's decision

making, which is identified in the literature as an area requiring further investigation (Ryan and Lorinc, 2018; Holmegaard, 2015; Atkins, 2016). As such, this study contributes to both the wider literature on apprenticeship and the ongoing discussion of legal education. The methodology chosen, phenomenology, was also a particular strength of the study since it allowed in-depth analysis of each spoken voice and facilitated an analysis of similarities and differences to be undertaken across the spoken voices.

It is, of course, necessary to reflect on possible weaknesses in the study. Given the method adopted (a case study research design with semi-structured interviews conducted at the participants' workplace), I am alive to the potential pressure perhaps placed on the participants. They may also have felt a sense of expectation in what was being asked of them (i.e. to meet the aims of the study). All the participants were relatively new employees, subject to the control of their employer. All had undergone a very competitive recruitment process to obtain employment and undoubtedly wanted to perform well in their jobs and receive positive feedback from their employer. As such, and despite my numerous assurances, they may have felt under some pressure to participate and, more importantly, to participate in a particular way. Additionally, given the very nature of the study, some of the participants may have felt a degree of reticence or discomfort in sharing their views of their workplace and colleagues. There may also have been perceptions about me as a researcher and my relationship with their employer. Nonetheless, each interview lasted for a significant period of time, producing varied and rich data. Each participant was willing to discuss my research informally after the interview, and from these discussions, I felt that the participants all had genuine enthusiasm and interest in the research study.

In terms of limitations of the study, it is important to remember that the qualitative data was obtained from a relatively small-scale case study, despite the richness of that data obtained. Similarly, the data collection was limited to only two of the many regional offices of the law firm and, indeed, only one law firm participated in the study. Only one employer's voice was heard in this study and for reasons explained in the methodology chapter, those findings were not thematically analysed. As such, these comments cannot offer any generalised conclusions.

## ***5.2 Looking to the future***

### ***5.2.1 Contributing to knowledge***

Solicitor apprenticeships offer a new pathway to qualification as a solicitor in England and Wales. It is one of a number of measures introduced by the SRA to develop “new and diverse pathways to qualification...and to promote a diverse profession by removing artificial and unjustifiable barriers,” (SRA, SQE Update, July 2020).

Consequently, at the start of my doctoral journey, I hoped to give a voice to new solicitor apprentices along their journey to qualification and to explore some of the issues which were high on the agenda of the SRA.

This research sought to gauge experiences, attitudes and perceptions of both those undertaking the apprenticeship training route and also trainee solicitors undertaking the traditional training contract. As such, and by using a phenomenological lens within a case study research design, this study has gained an understanding of the experiences of apprenticeship that has not previously been available. This study provides an important qualitative contribution to studying the experiences and perceptions of solicitor apprentices at a time when solicitor apprentices are still training and are yet to qualify as solicitors. We are at the start of a significant change in the landscape of legal education in England with the advent of the SQE in September 2021. As such, my research has value in the context of its currency and immediate relevance. My research provides, therefore, a timely reflection on how best we can equip the future legal profession. The rigorous analysis of the data reveals that important differences exist in the perceptions of the participants (e.g. stigma of apprenticeships) which, in turn highlights certain issues which need to be addressed both by the profession’s regulators and other relevant stakeholders (such as HEIs, employers and training providers). Additionally, the research findings contribute and offer insight into the theory of work-based learning. By allowing the participants a voice from within this novel

professional training route, this study brings a new perspective to existing theories of apprentice learning and experience. Indeed, my research contributes to the ongoing discussion of the relevance of Lave and Wenger's situated learning theory as described above. Apprentices learn from those more experienced and in the context of my findings, all participants felt that the apprentices would have a more advanced skill set and know-how than the trainees at the point of qualification. This is an important finding relevant for the discourse around clinical legal education and its perceived value in equipping students both for enhancing employability/skills generally and, also, perhaps going beyond simple skills acquisition to the deeper process of learning (Harvey, 2003) which forms the basis for life-long learning.

As well as contributing to the ongoing discussion of apprentice learning, my research can also contribute to the current agenda for widening access to the legal profession. My findings suggest that solicitor apprenticeships are attracting a wider pool of candidates to the profession.

In summary, my research findings:

- ❖ Contribute to the ongoing debate about apprenticeship as a model of learning and the relevance of the situated learning theory for both legal education and training, and in general;
- ❖ Contribute to the exploration and understanding of young people's decision making post-18;
- ❖ Contribute to the literature surrounding perceptions and experiences of apprenticeships, especially navigating stigma and issues of parity;
- ❖ Contribute to the changing legal landscape narrative in a timely manner;
- ❖ Contribute to the exploration of attitude to student debt;

- ❖ Contribute to the widening participation debate;
  
- ❖ Contribute to the work-based learning, clinical legal education and employability debate.

