Recruitment and retention in legal education

This report by Lynne Graham-Matheson, commissioned by CALE, the Consortium for Access to Legal Education, was completed in October 2002. It gives background information on widening participation, focusing on the issues of disabled students, recruitment and retention, and includes a number of examples of good practice.

Note: Over recent years the distinction between widening access to, and increasing participation in, higher education has become blurred. 'Widening access' refers to facilitating entry to higher education from under-represented and disadvantaged groups; 'increasing participation' is only concerned with numbers of students. In practice this terminology has become confused and 'widening participation' is now widely used, although 'widening access' is generally what is meant. To follow common practice this report uses the term 'widening participation' to refer to both an increase in student numbers and increasing participation by under-represented groups, or 'non-traditional students'.

There is no generally accepted definition of so-called 'non-standard' or 'non-traditional' students, but it is generally taken to mean those who are not aged 18, male, white, middle class, with three good A levels. Hence women, ethnic minority groups, older students, disabled students and those with alternative entry qualifications, for example Access courses, or with no formal qualifications, may be termed 'non-traditional'.

Research methodology

The original research design was to be based on statistical and other data from the 20 CALE institutions, followed by interviews with a representative from each institution, to examine success in widening participation, recruitment and retention in law schools and find examples of good practice. This was to be supported by a literature review and desk research.

In the event there was a very poor response from most CALE institutions. Only five institutions were able to provide any data, and four agreed to be interviewed - two of these being the same institutions as had provided data. As there were so few interviews a questionnaire based on the interview questions was distributed by e-mail, but only two further institutions responded. Thus there was no response from more than half of the institutions.

This has clearly had a very significant effect on the research. The statistical data which was provided has not been used in detail - partly because the data which was of varying forms and content, and so did not permit comparison, and also because it did not seem appropriate to use data from such a small number of institutions when it had not been

provided by others. This is most unfortunate, both for the research and for the staff at those institutions who worked so hard to try and provide what was required. The result of this is that this research report is very 'bottom heavy', with the emphasis on the literature review and desk research rather than information specific to CALE.

Widening participation: the background

The drive towards widening participation in higher education, culminating in the present government's policy that 50% of 18-30 year olds should participate in higher education by 2010, began with the publication of the Robbins Report in 1963. Before the Robbins Committee produced its report there had been a widespread belief that there was a 'pool of ability' from which those who could benefit from higher education would be drawn. Amongst those asked to give evidence to the Committee on this topic, educational sociologist Jean Floud concluded that: "There is no iron law of the national intellect imposing an upper limit on the educational potential of the population. What only the few could do yesterday, the many can do today&" (1963 p52).

The Robbins Committee's recommendations on increasing participation were welcomed by the government as "an opportunity to set the course of higher education in this country for a generation" and the Minister for Education said that "courses of higher education should be available for all of those who are qualified by ability and attainment to pursue them" (quoted in Kogan, 1971).

In the 1960s universities were not for the lower classes. In 1963 a report by the Labour Party's Study Group on Higher Education spoke out against the distinction between Oxford and Cambridge and the other universities and took a tough line on university autonomy, calling for equality of opportunity and access. Long term solutions included a massive expansion of higher education and a significant extension of state control. In justification, economic needs were combined with the principle of equality. The report argued that:

" Higher education should no longer be a privilege but a right for all able young men and women, regardless of their families, class, incomes or position...and Britain's economic stagnation is a direct result of the neglect of higher education....economic expansion is only possible if university and technological expansion expands rapidly and continuously to provide the necessary brain power and skills. (Study Group on Higher Education, 1963 p8). "

The main aim of the Robbins Committee was to ensure that a greater proportion of school leavers could find places at university, at a time when fewer than one in ten did so. In the years from 1970-71 to 1994-95 the number of full time students in higher education increased by over 40%. One in three young people entered higher education

in 1995-96, compared with one in six in the late 1980s and one in 20 in the early 1960s. Between 1970-71 and 1995-96 the numbers enrolling on higher education courses more than trebled, with a particularly significant increase of 62% between 1990-91 and 1995-96. (Social Trends, 1998).

Reporting in 1997, the Dearing Committee found that although the numbers of students from higher socio-economic groups had increased dramatically, the participation in higher education of students from the lower social groups had not kept pace. The rate of participation from the lower socio-economic groups and those with disabilities lagged behind the improvements shown for ethnic minority groups, women and older students. "Participation in higher education remains an 'unusual' occurrence for many students from lower socio-economic communities - rarely anticipated and, where the opportunity presents itself, not always taken up." (NCIHE, 1997 report 6 p34) The committee found that rates of participation in higher education were closely correlated with five general factors - national economic development, pluralistic democracy, comprehensive access to primary and secondary education, the structure of the education system and levels of social cohesion. For an individual, the specific correlates of participation in higher education were said to be (NCIHE, 1997 report 6 p36):

- gender - despite the improvements in rates of participation by women, 'male' was said to generally predict participation in higher education, with gender also predicting the type of course
- socio-economic group - socio-economic groups I and II predict participation in higher education, the lower groups do not
- mother's education - any level of education, particularly maternal education, above the minimum predicts the participation of offspring, with higher levels of arental education generally being positive for participation
- attainment at 16 - predicts academic achievement at 18
- attainment at 18 - predicts prospects for entry into higher education

The Committee found that although the expansion of higher education from 1988-1994 increased the age participation index (API) for Great Britain from 17% to 31%, the API for Scotland and Northern Ireland was significantly ahead of that for England and the UK as a whole. Although participation by older students had steadily increased, rates of participation for 18-20 year olds were more than twice those for any other age group, and nearly ten times the rate of the general population, leading to the comment that there was still a long way to go before higher education could be regarded as a lifelong learning experience. A Department for Education and Employment survey found that over a third of adults had not undertaken any form of structured learning since leaving school. Some did not see the relevance of learning, others cited time, money, family responsibilities, previous poor experience of education and fear of failure as reasons for not becoming involved (DfEE, 1997).

The Dearing Committee commented on the limitations of the available data - there was scarcely any data on the socio-economic status of part time students (33% of the total higher education population) or mature students (50% of the higher education

population). Although there had been increases in the numbers of students participating in higher education from ethnic minority groups and the lower socio-economic groups, it remained the case that higher education was still predominantly the province of the higher socio-economic groups, with the API for group I reaching nearly 80%.

% API by academic year and socio-economic group, UK (NCIHE, 1997 report 6 p40)					
SEG	1991-92	1992-93	1993-94	1994-95	1995-96
I	55	71	73	78	79
II	36	39	42	45	45
IIIn	22	27	29	31	31
IIIm	11	15	17	18	18
IV	12	14	16	17	17
V	6	9	11	11	12
Total	23	28	30	32	32

Trends in student intake 1986-1995, % by specific years (NCIHE, 1997 report 6 p42)				
	1986	1995	1993 (pre-1992 uni's)	1993 (1992 uni's)
women	42.4	51.5	49.6	49.0
age 21+	14.5	29.0	17.0	34.2
SEGs IIIm-V	23.4	28.1	22.3	32.4
A level	86.3	73.7	83.9	58.5
ethnic minorities	10.7	13.0	8.5	14.4
Asian	7.5	8.4	-	-

black	2.2	3.3	-	-
other	1.0	1.4	-	-

The Dearing Report recommendations 2-6 related to widening participation:

- Recommendation 2 - We recommend to the government and the funding bodies that, when allocating funds for the expansion of higher education, they give priority to those institutions which can demonstrate a commitment to widening participation, and have in place a participation strategy, a mechanism for monitoring progress, and provision for review by the governing body of achievement.
- Recommendation 3 - We recommend that, with immediate effect, the bodies responsible for funding further and higher education in each part of the UK collaborate and fund - possibly jointly - projects designed to address low expectations and achievement and to promote progression to higher education.
- Recommendation 4 - We recommend that the funding bodies consider financing, over the next two to three years, pilot projects which allocate additional funds to institutions which enrol students from particularly disadvantaged localities.
- Recommendation 5 - We recommend to the government that it considers the possibility of restoring to full time students some entitlement to social security benefits, as part of its forthcoming review of the social security system. This review should include consideration of two particular groups in current difficulty, those who temporarily withdraw from higher education due to illness and those with dependent children aged over 16. We recommend that the total available to institutions for Access Funds should be doubled with effect from 1998-99 and that the scope of the funds should be extended to facilitate participation by students who would otherwise be unable to enter higher education.
- Recommendation 6 - We recommend to the funding bodies that they provide funding for institutions to provide learning support for students with disabilities; to the Institute for Learning and Teaching in Higher Education that it includes the learning needs of students with disabilities in its research, programme accreditation and advisory activities; to the government that it extends the scope of the Disabled Students Allowance so that it is available without a parental means test and to part time students, postgraduate students and those who have become disabled who wish to obtain a second higher education qualification.

