

Co-creating with BAME students in legal education

Fatmata Daramy, The University of Law, UK

Morag Duffin, The University of Law, UK

Ibrahim Ilyas, The University of Law, UK

David Taylor, The University of Law, UK

Email: morag.duffin@law.ac.uk

DOI: <https://doi.org/10.5456/WPLL.23.3.80>

Abstract This article explores the challenges of addressing inequitable outcomes and experiences for BAME Law students. It considers the specific challenges BAME students face in entering a profession that is highly competitive, and which has traditionally lacked diversity. It details the approach that The University of Law, as a specialist legal educational institution, has taken to work and co-create with its student body to reduce these inequitable outcomes and experiences, as well as to improve a wider sense of belonging between students, their educational institution and the legal sector. It takes, as a case study, The University of Law's BAME Student Advocate scheme, which was established in the spring of 2020, and spotlights a few key projects delivered by the BAME Advocates: an employer engagement project, a Ramadan project and a project on raising awareness of institutional racism through the Stephen Lawrence case.

Key words BAME; advocate; law

Introduction

This case study provides an overview of The University of Law's BAME (black, Asian and minority ethnic)ⁱ Student Advocate scheme, which was designed and implemented to address inequitable outcomes for BAME students in the University, as well as more widely in the legal sector. The scheme was also designed to improve the experiences and sense of belonging of the University's BAME students, rather than focusing solely on specific outcomes such as continuation, attainment or progression data.

With 15 campuses in the United Kingdom, two international campuses and an online campus, The University of Law (ULaw)

attracts a diverse student body: 55% of the undergraduate population and 40% of the postgraduate population self-identify as BAME.ⁱⁱ It is known that for the past 20 years, the proportion of BAME undergraduate students achieving a 'good degree' (first or upper second class) has been significantly lower than the proportion of white students (Barefoot and Boons, 2019). This gap in good degree outcomes is still significant; for 2017-2018 graduates, it stood at 13% (National Union of Students (NUS) and Universities UK (UUK), 2019). The most recent data for 2019-20 finishers shows the awarding gap varying significantly between ethnic groups: Asian, 7.7%; black, 18.3%; mixed, 3.6%; and other, 9.9% (Office for Students, 2021). The gap in degree outcomes between white and black students is specifically addressed by the Office for Students, and is a long-term target both for the regulator and the higher education sector (Office for Students, 2020). At ULaw, we are aware of our own gaps in degree outcomes for BAME undergraduate students and have set targetsⁱⁱⁱ within our Access and Participation plans to reduce, and ultimately eliminate, these gaps (The University of Law, 2020). We are also aware of gaps in outcomes for BAME students on our postgraduate programmes; these gaps (like the undergraduate awarding gap) are prevalent across the postgraduate professional legal education sector (Jackling, 2017; Solicitors Regulation Authority (SRA), 2015). The University has set internal targets to address these gaps, too.

When addressing the challenges BAME students face, ULaw has the additional specific challenge of being a specialist provider into a profession that also struggles with inequities.

Background of the legal sector

The legal sector has a reputation for lacking in diversity. For solicitors, it is very much an improving picture: currently, 21% of all lawyers in law firms are from a BAME background, compared to a 13% BAME workforce across England, Scotland and Wales (SRA, 2020). This positive trend has now also progressed to partner level with 22% of partners identifying as BAME. However, both black and Asian lawyers are significantly underrepresented in medium- to large-sized firms (those with six or more partners), and the largest firms (50 plus partners) have the lowest proportion of BAME partners (SRA, 2020). The picture is similar at

the Bar: the proportion of BAME barristers was 14.1% in 2020 (Bar Standards Board (BSB), 2021), but when broken down into the different levels, the representation is highest in more junior roles (22.9% of pupils)^{iv} and non-QCs (14.6%), and lowest in the most senior roles: only 8.8% of QCs were reported to identify as BAME (BSB, 2021). The Bar Standards Board (BSB) suggests that 'this may reflect the historically lower percentage of such barristers entering the profession but may also suggest barriers to progression for practitioners from minority ethnic backgrounds' (BSB, 2021).

These statistics show a positive and improving picture, which could suggest that there is little left to be done to diversify the legal sector, as in theory, junior BAME lawyers will progress through the system and representation in senior roles will catch up. Hopefully this is true, but it is important not to allow the positive headline statistics of the number of BAME lawyers to overshadow the three key issues:

- BAME individuals may not (because they cannot) see themselves represented in the higher levels of the legal profession (or the legal education sector).
- Representation of BAME lawyers varies geographically (both in the legal sector and in legal education).
- Wider society does not see BAME lawyers as part of the profession (for example, the treatment of barrister Alexandra Wilson) (British Broadcasting Corporation (BBC), 2020).