### ***5.2.2 Implications of this research/Dissemination of findings/Future Collaboration***

Given that the findings of this study record the voices of the young legal professionals, and their experiences and perceptions of their professional education and training, these findings will contribute to the ongoing discussions of “ensuring the lawyers of today have the skills for tomorrow” (SRA, 16 October 2013, Training for Tomorrow Policy Statement). Against this background, there is potential for a wide dissemination of those findings.

As set out above, this thesis has a great deal to offer in terms of contribution to knowledge in a range of key areas in the field of legal education and higher education more broadly. Thus, the findings will be of interest to a variety of stakeholders, including Directors of Teaching and Learning within HEIs, researchers in education (especially those in clinical legal education and within Clinical Legal Education Organisation, ‘CLEO’), legal practitioners (especially legal recruiters), the legal profession’s regulators and providers of apprenticeship education in the legal field. It will also be of interest to solicitor apprentices and trainees. The legal press is also a possible source of dissemination of my findings and I will contact the Law Society Gazette, The Lawyer and Legal Cheek about this.

In terms of future collaboration, there hopefully will be a number of opportunities. I will contact the firm in which my research data was gathered to gauge any opportunity for disseminating my findings. Given that the firm is a global law one, and within England and



Wales, recruit 40 trainees and 10 apprentices each year, I would be very keen to work with them on any relevant projects. Similarly, I will contact CLEO to offer to present a paper at future conferences.

Finally, I will contact the Bridge Group (whose reports I have referred to at Chapter 2.3 in the context of the SQE) and the opportunities that offers for widening participation. The organisation is a non-profit one, which uses research to promote social equality.

Its research is aimed at building a strong evidence base to effect change

( <https://www.thebridgegroup.org.uk>). As such, my findings about the backgrounds of the solicitor apprentices could be useful to the research on widening participation.

### ***5.2.3 Intentions to publish***

I intend to publish and present the findings of my thesis in a number of legal education journals (for example, in *The Law Teacher* and *Nottingham Law School Journal*), and at appropriate educational conferences in England and Wales. I also intend to contact the SRA and Kaplan (the organisation responsible for setting and delivering the SQE) to ascertain if there are any opportunities for producing an abridged version of my thesis at any of their training events.

### ***5.2.4 Implications for future research***

This thesis provides a robust platform for further research in a number of areas. While this study has offered answers to the research questions originally posed, there is certainly room for further work and elaboration. I would suggest that some of the most fruitful grounds for future research would be:

1. Exploring the employer's perspective in more detail. What are their motivations, experiences and perceptions of solicitor apprenticeships?
2. Exploring the experiences of solicitor apprenticeships via longitudinal studies. Studying how these solicitor apprentices build their legal careers after the point of qualification would be illuminating.
3. Exploring with a wider pool of participants the experiences of solicitor apprenticeships. In particular there would be merit in studying their experiences from within a more diverse range of employers (e.g. a high street firm of solicitors or even within a local authority/ in-house legal department).
4. Exploring the impact of the SQE on solicitor apprentices and trainees.

### ***5.3 Concluding Personal Reflections***

As I explained in my introductory chapter, my academic background is in law, which led then to a career as a solicitor for a few years before becoming a lecturer in a post-1992 university, some two decades ago. Given my background, undertaking the Doctorate in Education posed a significant challenge and introduced me to a new way of thinking, writing and researching. I have referred to these challenges in more detail in my methodology chapter and recorded there my lack of experience in conducting empirical research at the start of this doctoral journey. I also reflected on, and declared my ontological and epistemological viewpoints given the significant influence these have on my empirical research.