Widening participation has been centre stage since 1998. The 'Laura Spence affair', according to the House of Commons Select Committee report on student retention (2001), demonstrated the government's commitment to inclusivity. However, although significant progress has been made, so that rates of participation have exceeded predictions, "some marked inequalities in educational opportunity remain" (NCIHE, report 5 p3):

> " "Recent policies to increase participation and achievement in learning have achieved some success, but mainly in providing opportunities for those who have already achieved to continue to do so...we must widen participation not simply increase it. Widening participation means increasing access to learning and providing opportunities for success to a much wider cross-section of the population. "

<div align="right">(HEFC, 1997 p15)</div>

The pattern of participation in higher education has historical precedents and there are similar patterns in other countries. For example in other member states of the EU students are disproportionately from the upper socio-economic groups (Thomas, 2001). Despite the numerical increase in student numbers, there has not been an increase in diversity, nor are students from groups who have not traditionally participated in higher education now equally represented. Participation rates remain comparatively low for people with disabilities and those from poorer backgrounds (National Audit Office, 2002). There is limited information about part time students, which may be a more flexible option for students from low income families, enabling students to continue in paid work (Thomas, 2001). The participation of non-traditional students also varies greatly across institutions and courses. As Margaret Hodge, Higher Education Minister, said recently:

> " ...nowhere is social inequality more deeply ingrained than in higher education.
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> Nowhere is the British class system more obvious than in our universities. With the expansion in numbers in the 1990s under the Tories, access to universities has become a right for the middle classes but it remains a privilege for the children of poor families. If you're in the top socio-economic group you have a 3 in 4 chance of going to university; if you're in the bottom socio-economic group you have a 1 in 10 chance of getting a place. "

<div align="right">(Hodge, 2002).</div>

The Dearing Committee and others have commented on the progress that has been made in increasing participation rates for women and mature students, so they are not the focus of this report. However, although women's participation in higher education has increased so that there are now slightly more female students than male, which is roughly in line with the compositon of the population as a whole, women are unevenly distributed across subjects. Women are under-represented in engineering and technology and over-represented in arts, humanities and natural sciences. In 1994-5 under 20% of students in engineering and technology were women, compared with over 80% in professional studies allied to medicine and education, so "more has not meant

different for most women learners in higher education" (Rivis, 1995 p54). In 1997-98 women were a "significant majority" in subjects allied to medicine, but men the majority in engineering and technology, computer studies, architecture and building subjects (HESA, 1999). This distribution is less likely to be caused by discrimination in post-compulsory institutions than by society in general and the education system at school level, as Coffield and Vignoles (1977) note:

> " These choices [in higher education] can be traced back to gender specialisation in early schooling, linked to the general expectation that girls do not do well at more advanced levels in some subjects, and to the lack of female role models in those subjects. "

(p9)

There is a similar situation vis a vis students from ethnic minority groups. The Dearing Committee found that overall ethnic minority groups were more than proportionately represented in higher education - in 1994 12.2% of young students in higher education were from ethnic minority groups and in 1977 ethnic minorities constituted 13% of first year undergraduate admissions, while the same ethnic groups represented 7.3% of the 18-20 year old population as a whole (Coffield and Vignoles, 1997 p6). However, as Coffield and Vignoles note, these apparently positive figures mask the complex nature of ethnicity and the way it is affected by other factors, such as gender and class. Bangladeshi women and Afro-Caribbean men experience particularly low rates of participation in higher education. Ethnic minority students are also more likely to be accepted into particular post-1992 universities. Modood (1993) suggests there is a preference for institutions that are close to home, so that family and support networks can be maintained, and for those institutions that show themselves to be positive towards ethnic minority. An example is West Hill University College in Birmingham, attractive to Muslims particularly because it has a prayer room and offers a degree in Islamic studies. A greater proportion of ethnic minority students do not have traditional A level qualifications, and thus are more likely to be accepted by post-1992 universities (Taylor, 1992) and to enter higher education later as mature students (Singh, 1990). Commentators, for example Coffield and Vignoles (1997) and Taylor (1992) agree that discrimination is occurring.

Entry to higher education with non-traditional qualifications is an indication of diversity in participation. Students from lower socio-economic groups, ethnic minorities and mature students often have 'poorer' qualifications than their younger white middle class contemporaries In 1997-98 about 67% of students entered higher education with A levels and in 1998-99 33.4% of applicants offered places had non-traditional qualifications (UCAS, 1998). Coffield and Vignoles (1997) note that "entering higher education without A levels remains a difficult task" and that in 1992 pre-1992 universities admitted 16% of students without A levels, while post-1992 universities

admittted 41% (p12). There is evidence that the performance of students without traditional A levels is better than that of other students, especially those with low A level scores (Hogarth et al, 1997, Robertson, 1997) and Bull (2000) reports that in Australia non-traditional students entering higher education via an 'enabling programme', ie without traditional qualifications, perform better than their peers.

Law is still regarded by some as one of the most elitist courses - in 2001 the European Access Network said that universities were not trying hard enough to attract people from less privileged backgrounds into law. Some courses were drawing 90% of students from 5% of the population, although some universities, such as Westminster and Liverpool John Moores, were successful in attracting a diverse range of students (The Guardian, 28 June 2002). In the Law Student 2000 study 60% of respondents said their parents worked in managerial occupations, with 25% saying that one of their relatives was a qualified solicitor or barrister, and 41% said they had a friend who was qualified in the legal profession.

The CVCP (now Universities UK) saw class as the last battle in the move to create an inclusive higher education: "The failure to achieve a significant increase in the number of students from less affluent backgrounds is the single greatest challenge to higher education". (CVCP 1999)

CALE institutions

Four institutions agreed to be interviewed. Of these one institution had only a very small law department, offering law as a joint degree. No particular problems had been encountered in recruitment or retention as far as law was concerned. A large proportion of the students were local, mature students, with about a third entering through clearing.

At the London institution interviewed, all law students were from the lower socio-economic classes, with about 50% described as non-standard, mostly mature students on part time courses, about 50% non-white, with about 70% female. The university had lower entry requirements than the 'top' London universities and tended mainly to attract students through clearing. Applicants who do not have the necessary background and skills are referred to Access courses. The interviewee said that she felt the standard of students was now much lower and that many had difficulty understanding transcripts and letters, so more allowance was made in written work. The law school gave all students literacy/English tests and provided classes for the weaker students that may count towards their degree. Many students do not attend lectures etc, often because they are working (in paid employment), and then fail. The interviewee said she would like at least some classes to be made compulsory and smaller - average class numbers used to be about 12, but were now 18. It was felt that this institution offered a high level degree and produced graduates of a high calibre but the real problem was with employers - City law firms are very reluctant to employ non-white female graduates, even with first class degrees.

At another institution interviewed, the law school had a high drop-out rate in relation to national figures, particularly for part time courses, where a number of students withdrew before their fees became due. Over recent years numbers of applicants had fallen, leading to lower entry standards and more students accepted through clearing. There were also felt to be more local applicants. Attempts were being made to attract more applicants through local advertising and an improved website, and local schools were being targeted, with members of staff linking up with specific schools. Non-traditional students do not receive any special help with the admissions process or with study skills, although there is a study centre and a law librarian and law careers expert who can help when asked. Disabled students, eg those with dyslexia, have a mentor, but this is only known if the student brings it to the institution's attention. The law school has been attempting to map performance against A level grades, but has not been able to obtain the necessary information. There are exit interviews for those who indicate their intention to leave, but it was felt that their decision had already been made and it would be too late to help.

At a Midlands institution there was no difficulty filling places on law degrees but with about 50% of students coming through clearing it was hard to get students through the clearing process. Students were mixed ability, with Access entrants as well as those from clearing. It was felt that clearing attracted good students with As and Bs at A level, who had been unable to get into the 'top' universities, as well as those with poor entry qualifications. As law is a popular course the law school is under a lot of pressure from the university to fill places and compensate for less popular subjects. There were no particular strategies to attract students - open days are held, and enquiries followed up with letters and good luck cards. The university had just appointed someone to liaise with schools and in 2002 for the first time the university ran a summer school for about 40 16 year olds, but the law school had minimal input.

No particular help is given to non-traditional students in the admissions process, but the law school is advised of students' A level grades. All students are given a diagnostic test on arrival - they are given a digest of a law case and have to write a very short piece on it, which can help to highlight students with communication difficulties. There is a law skills study unit as part of year 1 and there is a special module for non-English speakers. An academic writing module has been developed for those needing more help, but attendance on it is not compulsory. There is a personal tutor system, but student numbers are now so large that contact is difficult.

Retention is a real issue - there is pressure from the university to improve the retention of law students. It was felt that reducing the intake would improve retention - with smaller numbers of students tutors would have more time to provide support. Only about 40% of students were intending to make a career in law - others were doing a law degree because they felt it was a good degree which was highly regarded by employers, but did not realise what hard work a law degree is. It was felt that the main problem was that students do not engage with their studies from the beginning - many do not even turn up for the induction week. As they are 18 and over, the law school cannot do anything. Law school staff would take time to speak to a student who said

s/he was thinking of leaving, but it was felt that most students simply drift away without saying anything. A significant issue was felt to be the larger numbers of students and smaller number of staff - at the time of the interview the law school had vacancies for three full time members of staff - so there was very limited time to support students.

Two institutions completed the questionnaire. One of these commented that they did not experience problems in recruiting students and had not introduced more flexible entry requirements. About 20% of their students came through clearing and it was felt that these students caused the most problems and were the most likely to fail. The university runs a preparation for university study course, running one day per week for 12 weeks, to help those who have been away from education to prepare for university study. The faculty officer of the law school identifies students who might need particular help with their law studies, and the law faculty has its own study support as part of a compulsory first year module.

The other institution completing the questionnaire has not had difficulty in recruiting full time students, but had experienced a gradual decline in the numbers of part time students over the past four or five years. Full time entry standards have not been made more flexible, but for part timers without traditional qualifications the criteria is whether the applicant would be able to benefit from the course. The university is working to raise its profile within the local community, including offering subject specific 'taster' sessions. About 55% of full time students are local, with about 20% recruited through clearing. Previously students had to seek help with their studies, but since 2001 the university has been offering more help. Study support sessions are integrated into year 1 of the course. Student drop-out numbers have been fairly consistent for the full time students, but currently about 50% of part time students drop out during the first year. Particular problems were felt to be a diminishing pool of students (particularly part time) to recruit from, too much assessment during year 1 and financial problems for students.

Disabled students

One group which is still significantly under-represented in higher education in the UK is disabled students. As the Dearing Committee and others have noted, monitoring disabled students is relatively recent, so it is difficult to establish a clear picture of the numbers of disabled students. Despite the efforts of UCAS and others it was found that the data was unreliable because:

- some applicants fear that identifying themselves as disabled may affect their chance of being offered a place
- many applicants classify themselves as 'disabled' when their condition is not generally regarded as 'disabling', for example if they wear spectacles (O'Hanlon and Manning 1994)
- some students, particularly from overseas, misunderstand the question, understanding 'special need' to refer to a need for childcare, financial support or a vegetarian diet

- UCAS applications do not cover part time, postgraduate and other groups of students

In a 1993 survey Metcalf found that there was very limited information on students with disabilities. She found that disability in higher education was reduced to assumptions about wheelchair-bound mobility ('rampism'), that few institutions had adopted policies regarding disability and only the Open University was committed to barrier-free access.