ULaw's BAME Advocate scheme therefore aims to address inequities both in the higher education sector and in the legal sector.

The BAME Advocate scheme

Following the recommendation of the NUS and UUK #Closingthegap report, ULaw decided to set up a BAME Advocate scheme to address the inequitable outcomes and experiences of BAME students (NUS and UUK, 2019). The University's scheme was introduced in the spring of 2020 with the twofold aim:

- to enable students from BAME backgrounds to express their opinions on their student experience in a safe space, addressing both overt and structural inequalities within the

University as an institution, the legal sector, and society more generally

- to enable BAME students and the University to co-create and co-deliver activities and events aimed at improving the experiences and outcomes of BAME students.

The scheme took inspiration from the highly successful University of Hertfordshire BME Student Advocate Programme (Barefoot and Boons, 2019), and the University is extremely grateful to colleagues at Hertfordshire for kindly sharing their resources and providing guidance on how best to implement and adapt the scheme to suit ULaw's specific circumstances. The scheme had to work for a multicampus institution, of which the constituent campuses are very different in terms of overall student numbers, BAME student numbers, and demography of the campus locations. In addition, and unexpectedly, the scheme would have to work in the unprecedented scenario of a pandemic. The first national lockdown in response to the COVID-19 pandemic began in the same week that the first BAME Advocate interviews took place. Fortunately, many of the changes to the scheme necessitated by the pandemic were positive, as online working enabled BAME Advocates from geographically disparate campuses to work together as one cohesive team. This approach will be continued beyond the duration of the pandemic, since it has been so effective.

In the spring of 2020, students were invited to apply for the BAME Advocate (BA) role which would offer a minimum of four hours' work a week at the living wage^v. One hundred and forty students applied, 25 of whom were recruited to the role, representing ten campuses and all of the largest courses offered by the University with the exception of the Bar Professional Training Course. A further recruitment round took place in September 2020 to fill the spots vacated by graduating students.

The BA role was designed to give the advocates valuable work experience and to develop their leadership skills, professionalism, respect for others and social awareness. The hours of work are flexible to enable prioritisation of the students' studies as well as being appreciative of students' own specific requirements. BAs are able to pause their work during exam periods, or when they require a break for personal, family or health reasons. This is

crucial for the scheme to function, since the students who are undertaking the BA role are themselves the students who are impacted by inequitable outcomes and experiences.

The BAs' work is project-based, varying from training, to short-term tasks and longer-term projects. The scheme is structured so that there is a combination of University- and student-led projects developed by the BAs themselves. As the scheme endeavours to improve all aspects of the BAME student experience, the projects vary significantly in focus. They fall into three main thematic streams which include: addressing the awarding gap, employability (and addressing the challenges of the legal sector), and cultural awareness and recognition.

Examples of training include:

- research projects on specific ethnic groups
- research on understanding the terminology of BAME and the difficulties associated with it
- racial literacy training (delivered by an expert external provider).

Examples of projects are:

- the development of a new LLB 'Access to Justice' module
- the diversification of library content
- the review of scholarship application processes
- the delivery of specific wellbeing sessions with the welfare team
- the review of the University's approach to harassment and sexual misconduct
- the creation and delivery of a survey for BAME students about their experiences at the University
- newsletters and podcasts
- the delivery of outreach sessions for prospective students.

Here are some more detailed examples of the projects delivered by the BAME Advocates.

Employer engagement

As part of the employability stream, the BAs have provided over 70 law firms and other companies with guidance on the ways in which they can diversify their staff base and better support

BAME colleagues. These discussions have led to some specific projects with certain employers, where the BAs have provided expert advice, resulting in the employers developing new projects or making changes to their processes.

In one project, the BAs supported a large company not only to improve equality, diversity and inclusion within the company, but also in society more widely. In response to the difficulties faced by BAME students in terms of gaining work experience during the COVID-19 pandemic, the BAs supported the company in creating a work experience programme that included three key areas that they perceived as being most important for BAME students and, in particular, those from lower socio-economic backgrounds:

1. an innovative approach to recruitment practices: the removal of an average grade requirement for the programme
2. a mandatory information session on the programme and its application process
3. a commitment that the members of staff working with the students would themselves also come from a background non-traditional to law.

The work experience programme was offered to all BAME second- and third-year undergraduate students at two of ULaw's campuses, for which 11% of eligible students applied.