Writing my thesis has been a challenge. To say it has been time consuming is an understatement. At times, it has been a real challenge mentally, having to read and understand very many unfamiliar concepts and ideas. Preparing the literature review was a particular challenge. I had, of course, submitted Assignment 6 as my research proposal in August 2018 and had undertaken some initial review of the relevant literature as part of that assignment. Given my background, I had not encountered a literature review in quite this format before, although I understood its purpose was to provide a framework and context for my own research (Denscombe, 2017; O'Leary, 2014; Hart, 1998). My first draft was submitted to my supervisor in the Spring of 2019. After this time, I proceeded to obtain ethics

approval (July 2019) for my empirical research (conducted in October 2019), and then spent a few months transcribing my interviews and undertaking thematic analysis. Throughout this time, I was aware that I needed to return to my literature review and I began to appreciate how the whole process was an ongoing activity that underpins my thesis. My initial literature review had drawn on existing knowledge and helped frame my own research but, as a result of actually conducting my empirical data, I became aware of the need for a greater, more authoritative underpinning of my research. This required me to revisit and expand many areas of relevance and to become more critical of the literature, drawing on both strengths and weaknesses or limitations of existing work whilst also informing my own. At times, this has felt like an endless and unwieldy task, especially in selecting relevant, appropriate literature, and, indeed, the process of determining relevance and appropriateness was not a simple task. Conducting a literature review is not a linear process but rather a circular and evolving one, and one which covers many aspects of apprenticeship literature. For me, the writing of the literature review was the most challenging aspect of my thesis and it was the chapter I returned to most frequently since the initial draft almost 2 years ago.

But my doctoral journey has also been up-lifting and rewarding. I greatly enjoyed meeting my research participants, talking to them, interviewing them and preparing the transcripts. Although this last task was labour intensive, I was interested in their voices and wanted to really 'hear' what they had to say. I also felt an acute sense of responsibility. I wanted to do my best to ensure that I was doing justice to their views and experiences. As reported elsewhere in my methodology chapter, all the participants were enthusiastic, open and generous with me. I am so appreciative of this and hope that my analysis of their data accurately reflects their candour.

### ***5.3.1 Impact of Covid-19***

It would be impossible to conclude this personal reflection without commenting on the global pandemic that has gripped the world since March 2020. The changes in all our lives has been immeasurable. We have all lost our freedom of choice and had to embrace a new way of working and living.

On a personal level, the workload for my job increased seemingly overnight in March 2020 with the need to rapidly acquire a vast array of new and challenging IT skills, whilst simultaneously creating online materials for instant delivery. Working on my thesis during this time was an impossibility. Any free time I had was spent on homeschooling. However, the pandemic also put paid to global travel and summer holidays. As a result, this 'upside' meant that I had much more time over the summer months to concentrate on my thesis, and in the time since then, given the continued restrictions on daily life, I have had fewer distractions for my time. Additionally, I consider myself very lucky to have completed all my data collection just prior to the outbreak of the pandemic since this had already provided me with the raw materials for my study.

Covid-19 has also had a serious impact on apprenticeships. The Sutton Trust Research Brief in May 2020 reported that the pandemic was having a significant effect on apprentices in numerous ways. These included the use of the furlough scheme, redundancies and disruption to off the job learning. The research also anticipated a significant drop in apprenticeship starts and, given the closure of schools/colleges, a further impact on young people who will be unable to access the necessary careers guidance or work opportunity experiences. Foley (2020) reported similar significant falls in apprenticeship starts during the pandemic. For example, the number of starts in May 2020 was down 60% compared to the same time the previous year. Additionally, intermediate level apprenticeships fell by 74% and for those aged under 19, starting an apprenticeship fell by 74%. Interestingly, the decline in higher level apprenticeships was the lowest proportionate fall at 28%.

The impact on the legal profession was similar with the *Law Society Gazette* (9 November 2020) reporting a recruitment freeze, including trainees and apprentices, at most law firms. For those trainees and apprentices still employed (and not furloughed) the impact on their learning is also significant. Hattersley (26 October 2020) reflects on the challenges of trying to learn given the prevalence of home working during the pandemic. He raises concerns about appropriate supervision and the loneliness of home working, whilst commenting that the office environment had previously facilitated learning of "invaluable knowledge by osmosis"(p.10). This is now missing and the new virtual culture of the workplace

disadvantages those learning the professional skills and competencies. I endorse these concerns for solicitor apprentices. They are already struggling to find an identity and Covid-19 will perhaps increase competition in the workplace and raise concerns about job security. My main concern though would be that the virtual workplace may seriously impact on the quality of their experiential learning, given that this underpins the effectiveness of the apprentice model of learning.