HESA has invited institutions to supply data on disability, which has improved the availability of data, but it is still the case that some students do not declare a disability to the institution. It has also been found that disclosure seems to increase, and thus returns become more accurate, as the provision for disability improves. Shaw (1999) found that society's response to disabled people influences the numbers of those who identify themselves as disabled - the number of students registering themselves as having a learning disability in Australia is low, with only 2% in higher education, as there have been negative funding implications, while in the US 50% of students register a disability. Some universities collate their own information on disability, but there is no common definition - epilepsy, for example, counts in some institutions but not in others. The UK Code of Practice covers physical and mobility difficulties, hearing impairments, visual impairments, specific learning difficulties including dyslexia, medical conditions and mental health problems (Thomas, 2001). In the UK population as a whole about 12.5% of people have a disability - in higher education about 4% of students identify themselves as disabled (CVCP, 1999). According to Skill (the National Bureau for Students with Disabilities), 3.8% of students were disabled in 1997-98.

At the time of the Dearing Report there were 14,900 first year students in higher education declaring a disability. Of the 11,500 studying full time, 72% reported their disability as dyslexia (2,000) or diabetes, epilepsy and asthma (6,200). The true extent of students with a disability was obscured by the large number of 'not knowns' and those with 'not listed' disabilities. HEFCE (1996) estimated that 2% of the total student body declared a disability, but said that with approximately 7% of the 18-30 age group reporting a long-standing disability, according to the Labour Force Survey (LFS), indications are that there is an under-representation in higher education. The 1999-2000 intake of full time higher education students included 5% declaring a disability and 1% receiving the Disabled Students Allowance (DSA) (National Audit Office, 2002). It is difficult to compare these figures with the 18% of the working population declaring a disability in the 2000 LFS; as Dearing pointed out, the LFS includes as disabled all those who report a learning difficulty, which would considerably distort the data. Students may under-declare disabilities if they fear discrimination and the student population is younger than the working age population, and thus likely to have a lower prevalence of disability. Nevertheless, cohort studies by the DfES, which removed these problems but covered a smaller population, suggest that an 18 year old with a disability or health problem is only 40% as likely to enter higher education as an 18 year old without such problems. The most common disability among students is dyslexia, affecting over half of those receiving DSA. The proportion of students receiving DSA in 1999-2000 varies among higher education institutions from 0% to 8%, with 34

institutions reported as having none. Again, there are said to be problems with the quality of the data.

An audit of the policies and practices of a sample of higher education institutions carried out by Skill found that there was "quite a long way to go" to meet the needs of disabled students. It was found that although in many cases a lot of good work was done to meet the needs of individual students, this was in an ad hoc way, and not supported by systems and procedures. Often students will advise a member of the teaching staff that they have problems, but this is not reported back to somebody who could make the necessary adjustments or change institutional policy.

In Skill's evidence to the Select Committee on retention it was noted that disabled students may not be able to take on paid employment to finance their studies and may need more time to study and/or to undertake basic tasks like washing and eating. A change in culture is needed so that disabled people are seen as having a right of access to higher education, with their needs not seen as special, marginal or burdensome. "Students who have to overcome disabling barriers to learning, or who have to press continually for what they need, are in danger of leaving their courses." (Select Committee, 2001 p252)

From September 2002 the Disability Discrimination Act part IV made it unlawful for education and training providers to discriminate against disabled people. Responsible bodies must not treat a disabled person "less favourably" than a non-disabled person for reasons related to his or her disability. Responsible bodies are required by law to make "reasonable adjustments" to ensure that a disabled student is not placed at a "substantial disadvantage". Adjustments to the physical environment must be made by September 2005. The Act covers everything from physical disability to mental health problems and asthma, and encompasses any services provided for students - education, training, leisure facilities and accommodation - and also covers admissions, enrolments and exclusions (THES, 5 April 2002). A significant change brought about by the legislation is that it is no longer sufficient (if indeed it ever was) for educational institutions and tutors to make ad hoc arrangements for disabled students who happen to enrol. It is now necessary to mainstream disability, ensuring inclusive practices and to anticipate the needs of students yet to apply. Universities have to be ready to accommodate and teach any student.

In terms of responsibility, clearly institutions will be responsible for making the necessary changes to the physical environment - the provision of wheelchair access, for example - and for ensuring that university-wide systems and procedures, such as admissions, are fully inclusive and that disabled students are not only not discriminated against but are positively welcomed. Law schools, in common with other departments, will need first to ensure that the environment is conducive to students identifying themselves as disabled, then to ensure that teaching and assessment methods meet the needs of these students. Thought needs to be given to any changes which will be necessary before disabled students are admitted.

Skill publishes a booklet entitled *Into law* which includes case studies of disabled people who have successfully completed their studies and entered the profession.

Recruitment

In considering issues of widening participation, recruitment and retention, law is perhaps different from many other subject areas in that it is very popular. Students see a law degree not just as a means to an end - becoming a solicitor or barrister - but as a good general degree, which will give them status and a passport to many careers. According to The Guardian (20 October 2002) law is the third most popular degree in Britain, with over 14,000 students applying to study every year.

In 2001 Nigel Savage, Chief Executive of the College of Law, suggested that legal education and law firms had "enjoyed considerable success in the past 30 years. In 1945 there were 1,500 law students. Today there are so many that the profession's regulators are not even sure how many there are; the best information is that there are more than 80 law schools, probably up to 350 qualifying law degrees and about 16,000 students emerging from the academic stage." According to Savage, while in the US the American Bar Association provides regulatory protection for university law schools against declining funding, in England and Wales "the professional bodies have presided over a system where law schools have been used to attract high quality students at relatively low cost. As a senior judge once remarked, 'vice chancellors like law faculties. They can seem the cheapest departments to run and are easy targets for cutting costs'". Ames wrote in 2001 that "cynics would argue that some institutions are falling over themselves to teach law because the courses require little infrastructure - all a university needs is a few books, some teachers and a couple of lecture halls."

One of the 'plus points' in studying for a law degree is the employability of law graduates. In a survey of students graduating in 2000 carried out for Prospects, the graduate careers organisation, of 8,025 law graduates surveyed (81.5% response rate), only 3.7% were unemployed. The full figures:

in UK employment	32.1	%
in overseas employment	1.9	
studying in the UK for a higher degree	7.9	
studying in the UK for a diploma, certificate or professional qualification in teaching	0.4	
undertaking other further study or training in the UK	46.8	

undertaking further study or training overseas	1.1	
not available for employment, study or training	5.3	
believed to be unemployed	3.7	
seeking employment, study or training but not unemployed	0.5	

According to the HESA statistics for year 2000 graduates, not surprisingly first degree qualifiers in medicine and dentistry and education were most likely to have entered employment (92% and 89% respectively) whereas qualifiers in law were least likely (32%) although this group were most likely to continue studying. 27% of those who gained a law or language qualification went on to further study or training, compared with 5% of qualifiers in librarianship, information science and business and administration. By far the most likely graduates to continue study or training were former law students, at 56%.

It has already been noted that law is a very popular subject, but this does not necessarily mean that all law schools are finding recruitment easy. There seems to be a particular problem with the numbers of students recruited through clearing, and there are still difficulties in recruiting non-traditional students.

The NAO study carried out in 2002 found that the main obstacles to participation in higher education for disabled people and those from lower socio-economic groups were:

- early disengagement from education
- differing educational opportunities prior to higher education
- concerns about completing and benefiting from education
- problems in securing financial support

Action that could be taken by higher education providers to help these groups included:

- written selection strategies
- specialist training for admissions staff
- taking applicants' backgrounds and circumstances into account assessing the likelihood of their succeeding in higher education

The report *From elitism to inclusion*, published by CVCP in 1998, identifies three essential components for increasing participation among young people from the lower socio-economic groups (p7):

- firm targeting of access strategies towards these young people, with clear criteria for identifying and concentrating resources on those most in need of support. 'Catch all' approaches directed towards 'non-traditional' students in general are not attracting this group.
- explicit admissions routes across all institutions, which provide real incentives, and which recognise that the achievements of these young people represent success over formidable social, economic and cultural barriers
- rigorous and comprehensive monitoring schemes which focus on outcomes, to track participants' progress, maintain quality and ensure that the access strategies are enabling participants to enter and succeed in higher education

The report used strict criteria for assessing whether case studies submitted by institutions were suitable for inclusion as examples of good practice. Over half the 58 case studies submitted did not relate, or did not relate primarily, to the target group (young people from the lower socio-economic classes). Several of the institutions which did not participate in the study gave the target group as the reason for their inability to do so.

> " Clearly the majority of institutions involved in widening access are not yet specifically targeting young people from lower socio-economic backgrounds, a finding which may go some way to explaining their persistent under-representation. "
>
> (p92)

The case studies which failed assumed that access meant adults and so did not relate to young people, targeted school children but ignored social class, did not relate to young people or to those from lower socio-economic groups, or more frequently had no precise target group. This 'mixed bag' approach jumbled up various groups, including ethnic minority groups, disabled people, women returners and young people from lower socio-economic groups under the collective banner of non-standard or non-traditional. According to the report the assumption was that "strategies designed to widen participation for any one of these groups would probably prove as appropriate for the others. This assumption, together with the historic tendency of those social groups already within the system to benefit from opportunities designed for those who are not, puts the 'catch all' approach well down on any list of good practice." (p93)

It was, however, found that among the case studies submitted there was encouraging evidence of widening participation. It was found that there is as yet no evidence which supports the view that there is a 'best age' at which to involve young people in widening participation. The decision on which groups to target can be problematic, with different access priorities and strategies. Although most would agree the earlier the better, the younger the starting age, the longer the period of the programme and the more resources would be needed. Most of the case study institutions not targeting pre-16

pupils were only deterred from doing so because they would be spreading resources too thinly - partner schools were generally in favour of an earlier starting age. The main options were seen to be:

- ages 17-18 upwards - the main objective here being to recruit young people on A level or GNVQ courses who might otherwise not proceed on to higher education. This is particularly the function of summer schools, a major feature of widening access in Scotland - often schemes require participants to have been offered a university place.
- age 16 upwards - the main objective here would be to encourage young people to stay in education and encourage progression into higher education
- age 14 upwards - this earlier starting point, directed at pupils making decisions about 16+ examinations, is based on the belief that this is when pupils need to be encouraged and supported if they are to stay in education
- below 14 and upwards - some widening participation schemes involve children at an earlier age, with a view to developing the kind of aspirations and expectations in relation to higher education that middle class children would develop from a very young age

The Paving the Way project led by UCAS involved the University of Birmingham, the University of Central Lancashire, Queen Mary University of London and York St John College in a study of the experiences of target groups from among under-represented students at three stages - prior to application, during application and during the first year of higher education, with the aim of identifying barriers to higher education.

The project findings confirmed that decisions which determine future participation (or not) in higher education are made by the age of 14, often earlier. Attitudes formed at an early age govern the decision to stay in education after 16 or not and post-16 educational progression. These decisions are shaped primarily by socio-economic factors but with some cultural variation associated with ethnicity. Key variables in supporting application to higher education are family influence, knowing others of similar backgrounds in higher education and school and college support. Also important is contact with parents by higher education institutions and contact with students from similar backgrounds for the students.

With regard to recruitment to higher education, the study found that GNVQ/AVCE and Access students perceived a hierarchy of institutions and saw themselves as excluded from high status institutions due to a lack of recognition of the value of their qualification. Confidence was a key issue for all students in under-represented groups, especially those not doing A levels. Finance and a lack of accurate information were confirmed as barriers to participation in higher education for under-represented groups and a strong risk factor with regard to retention.

The institution's prospectus was found to be the main source of information for all students in the project. All respondents wanted accurate and detailed information about courses and graduate employment opportunities and disliked promotional gloss and a

'hard sell'. Mature students perceived images of exclusion where they were absent from images and text in the prospectus. The project found that there was a need for institutions to review the quality of pre-entry information, to ensure that it is suitable for applicant diversity and provides accurate information. It was thought that the involvement of consumers from under-represented groups could help in evaluating prospectus material.

It was found that "Open days had an important role in assisting informed choice and supporting the transition to higher education, both impacting upon retention. They were well used by traditional students, but under-used by non-traditional students in the project, and could be a positive or negative experience for them." (p29) Thus there was a need to review current open day provision in terms of its suitability for diverse student needs. It was pointed out that evidence shows the importance of the relationship between well-informed application choices and retention in higher education.

The project found that the admissions practice "which served the elitist higher education system of the past continues to drive current admissions practice, which ill serves existing applicant diversity and widening participation objectives" (p29). It was felt that entry requirements should be "more transparent and more meaningful" (p29) and that the reliance on performance at A level and GCSE as the main basis for admissions decisions and primary indicators of potential discriminated against those who may have under-achieved at school due to socio-economic disadvantage and those following a non-A level route. The experience of students in the study suggested that the admissions process is under-resourced and that there should be closer links with post-16 institutions to address the mutual lack of understand and inform the admissions process.

The report comments that "the fairness and professionalism of admissions practice was questioned in the light of experience by students in the survey. It is suggested that instituions need to:

- ensure professional standards in interview and offer-making practice
- review offer-making policy in the light of variance between conditional offers and Clearing acceptance to ensure that under-represented groups are not disadvantaged by possible ignorance of this variance
- consider the contribution of progression agreements, such as the University of Birmingham's A-B [Access to Birmingham] scheme, with local schools and colleges with low participation rates." (p29)

The project suggests that progression into and through higher education and into employment needs to be seen as a whole experience, through which students need information, support and continued guidance. "If students are not properly briefed prior to starting their degree, or do not receive assessment feedback on their work, this can lead to dissatisfaction with the course, inability to cope with the workload, not knowing what is expected of them to pass, drop-out and failure." (p29). It was felt that mature students and students who were living at home felt socially isolated when they started in

higher education and suffered from poor communication of information about their courses, including course changes. It was therefore felt that attention should be given to providing for their social integration into their courses and their institutions and for better means of communication. Failing toappreciate the needs of mature students and poor organisation on the part of the institution could make their transition to and life in higher education very difficult. It was thought to be particularly important for mature students to have timetable information in advance of entry.

Following the comments in Paving the Way on the reliance placed on prospectuses by students, and the unwelcome nature of some prospectuses for non-traditional students, the law sections of the CALE institution prospectuses were checked to see whether they specifically feature non-traditional students. This is clearly not scientific research, but may be helpful for institutions and/or law schools to look again at their prospectuses. It is accepted that the general sections of the prospectuses may well specify facilities for disabled students, alternative entry etc, but if prospective students refer to the law section first this needs to be welcoming. All the CALE prospectuses were obtained via the Internet - most were for 2002. Although some institutions ask for the proposed subject of study, only Liverpool John Moores also sent a booklet specifically about studying law. Several institutions have a 'comments' box with their prospectus request form, but none asked specifically if they should also send details about studying as a disabled or mature student, although in most cases this information is available on the website.

institution	law section of prospectus
Anglia Polytechnic University	one photograph featuring a white male and a white female student, mentions welcoming applications from mature students
University of Brighton	no photographs, reference to Access courses as an acceptable mode of entry
University of Central England	two photographs featuring white male and female students, mentions welcoming mature students and non-A level entrance
Coventry University	one photograph featuring a black male and two white female students, run an LLB course for non-native English speakers
University of East	two photographs featuring two male and three female

Anglia	students, welcome applications from mature students
University of East London	four photographs featuring all female students and one male tutor, text refers to diverse student body including students from all sections of the community and overseas
University of Glamorgan	one photograph of a white male and a white female, foundation route available
University of Hertfordshire	three photographs including ethnic minority, female and mature students, welcome alternative entry
University of Huddersfield	no photographs, mentions mature students
Leeds Metropolitan University	no photographs, no mention of alternative entry in law section
Liverpool John Moores University	1one photograph of a white female, mentions alternative entry including Access
London Guildhall University	four photographs, two male and two female students, one black female, one possibly ethnic minority male, mentions Access
University of Luton	two photographs featuring a male barrister (ex-student) and a female ethnic minority student
Manchester Metropolitan University	no photographs, mentions Access and alternative qualifications
Nottingham Trent University	montage of photographs, mostly white students but one black female, text refers to alternative qualifications and welcoming mature students
University of Staffordshire	two photographs of tutor groups including black and mature students

Thames Valley University	one photograph of a white female
University of the West of England	one photograph of an ethnic minority female, mentions Access as entry route
University of Westminster	one photograph of a black female, mentions facilities for disabled students in the text
University of Wolverhampton	several photographs of white and ethnic minority male and female students, refers to non-A level qualifications and Access

- provide accurate pre-course information
- ensure welcoming, uncomplicated enrolment procedures
- identify student-centred (work, domestic, study-related) reasons which might make sustained study difficult
- ensure that staff are available to provide specialist information, wherever possible, from those who will teach the students
- relate the relevance and appropriateness of the course to the student's previous learning attainment and experience.

Munn, MacDonald and Lowden (1992) identified the areas which they felt should be included in pre-entry guidance:

- the subjects to be covered - with a comprehensive description of each along with information on the depth of coverage
- an exploration of the suitability of the course in relation to an applicant's background experience and goals
- the entry qualifications or previous experience needed and an idea of whom the course is intended for
- a discussion of the workload (teaching hours, practical, home study) and how it would fit in with the applicant's other commitments
- the type and frequency of assessments
- lists of recommended reading (pre-course and course texts)
- a staff contact name and phone number in case applicants want further information
- term dates
- costs
- career counselling (subsequent employment and educational options)
- information about alternatives (subject, level, mode) for those for whom the course is not suitable
- the opportunity to talk to or contact current/past students.

As far as recruitment into law schools is concerned, it is important that students are clear about what is involved in a law degree. As not all the institutions responded it is not possible to generalise, but it would appear from those institutions who did respond that a particular problem for CALE institutions is recruiting large numbers of non-traditional students and/or large numbers through Clearing, and that these students tend to drop out of their courses. One interviewee, from an institution which is very successful in recruiting law students, commented that it is difficult to get students to engage with the course - many do not turn up for the induction - and that the students do not seem to understand what is involved in a law degree, or how hard the work can be. Clearly when many students are recruited through Clearing the process may be done in a rush and students will not have been interviewed, and may not even have obtained the prospectus or visited the institution.

Retention

Note: Student finance is arguably a key issue in relation to student retention and has been the subject of much research and debate since the introduction of tuition fees and the abolition of student grants. It is not covered here, as this report concentrates on action which could be taken by institutions and law schools to improve student retention, and student finance is obviously not within an institution's control. However, there are studies on student finance which particularly affect law education. The first report from the Law Student 2000 project found that 62% of the law students questioned expected to be £10,000 in debt by the time they graduated. 65% said they needed to work part time during term time, and 50% of students said they needed to earn up to £50 per week. Purcell and Pitcher reported in 1996 that graduates were postponing postgraduate education and training due to the debt they incurred as undergraduates, and Dugdale (1997) notes that student debt is likely to be a contributory factor to the "dramatic fall" in the number of applications for legal training: "graduates already in debt are reluctant to incur a further £10,000 debt to train for a career in law at a time when the market is clearly over-subscribed and an immediate return on their investment cannot be guaranteed" (p161).