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## Legislation

Statute of Artificers 1563

Industrial Training Act 1964

Legal Services Act 2007

Apprenticeships, Skills, Children and Learning Act 2009

Education Act 2011

## **Appendices**

Appendix One University of Sheffield Ethics Approval Form

Appendix Two Participant Information sheet

Appendix Three Participant Consent Form

Appendix Four Sample interview questions

Appendix Five Sample coded Transcript

## APPENDIX ONE

### University of Sheffield Ethics Approval Form



Downloaded: 15/07/2019  
Approved: 15/07/2019

Gail Cunningham  
Registration number: 160217481  
School of Education  
Programme: Ed D

Dear Gail

**PROJECT TITLE:** Solicitor apprenticeship, a study of stakeholders perceptions.  
**APPLICATION:** Reference Number 029529

On behalf of the University ethics reviewers who reviewed your project, I am pleased to inform you that on 15/07/2019 the above-named project was **approved** on ethics grounds, on the basis that you will adhere to the following documentation that you submitted for ethics review:

- University research ethics application form 029529 (dated 28/06/2019).
- Participant information sheet 1066077 version 2 (28/06/2019).
- Participant consent form 1066078 version 2 (28/06/2019).

If during the course of the project you need to [deviate significantly from the above-approved documentation](#) please inform me since written approval will be required.

Yours sincerely

David Hyatt  
Ethics Administrator  
School of Education

## APPENDIX TWO

### Participant Information Sheet.

#### Research Project title

**Solicitor apprenticeships – a new and improved education and training route to qualification as a solicitor? A study of stakeholders’ perceptions.**

**Researcher Gail Cunningham, a doctoral student at the University of Sheffield.**

**Supervisor Dr. Heather L. W.Ellis, University of Sheffield.**

#### 1) Invitation paragraph

You are being asked to take part in a research project. Before you decide whether or not to participate, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Please ask if you have any further queries. Take time to consider if you would like to take part. Thank you for reading this.

#### 2) What is the project’s purpose?

This project forms part of the academic work I need to complete as part of my doctoral thesis at Sheffield University.

I am a qualified solicitor (non practising) and currently work as a law lecturer, teaching undergraduate, postgraduate and professional courses.

The landscape for legal education is changing and from September 2021, all would-be solicitors will have to sit a centralised assessment, the Solicitors Qualifying Exam. There will be no need for the one year Legal Practice Course (LPC) which is a current requirement for all would-be solicitors. (The LPC has to be completed post law degree and before a period of time in practice as a trainee solicitor.)

This research is connected to my work in that I am seeking to examine the various ways of qualifying as a solicitor and how to best combine (if at all) academic study with practical/professional skills. The main purpose of the research is to examine how the new solicitor apprenticeship route is perceived. However, I am also investigating the experience

of a trainee solicitor in terms of their academic background and how well this prepares them for professional life.

### **3) Why have I been chosen?**

You have been chosen *either* because your employer employs a number of solicitor apprentices/trainee solicitors and because you are a trainee or an apprentice, *or* you are an employer employing solicitor apprentices/trainees.

### **4) Do I have to take part?**

It is up to you to decide whether or not to take part. If you do decide to take part you will be given this information sheet to keep (and be asked to sign a consent form) and you can still withdraw at any time, without any negative consequences. You do not have to give a reason. If you wish to withdraw from the research, please contact [gecunningham1@sheffield.ac.uk](mailto:gecunningham1@sheffield.ac.uk)

### **5) What will happen if I take part?**

It is anticipated that you will be involved in the research on one occasion, when the researcher conducts a semi structured interview. This interview will last between 30 and 40 minutes. The interview will take place at your place of work and will be audio recorded. You will be asked questions about why you chose the apprenticeship/trainee route and what your experiences of it are. If you are an employer you will be asked why you offer apprenticeship/training contracts and what your experiences of it are.

### **6) Will I be recorded and how will the recorded media be used?**

Yes, your interview will be audio recorded. The recording of your discussion will be used only for analysis and anonymised parts of it may be used for illustration in the written thesis that will result from the research. Part of interview transcripts may also be used in conference presentations and research papers but these will be fully anonymised. No other use will be made of the recording without your permission and no one apart from my supervisor will be allowed access to the original recordings.

The original audio recordings will be destroyed as soon as they have been transcribed and the transcriptions will be destroyed within a year of the completion of the project.

### **7) When and where will the interviews take place?**

The interviews will take place between August and December 2019.

They will be conducted at your place of work.

**8) Will my taking part in this project be kept confidential?**

All the information collected will be kept strictly confidential and will only be accessible to myself and my supervisor.

You will not be able to be identified in any reports or publications unless you have given your explicit consent for this. If you agree to us sharing the information you provide with other researchers (e.g . By making it available in a data archive) then your personal details will not be included unless you explicitly request this.