As widening access was the issue of the 1980s, so retention is an important consideration for institutions at the turn of the century, although there are differing points of view as to why it is important - for the students as individuals or for the reputation of the institution. In 2001 the House of Commons Select Committee on retention reiterated that education is for the public good and important for national prosperity with value for money an important part of the higher education debate. One thing is certain - as more students participate in higher education, so more, and particularly those from under-represented groups, are likely to drop out. Whereas before we spoke of student drop-out and wastage, now we refer to retention, a change in terminology that masks a change in attitude - drop-out was about individual students, retention is an institutional issue.

As early as 1961 Jackson and Marsden found that while offering access to university to a bright, working class child brought opportunity, for some it brought disturbing social

upheaval and the loss of family closeness. Lord Crowther, the first Vice Chancellor of the Open University, said:

> " The existing system, for all its great expansion, misses and leaves aside a great unused reservoir of human talent and potential. Men and women drop out through failures in the system, through disadvantages of their environment, through mistakes of their own judgment, through sheer bad luck. "
>
> (in Wilson, 1971 p862)

Throughout the 1980s and 1990s there was fierce debate about the relationship between access and quality, entry and wastage:

> " Anxieties about the pursuit of open entry policies were not sufficient, however, to prevent the government from accepting 'ability to benefit' as a principle for deterring access to higher education. Nor were worries about drop-out or failure a major reason for the preliminary work it had conducted on rates of non-completion in the universities. Revealingly, the government was only moved to note that, because most wastage occurred in the first year of study, the expenditure implications were therefore limited. All the same, in the 1987 White Paper, support was given for the use of non-completion rates as an indicator of the quality of teaching. "
>
> (Parry, p20 in Peelo and Wareham).

The newly devolved parliaments in Scotland and Wales set up reviews of student funding and the Education and Employment Select Committee set up an enquiry into higher education, focusing on access and student retention, and university vice chancellors set up their review of funding, access, participation and completion (Universities UK, 2001).

Parry (p26) suggests that with its involvement in funding and widening participation HEFCE "was instrumental in projecting retention into the heart of government policy at the beginning of the new century." Post-Dearing and the introduction of tuition fees, "the newly elected Labour government was forced to defend a policy on student funding which, its critics claimed, depressed demand, deferred access and threatened completion rates." (Parry p25).

HEFCE developed funding proposals in relation to widening participation in line with Dearing but linked them with measures to improve retention:

> " Our key aim is to increase recruitment and retention of students from under-represented groups, primarily through formula funding but also through a complementary special funding programme to support partnerships, innovation and development work. " (HEFCE, 1999 p1)

and

> " We recognise that extra support is needed to help institutions to make the additional provision needed to recruit and retain such students. Student retention is a particularly important issue: our research has reported greater levels of non-completion among students from disadvantaged backgrounds than among other students. "

(ibid p8)

With responsibility for implementing and monitoring the widening participation proposals, HEFCE realised that potentially widening participation might simply result in more students failing, and funding measures were established to help institutions set up support structures. Targets were to be identified for improving recruitment and retention. More controversially, indicators and benchmarks for institutions on the non-completion rates of students were to be published.

The Kennedy Report argued that "equity dictates that all should have the opportunity to succeed" (FEFC, 1997 p15). The report sets out the parameters of widening participation [to further education] with the emphasis on success and progression, rather than on access. It suggests that it is the institution's responsibility to ensure that students access educational opportunities and achieve their potential. Blythman and Orr (2002 in Peelo and Wareham) argue that once such a model of student potential is adopted, institutions need to look at failure as an institutional concern. "The successful completion of study is...a visible means of institutional success. By the same logic, student non-completion can be seen as institutional failure, generating ill will and negative signals about the quality of teaching or support." (OU West Midlands Region 1995 in McGivney) and "attrition rates are a performance indicator used to assess the success of educational institutions. Governments usually see attrition from courses as implying an inefficient use of resources, and high drop-out rates make them suspicious about the quality of an institution." (Kember 1995 p22)

Alongside concerns about retention, it is perhaps important that student drop-out is not always seen in terms of student failure. If, for example, an unemployed person enters higher education in order to gain more qualifications, but then obtains employment and

drops out of university, s/he would be likely to regard this as success, not failure. Peelo and Wareham (2002) suggest that as the concept of higher education and its relationship to the economy has shifted, failing has been identified "as problematic in terms of social and economic waste, as anti-egalitarian and discriminatory" (p7), yet in educational terms failing can be part of a developmental process and a means of learning.

There is a long history of research on wastage or retention, especially in the US. "Non-completing students need not have experienced academic failure, and students who fail academically do not always leave university prematurely. Non-completion, nevertheless, is usually seen as problematic for the student and as failing on the part of the institution." (Peelo and Wareham p7)

Studying drop-out is very difficult. Research is usually based on postal surveys with students who have withdrawn from a programme of study. Response rates tend to be very low, the reasons given tend to be rationalisations and decisions to withdraw usually result from a combination of factors, not just one. Institutional drop-out studies vary in size and involve very different institutions, student cohorts and subject areas, leading Woodley et al (1987) to comment that the research findings "display a bewildering variety". Many of the studies are now very dated, particularly bearing in mind the enormous changes in post-compulsory education which have occurred since the 1980s, and the inadequacy of data on leavers kept by most institutions makes drawing any firm conclusions very difficult, not least because there is not a generally agreed definition of "drop-out".

In recent years the debate has been dominated by the work of Tinto. Tinto (1993, in Peelo and Wareham) places faculty staff and the quality of students' educational experience at the centre of the debate. Tinto sees the reasons for departure located in the intention and commitment of students when they begin their course, in their post-entry experience of adjustment, difficulty, congruence and isolation and in external influences of other commitments and finances. Tinto argues that it is "student integration into an academic community which promotes student persistence" (in Peelo and Wareham, p8) although Yorke (1999) says Tinto has little to offer on students' views on their environment and problems with health and little detailed analysis of students' experience of teaching and learning.

Yorke conducted a study of non-completing students from six higher education institutions who left their courses prematurely during 1994-95 and 1995-96. There were 2,151 full time and sandwich respondents and 328 part time (reported in Yorke, 1999). The questionnaire used asked the respondents to indicate which of some three dozen influences had impacted on their departure, and how strong these influences had been. Factor analysis of the responses of the full-time and sandwich students produced the following:

1. poor quality of the student experience
2. inability to cope with the demands of the programme

3. unhappiness with the social environment
4. wrong choice of programme
5. matters related to financial need
6. dissatisfaction with aspects of the institutional programme

and for the part time students:

1. poor quality of the student experience
2. pressure of work (academic and employment)
3. unhappiness with the extra-institutional environment
4. problems with relationships and finance
5. dissatisfaction with aspects of institutional provision
6. wrong choice of programme

While accepting that failure to make adequate academic progress is difficult to define (for example, because this could be not achieving a pass grade in a formal assessment, or the student's perception that s/he is not doing well enough) the respondents were divided into groups depending on whether failure to make progress was influential in their decision to withdraw. Analysing the data on this basis, unsurprisingly there were clear differences between the so-called 'weak progress' group's responses and the others on factors affecting the student experience.

Differences between the 'weak progress' group and the other full time and sandwich students who left their studies prematurely (in Yorke, 2002 in Peelo and Wareham, emphasis as in the original)		
factor	short label	number of items per factor where the 'weak progress' group reported a higher level of difficulty
1	student experience	**6 out of 7**
2	inability to cope	**5 out of 5**
3	social environment	1 out of 5
4	wrong choice	**5 out of 5**
5	financial need	0 out of 6
6	institutional provision	1 out of 5

When the 'weak progress' group was sub-divided into those who left within two years of beginning their course and those who left later, predictably the only difference related to wrong choice of course, with those who had made the wrong choice leaving early. Within the weaker group there were gender-related differences. Women seemed to

have more difficulties with being away from home and with accommodation. They reported a higher proportion of health problems and were more likely to leave to take up employment. Men in this group were more likely to cite a lack of commitment to studying and the need for a break from education - it was felt that a lack of study skills was significant here. For some men the problem of commitment seemed to be linked with drugs or alcohol.

There were also marked differences between the responses of young and mature (aged over 21 on entry) full time and sandwich students, although some of the sub-groups were small so particular caution has to be used in interpreting the data. As would be expected, older female students were less likely than younger students to refer to the wrong choice of course - mature students are more likely to have taken time with their decision and to be clear about what they want to do. This group of students were more likely to have problems with finance and family and one third of respondents in this group left higher education for employment. The male students showed the same differences in relation to course choice and family and finance, although the needs of dependants figured less strongly for the men. Nearly half of the older men said that study-related stress influenced their departure, in contrast to only one third of younger men. Older men were twice as likely as younger men to cite health problems.

Yorke summarises research carried out in the US and elsewhere on non-completion, and concludes that withdrawal or failure is more probable when:

- students have chosen the wrong programme
- students lack commitment and/or interest
- students' expectations are not met
- students come from a working class background
- students are 'mature' entrants
- students enter with low academic qualifications
- the quality of teaching is poor
- the academic culture is unsupportive (even hostile) to learning
- students experience financial difficult
- demands of other commitments supervene

66 Disregarding adventitious causes such as accident or illness, there are three main groups of risk factors. The first relates to choice of programme and commitment, the second to background demographics and the third to aspects of being a student (although this can be sub-divided into matters over which the institution has control and those over which it does not). 99

(Yorke, 2002 p35)

Performance indicators published for institutions by HEFCE in 1999 show, on further analysis, that a combination of social class and maturity on entry is a very strong predictor of non-completion (Yorke, 2001). There is a strong inverse correlation between social class and maturity and qualifications at entry. "In other words, there is a nexus of demographic conditions that points towards the higher levels of non-completion that are found in the less prestigious institutions" (Yorke, 2002).