**9) What is the legal basis for processing my personal data?**

According to data protection legislation, we are required to inform you that the legal basis we are applying in order to process your personal data is that “processing is necessary for the personal of a task carried out in the public interest,” Article 6(1)(e)GDPR.

**10) What will happen to the data collected and the results of the research project?**

Once collected, the only people to access it will be the researcher and her supervisor (listed above). The data will be anonymised. The data will be stored electronically and password protected.

Due to the nature of this research, it is likely that other researchers may find the data collected to be useful in answering future research questions. We will ask for your explicit consent for your data to be shared in this way.

**11) Who is funding this research?**

The named researcher is funding the research.

**12) Who is the Data Controller?**

The University of Sheffield will act as the Data Controller for this study. The means that the university is responsible for looking after your information and using it properly.



### **13) Who has ethically reviewed the project?**

This project has been ethically approved via the University of Sheffield's Ethics Review Procedure as administered by the Dept of Education.

### **14) What if something goes wrong and I wish to complain about the research?**

If you have cause for complaint you should contact the researcher's supervisor, Dr. H.L. Ellis. Thereafter you should contact the Head of Dept, Professor Elizabeth Wood, who can then escalate the complaint through the appropriate channel.

If your complaint is about how personal data is being handled, information on how to raise a complaint can be found in the University's Privacy Notice.

### **15) Contact for further information**

#### **Researcher**

**Gail Cunningham**

[GECunningham1@sheffield.ac.uk](mailto:GECunningham1@sheffield.ac.uk)

#### **Supervisor**

**Dr Heather Ellis**

[H.l.ellis@sheffield.ac.uk](mailto:H.l.ellis@sheffield.ac.uk)

## APPENDIX THREE

### Participant Consent Form

Title of Research Project

Solicitor apprenticeships – a new and improved education and training route to qualification as a solicitor? A study of stakeholders' perceptions.

Name of Researcher

Gail Cunningham

Participant Identification Number for this project.

Please circle your answer.

#### **Taking part in the project.**

- 1) I confirm that I have read and understand the information sheet dated XX XX explaining the above research project and I have had the opportunity to ask questions about the project.

Yes. No.

- 2) I agree to take part in the project. I understand that in doing so I will be interviewed by the researcher and that interview will be audio recorded.

Yes. No.

- 3) I understand that my participation is voluntary and I am free to withdraw at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions I am free to decline.

Yes. No.

## **How my information will be used during and after the project**

- 4) I understand that my personal details (name, phone number, address and email address) and my responses will be kept strictly confidential. I give permission for members of the research team to have access to my anonymised responses. I understand that my name will not be linked with the research materials and I will not be identified or identifiable in the report or exports that result from the research.

Yes.      No.

- 5) I understand and agree that my words may be used in publications, reports, web pages and other research outputs. I understand that I will not be named in these outputs unless I specifically request this.

Yes.      No.

- 6) I agree for the anonymised data collected from me to be used in future research.

Yes.      No.

**Name of Participant**

**Date**

**Signature**

**Name of Researcher**

**Date**

**Signature**

## APPENDIX FOUR

### Sample interview questions.

1. What is your background in education prior to starting your apprenticeship/training contract?
2. What attracted you to the solicitor apprenticeship/ trainee route?
3. Did you consider any other routes into a career as a solicitor? If so, what were these and why did you ultimately decide against them?
4. What do you understand by “apprenticeship”?
5. What, if any, differences do you see between “education” and “training”?
6. What do you understand by trainee solicitor?
7. Why did you apply to this firm?
8. How do you think apprenticeships/ training and the training/education they provide impacts on your Learning?

# APPENDIX FIVE

## Sample Coded Transcript

Transcript Participant Ten

Please could you tell me what your background is in education?

So I went to my local primary school and then in to secondary school just outside a village where I lived, and then did my GCSES there and stayed onto their sixth form.

State school?

Yes, so I did my A levels... I did English literature, History, Philosophy and Ethics, and Fine Art. Then I applied for university, as was the norm... and then I sort of, after I applied for a university then opportunity came up for an apprenticeship here... I had already been on a programme called Eversheds Unlocked which was like a... programme for A level students who were the first ones in their family to go to university... and then they just do... it's less about law and more about careers and confidence building and kinda of that side of it... and because I was on their mailing list I got the email about this... So A levels... and then I did a year in the guinea pig apprenticeship here... so because Solicitors Apprenticeship hadn't been approved yet... sorry it had been approved... it just hadn't come in to being. So I did a level 3 Business and Admin apprenticeship for a year and then reapplied for the solicitor apprenticeship when it actually became a thing.