The third group of factors identified relates to being a student. Although, as Yorke points out, an institution cannot deal with matters relating to other demands on the student's time or his/her financial situation, the institution can create and run courses in a way that will maximise student learning. Work by Seymour and Hewitt (1997) and others has shown that one impact on retention was the relationship between teaching and research, so that more attention needs to be paid to teaching. Yorke found that some students referred to the poor organisation of their programme or the poor quality of teaching as influences on their decision to withdraw.

> " "In recent years, the pressures of rising student numbers and reducing state funding have increased, with the consequence that the opportunity for staff-student interchange has declined. Higher education is becoming more impersonal. Lectures are given to larger groups, the size of seminar and tutorial groups has increased, there is greater use of part-time staff and teaching assistants, and so on." "
>
> (Yorke, 2002 p36)

The change to modularisation has also had an impact. In some institutions this makes it more difficult for students to identify with an academic 'home' - Tinto's study at Seattle Community College, for example (Tinto 1997) showed the improvements that result from grouping study units together in a coherent way. Crucially for some students modularisation has led to semester-end rather than year-end assessments, with the resulting reduction in the amount of formative assessment given to students, formative assessment being a critical part of the learning process. Yorke suggests that:

> " The decrease in staff-student interchange of various kinds has particular implications for students who enter higher education relatively unattuned to the demands of study at this level. Whilst many who enter from school on the basis of their performance at A level can cope with the academic demands, those who enter via other routes may take rather longer to 'get up to speed' regarding academic study. The need to perform for summative assessments at the end of the first semester is a particular pressure on those who are acclimatising." "

Roughly two thirds of premature departures in the UK take place in, or at the end of, the first year of full time study. Anecdotal evidence from a number of institutions suggests that early poor performance can suggest to students that maybe higher education is not right for them after all, although the main problems are getting used to the institution and the environment and acclimatising to study. As the first year is typically only a qualifying year for an honours degree, and recognising the problems caused by early summative assessments, some institutions are removing from their regulations the requirement that students must pass summative assessments at the end of the first semester. This should allow students time to build confidence and get to grips with academic study, and allow more time for formative assessment.

Building on the work of Tinto (1993) and others, Yorke suggests that to improve student retention the institution needs to have a general orientation towards the academic and pastoral support of its students. Principles for institutional action to minimise academic failure are to:

- have an institution-wide policy commitment to students' development
- have in place structures and processes consistent with this policy
- ensure that new students enter with, or have the opportunity to acquire, the skills needed for academic success
- run programmes in which the emphasis is on maximising students' development
- acknowledge through practice that support for students' academic development needs to be augmented by support for their personal development
- see retention as an integral part of educational policy and practice, and not as a freestanding initiative

" In the UK non-completion has become a political issue. Press coverage of the

HEFCE (1999) performance indicators demonstrates the point. In some newspapers, non-completion has been treated as synonymous with academic failure, and the more right wing press has taken the opportunity to suggest that some students ought not to be in higher education at all. The evidence from the higher education system indicates that such a reaction is simplistic. Non-completion and academic failure are the outcomes of complex interactions between background variables and institutional conditions.

Whereas a higher education institution cannot do much about students' background circumstances, it is probable that there is more academic failure in UK higher education than there should be. There appears to be scope in institutions for improving the ways in which they support students' learning - and hence for reducing the incidence of academic failure. In the end, this comes down to an orientation towards the enhancement of the quality of the student experience. A problem for institutions is that

> their attention is being diverted from enhancement by the need to satisfy external demands to demonstrate that their existing provision complies with expectations."

<div align="right">(Yorke, 2002 p39)</div>

Blythman and Orr (2002 in Peelo and Wareham) argue that student failure is an institutional responsibility and that higher education cannot be considered in isolation from the previous lives and experiences of its students and teachers, or from the educational system or political systems and ideologies of the society in which it is located. Their model of student support to improve retention is influenced by values of equity and social justice. Academic support for students is perceived to be an important part of a strategy to maximise student achievement and equip students better to achieve and progress through the education system and beyond.

Further education has been ahead of higher education in looking at student retention. A report from the Audit Commission and OFSTED in 1993 showed that over a third of all further education students did not complete the course for which they enrolled - on some courses the drop-out rate was as high as 80%. These figures suggested that improving participation and access should be put on hold until the retention and achievement rates of those already students improved. "Further education had to address the fact that massification is not the same thing as widening participation. True participation is only realised when the new students to education succeed and leave with qualifications that do justice to their potential". (Blythman and Orr 2002 p48) In 1994 the Further Education Funding Council (FEFC) radically changed the way that further education was funded, so that payment was made at three points during the student's year - on entry, on course and on achievement. The on-course element was only payable if the student completed the course, so non-completion meant severe financial penalties for institutions.

Within this context Martinez (1995, 1996, 1997) started to research student drop-out in further education. Martinez challenged prevailing ideas about the inevitability of student drop-out. He found that students were more likely to give personal reasons for withdrawing from a course if they were interviewed by a lecturer who was known to them; if interviewed by an independent researcher students were more likely to explain their drop-out in terms of unsatisfactory college experience. Thus information previously collected by colleges had over-emphasised personal reasons for dropping out. Martinez interviewed students who completed their course as well as those who dropped out. In his sample students who dropped out were not financially poorer than those who stayed - the student group experienced more financial hardship. The students who stayed also had more personal problems. Martinez challenged the tendency to individualise drop-out by supporting the idea that retention could be improved through college-based initiatives, moving the responsibility from student to college. Fitzcharles (2001) reviewed a number of studies of student retention and concluded that "student retention and drop-out appear to be significantly influenced by the experience ofstudy and learning and colleges can adopt strategies which improve retention rates" (p25).

Blythman and Orr used their further education experience to try and improve student retention at The London Institute, using the idea that academic staff need to use strategies that they think will work best in their particular context, and based on the work of Martinez (1997), who found that most successful strategies fell into one of five categories:

1. best fit initiatives, which refer to work done to ensure there is a good match between student and course at entry by improving pre-entry information
2. supporting activities such as the development of learning support strategies, study support, language support and curriculum enrichment programmes
3. financial support, for example bursary schemes designed to reduce financial hardship
4. connecting activities to build the connection between the college and the student via mentoring schemes and enhanced tutorial packages
5. transformational strategies designed to raise student expectation and selfbelief through the development of career and progression activities

Blythman and Orr's work confirmed earlier findings, that most students leave in the first half of the first year, and showed the importance of ensuring that students settle into the course. They use a three part model for induction which focuses on induction into the institution with an emphasis on support services, induction into the group focusing on informal networks and friendship groups and induction into the curriculum focusing on course requirements and expectations. Staff were supported in the induction work by an induction handbook with checklists for planning and outlining good practice. The handbook was produced by an open group of interested partners including course directors, student services, study support staff and the student union.

Research in further education (Basic Skills Agency 1997) found that students who made use of study support had lower drop-out rates. Blythman and Orr take student support to mean offering students one-to-one or small group support with the aim of maximising their opportunity to succeed (p52). Study support offers help with many aspects of learning, including discipline-specific study skills, understanding disciplinary cultures, reading, research skills, time management, analysis, writing development and help with progression. It also offers help to those with a specific difficulty, such as dyslexia, a disability or those for whom English is a second language. It is known that study support is for the few rather than the many so it is important, in order to improve retention, that the support can reach all students, thus tutorial support must be enhanced by giving group and individual academic guidance to students by staff to improve student learning. A handbook for tutors was produced, including frameworks, models of good practice and useful checklists. Part of this involves the use of tutorial co-ordinators in each school, whose role includes monitoring the student experience, providing tutors with support and information and identifying and helping to deliver staff development opportunities in order to enhance tutor skills.

The FEFC commissioned a study to examine the impact of "additional support" on student retention, additional support being defined as "an activity which provides direct

support for learning to individual students which is over and above that normally provided in a standard learning programme which leads to the primary learning goal " (FEFC, 1997 p12). The main finding was that "in all age groups students receiving additional support have higher retention rates than those not receiving additional support. This is particularly noticeable for full time adult students aged 25 and over receiving support where the retention rate is 93 % compared to 86 % for those not receiving support." (FEFC, 1997 p12)

Various studies have been undertaken to determine whether it is possible to identify the characteristics of students most likely to withdraw. McGivney concludes that only in relation to subject studied and gender are the findings largely consistent. Kember (1995) argues that trying to use student characteristics as predictors of non-completion would be of dubious value.

> 66 Early research on entry characteristics which correlated with drop-out...served only
>
> to confirm that there is not a single explanation or cure for drop-out...It is comforting that entry characteristics are such poor predictors of success. Students with the wrong initial data set are not pre-determined to fail, however hard they try. The faculty and the college do have a role to play in determining the success or otherwise of their students. 99
>
> (Kember, 1995 p32)

Entry characteristics and subject choice by themselves cannot account for non-completion. Many have argued that it is more helpful to focus on what happens to students after enrolment than trying to predict success at entry. Kember points out that factors associated with high withdrawal do not necessarily cause it and so should not be used in any "facile strategy" (McGivney, p81) to prevent non-completion.

> 66 Statistical relationships do not imply causation. It may be true that drop-out is
>
> highest in the first year of a course but it is clearly ludicrous to suppose that admitting students directly to the second year is going to reduce drop out. Similarly, it may be true that engineering courses have higher drop-out rates than art ones, but forcing students into arts courses may actually increase attrition, as most students would end up in
>
> courses in which they had no interest. 99
>
> (Kember, 1995 p70)

It is impossible to answer the question "why do students drop out?" because there are so many variables - Kubie (1966) in McGivney referred to the "latent dropout potential" in every student. Some degree of student loss is inevitable

> " It would be surprising if it was ever possible to plumb to everybody's satisfaction the mixture of domestic circumstances, personal dissatisfactions and teacher-student failures, the tensions which develop in a group and the general class conditions which underline most reasons for leaving. "
>
> (Rogers, 1971 p25)

Woodley et al in a study of mature students (1987, pp159-160) suggested that reasons for withdrawal can be summarised within the following categories:

- course factors - course found to be too difficult, insufficiently rigorous, too demanding, different from expected, uninteresting, badly designed and/or taught
- institutional factors - inadequate facilities, equipment, accommodation etc, administrative inadequacies, student required to leave by the institution
- study environment factors - unforeseen changes in personal, domestic or working life, 'chronic factors' such as lack of time, energy, money or support (from family, employer) or transport problems
- personal blame - self perception of being disorganised, not clever enough, lacking in study skills, lacking self confidence
- motivational factors - original goal achieved or changed, realisation that goals will not be achieved or could be achieved better elsewhere, other goals given priority

Most studies have come up with this cluster of factors, generally making a distinction between institutional and course-related factors and factors which are outside the institution's control.