So you're the first year?

Yes.

So is that 2016 that you started?

Erm, yes, 2016 as I am now year 4... so I left school in 2015 so '16 would be the year after so I think it's 2016.

So entering your fourth year?

Yep, and fifth year with the firm.

Ok. What A levels did you get?

A\*, A, B

And then B at AS level which I dropped after the first year.

Ok, that's fine... so I take it from what you have said about Eversheds Unlocked that you are the first in your family to go to university?

No, my grandma did as a mature student, did Art later in life but I am the first one going from school. My parents, aunts and uncle, none of that generation went... Just one grandma who later decided she wanted to do a bit of art!

Ok. Brilliant. Erm, so if I could ask you then to just give me a bit more information about why you didn't go to university?

Erm, so the only reason that I was going to university was because I wanted to do this job.

So really focused on being a solicitor?

Yes, so... my dad is in the police, was... he has literally just retired a couple of weeks ago! He... I think from a young age I was always interested in law generally as a thing. As a child I was also interested in politics... my six year old ambition was to be PM so I always had an interest in law, always wanted to be a solicitor... well it was between barrister and solicitor so I did work experience with both and decided I didn't want to be self employed and then this was the next route... I did a few bits of work exp and then went into... decided that commercial law was the one I wanted to do and because I knew I wanted to do it, it made sense to do it as an apprenticeship if I could. As I say, it wasn't when I left sixth form, it had been approved but it wasn't yet in force... so I kinda joined Eversheds initially on the... I know it's so difficult to get into law at the other end, being a graduate, so I thought even if it was the level three apprenticeship for a year, it was a year's experience that I wasn't going to have otherwise... actually working in a firm. So I felt even if I then did have to go down the traditional route, I would be in a better position coming out at the other end... Have a bit more awareness of what I wanted to do.

So did you feel that you were missing out on not going to university?

I think... all of my friends apart from one, who dropped out and ended up doing a business management apprenticeship, went to university and I think the only thing I missed out on was the social side of things. You don't get the same kinda of social... well you just don't get any sort of... extra social things that go along with university cos it's mostly distance learning so a lot of the... I've made a friend on my apprenticeship who also works in another firm in Leeds... But it's only you have one face to face day every 3 months so you've not constantly around people doing the same thing as you. And obviously you are in work so you can't go drinking on a Tuesday night! So you haven't got that side of it.

I think for me, it was more important to be able to see the end goal of the apprenticeship. For me, I felt like when I was at school, it was very much I was jumping through hoops to actually have to get to the next stage of just learning... so it was you need good GCSE results so you can do the A levels you want, then you have to get good results so you can get through to a good university because you need a good degree to get to where you want to be. But then there was never like that... well once you've got your degree, it's not necessarily going to lead to anything because there's so much competition.

Did the debt play a role in it?

Erm, I mean it's great... it's a great thing that it means I haven't got student debt and it means that at the other end I'm going to be better off than my counterparts. But for me, I kinda of see student loans in terms of as a necessary evil because everyone has to have... I mean anybody now who wants to go to university pretty much has to get a student loan and because of the way they work... they are off putting and they make you feel... so when I worked out mine I was kinda like why am I spending all this money to have 9 hours a week in contact time and mine was a very high contact hour degree! But to be paying that much... but for me because I was already thinking I was of not going to university, it wasn't a case of I was doing an apprenticeship because I didn't want to go to university because of the debt if that makes sense. It wasn't like the biggest factor...

Yep ok. Ok could I ask you then to tell me in a couple of lines what you think Apprenticeship means?

So to me an apprenticeship... is literally just on the job learning alongside a training programme of some sort... and being paid an amount to do it... which usually isn't... what you would necessarily be doing the job of but I think, yep, for me that's what it means but that might not necessarily be the wider understanding of it!

What do you understand by the term education?

Gosh... that's a good question... erm... that's a really hard question... that's when philosophy and ethics kicks in and they'll have some really obscure answer to this!

...to me, Education isn't necessarily all about reading books... it's very much it should serve a purpose or it should be interesting or it should challenge people in some way... it shouldn't just be about learning something for an exam... however, I believe that the social understanding of education is that you are doing it to pass exams.

And what do you understand by the word training?

Training? Erm, training to me is more sort of people passing on skills to others... and training you to do a specific thing or job or... skill.

Okay dokey. How do you think apprentices are perceived?

Erm, initially when I started here, for example, apprentices I think, were perceived as maybe like they had taken the easy option or they weren't as smart as people who were