> " Non-completion can be endogenous or exogenous to the student. It is possible to separate reasons which relate to the characteristics of the student (social class, age, gender etc) from those which relate to their experience of study (curriculum, presentation or support). "
>
> (OU WM Region 1995)

Studies in all sectors have found significant gender differences in reported reasons for withdrawal - family commitments are cited by more women, while men tend to stress course- finance- and employment-related reasons.

McGivney found that although many mature students withdraw from their studies for reasons which are unrelated to the institution or course, these are often coupled with issues related to academic problems and dissatisfaction with the learning experience. She argues that:

> " The failure by many institutions in the different sectors to predict and address student problems is highlighted by certain points that recur in the institutional and research evidence, namely, the number of mature students who:
>
> - receive little or no advice before starting an advanced course
> - find course content and workloads far more demanding than they anticipated
> - fail to notify institutions that they are leaving or do not give the real reasons for leaving. "

As most withdrawals take place during the early stages of a course, intervention at an early stage is critical. Mansell and Parkin (1990, in McGivney) said that the extent of early withdrawal could be reduced by concentrating on the student support given from pre-enrolment advice through to induction.

The Paving the Way study found that personal support for their study and introduction to study skills was a key issue for all the non-GCE A level students in the survey. Many students felt there was a real divide between pre-higher education and higher education. For some, it took until after Christmas before they fully assimilated the more independent modes of learning and lifestyle involved in the higher education experience. The study found that institutions need to take more responsibility for the induction of new students into teaching and learning styles, institutional procedures and culture and social life (p29).

> " The Paving the Way findings suggest that institutions need to do more to recognise and meet the diverse needs of their student bodies as actually constituted and they need to understand and accommodate their policies and practices to the new and less well-understood aspects of the post-16 curriculum. There is a critical lack of higher education awareness of the need for a customer focus, which is leading to underachievement and student wastage. A shift to a more customer-focused approach can only be achieved at a strategic institutional level. "

(p30)

Other views suggest a mis-match between students' experiences of higher education and their experiences while studying. Better quality information to applicants would help ensure more realistic expectations - the MORI survey for UNITE (Student Living Report 2001 p8) showed that the course was the most important factor in deciding what institution to attend and the prospectus is an important source of information.

House of Commons Select Committee report on retention

The House of Commons Select Committee report on retention (2001) suggests that the retention problem should not be over-emphasised - the UK still has one of the highest graduation rates in the OECD - but that the extent of non-completion needs to be considered, especially as it is most marked in institutions that admit the highest proportions of 'non-traditional' students. Increasing non-completion rates may undermine success in increasing access, put off potential students and cause institutional instability.

According to the Select Committee, the UK has long prided itself on high rates of completion. The idea that a year of studying was useful in itself, though common in other countries, is not common here.

> " High retention and low non-completion owe much to careful and appropriate initial selection, adequate and readily available means of student support and close individual attention from staff. The expansion of higher education during the 1990s made all these more difficult. Expansion significantly reduced the 'wastage' that is due to only a small proportion of the population being able to access higher education. But it also meant a broader spread of entry qualifications and standards amongst those admitted, and thus less certainty of their success. The high cost of an expanded system and other demands on the public purse meant less generous student support, the substitution of maintenance grants by loans and the introduction of means-tested tuition fee contributions. "
>
> (Select Committee pv)

"The 'productivity' of higher education was transformed, but at a price. One aspect of that price has been lower rates of retention." (ibid pv). Staff:student ratios declined from an average 1:9 in 1980 to 1:17 in 1997. If the funding for research included in the average unit of funding is excluded the staff:student ratio worsens to approx 1:23. These figures are averages - in less well funded institutions the situation is worse and during this time class sizes grew and the opportunities for one to one contact with staff diminished. In their evidence to the Select Committee (p212) NATFHE produced figures showing the relative drop-out rate and teaching income per student at the top four and bottom four institutions, and the number of students per member of teaching staff at the same institutions.

Top four and bottom four institutions		
	drop-out rate	teaching income per student
Cambridge	1%	£9,019
Durham	2%	£6,785
LSE	2%	£7,311
Bristol	2%	£8,497
South Bank	15%	£4,683
North London	15%	£4,326
East London	15%	£5,212
Bolton Institute	14%	£4,890

It was felt that a major factor in retention is the amount of face-to-face teaching - small group teaching is highly effective in meeting the needs of disadvantaged students, but needs more staff per student.

Institution	Number of students per member of teaching staff
Cambridge	9.3
Durham	12.6
LSE	17.0
Bristol	17.5
South Bank	22.7
North London	24.8

East London	23.9
Bolton Institute	18.4

Currently a large proportion of staff are on short term contracts or are casual employees. In their evidence to the Select Committee, the AUT said they did not believe the quality of teaching is necessarily lower when students are taught by part time or casual staff, but on courses with large numbers of such staff it is more difficult to deal with students' problems and queries. The NUS felt these changes affected the quality of students' experience of higher education: "...the role of academic staff as 'informal intermediaries' between students and academic structures was being eroded, and the casualisation of academic staff had led to fewer avenues of advice and support for students." (in Select Committee pxix). NATFHE commented that the quality and nature of academic and pastoral support that students receive were fundamental to student retention. Increased student numbers and declining staff:student ratios and pressure on staff to undertake research mean less time for staff to help students with problems, thus there was a tension between teaching and research. This was a particular concern for students from non-traditional backgrounds who are likely to require greater support and guidance.

HEFCE performance indicators show that approximately 20% of the 1996-97 first degree cohort who did not continue immediately into the second year resumed their studies after a year out. Approximately 9% resumed at different institutions. The Select Committee recommended two strategies to tackle the problem of non-retention - by seeking to reduce the numbers not continuing with their course and seeking to reduce the disadvantage of non-continuation by enhancing the 'portability' of acquired attainment below final degree result. (pix) Because there are now more opportunities, for example for part time study or for returning to study later in life, there is a need to look again at attitudes towards those who do not complete courses for which they enrolled.

Undergraduate student numbers have risen substantially over the past 20 years. In general about one in six students leave before completing their degree. Sir Howard Newby, President of Universities UK, suggested that to some extent non-completion was a consequence of taking 'risks' at the admissions stage. In their evidence to the Select Committee, HEFCE said that some level of non-completion is inevitable, perhaps even desirable, and Universities UK commented that non-completion is a problem which could be minimised but not completely abolished as there are always some people who want to change direction. In its evidence the CVCP said that the UK had the lowest drop-out rates anywhere in the world, and the rate had not changed significantly during 30 years of expansion, thus:

> " Improving retention is important, but it should not lead to a diminution of the challenge of successful completion. Our concern is to address the barriers which prevent students from benefiting from higher education, not to lower its standards. "

(pix)

On 29 November 2000 a letter of guidance from the Secretary of State for Education and Employment to Sir Michael Checkland, Chairman of HEFCE, said that widening participation was the main priority and he expected to see HEFCE "bear down" on the rate of drop-out. The Select Committee commented that:

> " ...institutions should focus on retaining students, particularly those from disadvantaged backgrounds. Widening access to higher education must not lead to an increase in the number of people who fail to complete their courses...there are unacceptable variations in the rate of 'drop-out' which appear to be linked more to the culture and workings of the institution than to the background and nature of the students recruited. "

(pxi)

and:

> " If the student enters higher education properly equipped and prepared to benefit from the student experience, the chances of a successful outcome are greatly enhanced...Withdrawal from higher education may result from the student lacking the necessary skills to manage a course of study at that level. It should not be the role of higher education institutions to provide remedial secondary education, although there is considerable scope for better understanding between higher education institutions and the schools and further education colleges on how to equip potential students to meet the challenges of higher education. "

(pxii)

Student retention is especially important in the context of widening participation, according to John Randall, Chief Executive of the QAA:

> **❝** ...if a person from a group that is currently under-represented in higher education
>
> has an experience that they would characterise as one of rejection or failure, then that is going to spread amongst other members of their peer group (be it a social class based group or an ethnically based group) that will do damage to any strategy of widening participation from able people who are not currently represented or who are
>
> disproportionately under-represented. **❞**

<div align="right">(pxi)</div>

Non-continuation following year of entry by social class and entry qualifications					
social class	all entrants	high A level	mid A level	low A level	not A level
I	5%	2%	5%	10%	10%
II	6%	3%	6%	11%	11%
IIIn	7%	3%	6%	13%	13%
IIIm	8%	3%	6%	13%	13%
IV and V	9%	3%	7%	13%	13%

Non-completion is rarely determined by a single cause - incomplete HEFCE research suggests the important factors are:

- entry qualifications (students with weak entry qualifications are less likely to compete)
- subjects (for example, engineering has a high non-completion rate)
- age (mature students are less likely to complete)

There is a suggestion that Clearing students are most at risk of non-completion because they would not be in Clearing if they had the grades to get into their chosen institution. NATFHE, in its evidence to the Select Committee on retention, suggested that institutions recruit a diverse range of students, many with little preparation for higher education, and teach them in the same way as traditional or 'selective' students. A high proportion of students entering higher education do not have recent experience of continuous intensive study:

> " The ability of such students to be self-determining and to organise their studies in productive and satisfying ways should not be assumed. Many institutions already provide induction and support programmes to meet such students' needs. It is important that these should not be seen as one-offs or add-ons. Appropriate styles of teaching, learning and assessment should be employed at each stage of students' programmes and permeate every aspect of the course for which they enrol." "

(pxvi)

> " The availability of continuing, consistent and caring academic and professional advice from lecturers and tutors can help determine whether a student continues or terminates his or her studies. Such support is often cited as one of the strengths of the collegiate system at Oxford and Cambridge and some other universities. Access to such advice is influenced by the basis on which academic staff in universities and colleges are employed. "

(pxix)

The Select Committee's recommendation was that there should be more research on retention.

In a study of further education colleges the National Audit Office (NAO) found:

- females and males had broadly similar retention rates
- students aged 19-24 had the lowest retention rates
- students aged 19 and over had the lowest retention rates for students who have their fees remitted because they are unwaged, studying basic education or speakers of other languages studying English
- students from deprived areas had the lowest retention rates
- retention rates for full time and part time students were similar
- there was no marked difference between ethnic groups
- retention rates were generally higher for courses leading to higher level qualifications but there were no differences between the subjects studied

NAO found that good practice in motivating students at the beginning and throughout the course was essential to improving retention. Other key elements were helping students choose the right course, providing effective induction and support and improving teaching quality and learning methods.

A study on student retention was undertaken at the University of Durham (Select Committee report, evidence HE121). The university has two campuses - Durham has

highly selective admission with a non-completion rate at the end of the first year of approx 6%, whereas the Stockton campus, where the focus is on widening access, has a non-completion rate of 15%. The non-completion rates for years 2, 3 and 4 are largely the same across both sites. The study concluded that 'first year survival' is a critical issue in addressing non-completion and that there is a clear link with A level scores - 27 of the 30 English universities with highest the A level entry scores are in the list of 30 universities with the highest completion rates (Select Committee, evidence HE121).

The Select Committee felt that students who are not fully confident should be provided with key skills help at the very beginning of their course. It was also thought that changes to the academic year might affect retention rates - modular provision can mean assessment very early in the first year - and institutions could consider whether some students need additional help. There could be more help with childcare for single parents, and consideration could be given to working practices and hours of compulsory attendance. There was some evidence that students are more at risk of non-completion if they are not in their first choice of institution. It was noted that a high number of full time students are also in paid employment and students may be offered permanent employment as result of this, with a strong temptation to accept, also that students may be offered jobs as a result of placements, and universities could be more flexible about allowing them to transfer to part time studies. Institutions should try to involve parents more in the admissions process - they have a crucial role in providing support for students, not just financial support.

Conclusions

The lack of response from some of the CALE institutions makes it difficult to draw general conclusions about recruitment and retention in law schools. It is clear that the recruitment of students to law degrees is not a problem overall, although it does seem that some institutions are having difficulty in attracting students to some courses. The absence of data means that it is not possible to determine whether CALE institutions are successful in attracting those students being targeted as part of the widening participation initiative, particularly those from lower socio-economic groups. Some institutions are clearly very successful in attracting students from ethnic minority groups, and here the issue seems to be not recruitment into university but into employment after they graduate.

Again, it is not possible to draw firm conclusions but it would seem that the problem facing at least some of the CALE institutions is one of retention, making sure that those students who are recruited stay to complete their course. This is demoralising for students and staff, as well as having financial implications for the institution. There are a number of reasons for poor retention rates. Some law schools are under pressure from their institutions to recruit large numbers of students, because law is a popular degree, possibly to compensate for other, less popular subjects. The comment by Ames earlier in the report suggests that universities are falling over themselves to teach law - all they need is a few books and a couple of lecture halls. At the same time there is a shortage of resources to cope with the numbers. One institution commented particularly on the

pressures of large numbers of students and small numbers of staff - staff do not have the time to get to know the students, or to identify those with problems, and students experiencing difficulty may well drop out early in the course, before staff really know who they are.

Another issue, at least for some institutions, seems to be the large numbers of students recruited through Clearing, and both anecdotal and research evidence point to this group of students being the most likely to have difficulties and to withdraw. The reasons for this are likely to be complex, but many of these students may begin their courses feeling that they have already failed, by not achieving the grades they needed to obtain a place at their chosen institution. They may find themselves at an institution they know nothing about, studying a course, even a subject, they may not have chosen.

Some interviewees commented that part of the problem is students' perception of law. Students often study law with no intention of making law their career, but because it is a good degree to have, well regarded by employers and a good jumping off point for many careers. At the same time, television dramas make being a solicitor or lawyer seem very glamorous, giving little indication of the academic rigour and hard work involved in a law degree. Students may begin their degree without realising that it is going to be demanding, particularly as many will not have studied law previously.

One problem mentioned by interviewees was that many students do not properly engage with their course - they do not attend the induction and do not turn up for lectures. It was accepted that in some cases this is because students are having to take paid employment in order to finance their studies, but it does mean that students are not giving themselves the best chance of success, and may not feel part of the degree course or the institution.

Comment was made by some of the institutions about the poor quality of the entrants to law degrees in recent years, not in terms of A level scores but general levels of ability, particularly study skills and literacy. Students who are having study problems are clearly likely to withdraw. The lack of skills is obviously a problem at school level, but for students entering higher education needs to be dealt with by universities. It is not sufficient for institutions to offer help on demand - no matter how good the study support centres are, it is well known that some students do not find it easy to ask for help and the students who need help most are the least likely to access it. At the same time, it can be difficult for law school staff to identify those students who need assistance. It has already been noted that there was a poor response from the CALE institutions in providing the data which was required for the research. This is highly significant, not only in terms of the research but because of its impact on student retention. Some of the CALE representatives very much wanted to help but were unable to access the necessary data, and some of those interviewed said that they do not have information on the backgrounds of individual students. Clearly law schools cannot take action and provide additional support to students who need it unless they know who they are.

The comment was made in the CVCP report *From elitism to inclusion* that in working towards widening participation many institutions are not targeting specific groups, ie particularly those from the lower socio-economic groups, but looking at widening access generally. This is likely to be the case also as institutions take action to improve retention, but the lack of resources would make it very difficult to target and implement measures for particular groups of students. Although implementing more general measures may not be ideal, it should still help some students.

The first step in improving retention must be for the law schools to know more about their students, to track progress against entry qualifications and to identify those students who are most likely to drop out and the point in the course where they are likely to do so. With this information it would be possible to take more direct action, although this is a longer term aim, and would require some law schools to have far more information about their students than they do now.

As it appears that students attracted through clearing are more likely to drop out, one way to improve retention would be to recruit more students as direct applicants. The summer school type programmes being established by some institutions to encourage applications from local schools are fairly costly and probably best run as institutional initiatives, although pressure could be put on institutions to run such courses, with a law input. There is action that law schools can take to improve direct recruitment - improving links with local schools and colleges, local advertising, following up enquiries from possible applicants, having 'taster' days. Taking up the points made in the Paving the Way report, all law schools need to look at their prospectus and open day programme and ensure that these are helpful and welcoming for all, but particularly non-traditional students.

Research, particularly in further education, has shown that students with clear pre-entry information are less likely to drop out. For all students, but perhaps particularly for those entering through Clearing, there should be clear information, provided before the course begins, on the course and how it is organised, assessments, pre-course reading, facilities available, where to get help, likely demands on the student's time, costs. It should be open and honest, so that students know what subjects will be covered and in what depth, which areas of the course students without particular previous knowledge and experience may find difficult, and what preparatory work they can do, or where they can obtain help. It is particularly important that timetables are issued in advance, so that mature students with families and students who are also working can organise their commitments.

Lack of staff time is clearly a problem. One solution would be to implement a 'big brother' (or sister) scheme, so that before the course begins new entrants are linked up with an existing student. It is suggested that this should be second year students, who have wide experience of the institution and the course but are not yet involved in their finals, matched as far as possible with the new students in terms of background, gender and age, for example matching mature students with mature students. If possible they should meet but there should certainly be contact by telephone or e-mail, so that the

new student knows someone at the university, and has someone to ask for help who is perhaps (or is perceived as) less threatening and more accessible than a member of staff. In terms of persuading existing students to take part, a small payment would obviously be very useful, but if this is set up as a formal scheme, students would be able to include their involvement in their CVs.

Greater use might also be made of IT resources. The University of Kent has a Lawlinks scheme, whereby all modules have their own websites containing module information and handouts and core modules include audio versions of lectures. This obviously has the advantage that students who have missed lectures can catch up, and those who have difficulty understanding or keeping up can use the website to go over something again. There are also bulletin boards, which can be used to discuss assignments with staff and other students. Apart from the academic usefulness, it is important that students feel part of a community.

Law degrees are obviously constrained by the requirements of the profession, and it may not be easy to make studying law 'fun', but perhaps some law schools need to consider how they teach, particularly in the very early weeks of the course, so that students are not overwhelmed or put off. Making some early lectures compulsory could mean that students are more engaged with the course, do not get left behind early on and begin to get to know other students.

Consideration needs to be given as to how the teaching of study skills is handled. Some degrees incorporate compulsory study skills modules and this practice could be adopted by all law schools, to ensure that students who need help do not have to seek it out for themselves.

The question of formative assessment is an important one. Research suggests that formative assessment should not come at the end of the first semester, that this is too soon and threatening for less confident students. Consideration should be given to moving formative assessment as far into the first year as possible, and to incorporating more summative assessment, so that students can practise their writing skills. It is recognised that this would take up staff time, but it would be of great benefit to the students. A further option would be to adopt a similar practice to that at the University of Westminster, whereby students who fail their first year are given additional help during the summer vacation and the chance of a re-take and progress to the second year.

Student retention will become increasingly important as universities are successful in attracting non-traditional students from under-represented groups into higher education. It is clearly not a problem that can be rectified overnight, or without resources, but there are a number of steps that law schools can take that should begin to improve the situation.

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