In another project, two BAs worked directly with a law firm to advise them on how to make their recruitment process and materials more attractive to BAME individuals. As a result of this guidance, the firm acted upon the BAs' advice, and the BAs themselves gained experience of working as experts in a consultancy role in a law firm.

Ramadan project

Arguably the most important aspect of the BAs' role is developing a sense of belonging at the University. The BAs regularly write blog posts, deliver information sessions and run activities that celebrate different cultural events including Diwali, Black History Month, and Ramadan. For Ramadan, all the BAs were required to complete research into Ramadan and Islam to ensure that they all had a full understanding thereof. Research projects like this are integral to the BAME Advocate scheme, as all

BAs are required to learn about the experiences of the different groups within the BAME community, and this is the part of the role that is most highly valued by the BAs themselves: 'I have learnt so much about the issues facing the different ethnicities that make up the term BAME. It has generally been an eye-opening experience'.

This particular piece of research on Islam led to a range of different activities, including the creation of a Ramadan quiz that saw over 180 students take part in one day; a blog post; a poster that provided information about the season in a manner that was clear, concise and accessible; as well as a charity fundraising campaign.

This particular campaign helped to raise awareness amongst staff and students of the BAs' work, and specifically highlighted the wider sense of social responsibility that is at the heart of the BAME Advocate scheme and the importance of encouraging students to feel welcome.

Stephen Lawrence project – BAME Advocate testimonial by Ibrahim Ilyas

The testimonial below is from Ibrahim Ilyas, one of ULaw's BAME Advocates, about a project that he was involved in to raise wider student and staff awareness about institutional racism through the example of the Stephen Lawrence case.

'As part of our work in raising awareness about institutional racism and marking Stephen Lawrence day, I helped organise a speaker's session whereby we invited a policing tutor to answer some questions relating to the legacy of the Stephen Lawrence case. We first planned the nature of the event and decided to set it up as a recorded session. We came up with a range of questions emanating from themes such as policing reform to structural racism. The tutor's observations were very insightful and offered a positive contribution to the discussion around the Stephen Lawrence case and its ongoing impact. It encouraged viewers to think deeper about the ramifications of the MacPherson report through to modern day challenges. I really enjoyed working on this project as it was a great learning opportunity for me. Like many people, I knew very little about the case and only after research and preparation for the session did I educate myself on the colossal significance of the case and how we must continue to work for a society fully free from racism and inequality.'

Impact, limitations and conclusions

It is too early to comment on the impact of the BAME Advocate scheme on the awarding gap and/or continuation and progression rates of BAME students at the University, but the scheme has already delivered some key results:

- Significant increased awareness of the BAME Advocate scheme amongst the student body; in the September 2020 recruitment round, there were 246 applications for the 12 roles available (approximately 21 applications per place compared with six applications per place in the spring of 2020).
- Consultation and co-creation with the BAs are imbedded in all areas of the University, from individual projects with teams such as admissions or curriculum design to large-scale raising of awareness for the University senior leadership team and governing body. For instance, in curriculum design, the BAs worked closely with designers on a new module which challenged the contents of material traditionally used at the University as the module focused on case studies (such as Grenfell and Windrush) which impacted greatly on the BAME community. As one of the designers commented, 'the insight and honesty of the Advocates informed both the design and content of the module which made it more relevant and meaningful for students'.
- An increase in the confidence of the BAs themselves (data on the BAs who had finished their roles by July 2021 showed that 21 had identified an increase in their confidence in their abilities since they had started the scheme) and the progression of some of the BAs into legal training contracts or other graduate roles in which they are still involved in EDI work.
- The development of a sense of community amongst the BAs. All leaving BAs are asked what they most enjoyed about the role and, thus far, almost all respondents have referred to the sense of community that the scheme engenders: 'I have really enjoyed meeting and working with the other BAs, it has really given me a sense of community at the University', 'I've met lots of incredible

people who I would otherwise never have met, and people who can relate to my own experiences. The BA scheme felt like a real community itself, I've kept in touch with other BAs and will continue to' and 'Even without the pandemic meeting new people is incredibly difficult as a mature part-time student and the scheme has widened my social circle and consequently, created a real sense of belonging'.

Arguably the most important impact of the scheme on the BAs is an increased confidence in addressing equality issues. Below is a testimonial from a graduating BA:

'I really enjoyed the fact that there was a strong platform for us as BAME students to be heard ... Since the role I have voiced stronger opinions on issues of race, class and gender. Previously, I would have these ideas or thoughts, but would only express them in 'appropriate' company. However, now, through the support of this role, I am more confident to express these topics to anyone. I am even more confident to address issues within institutions or at the workplace ... As a whole, the BAME Advocacy role has really inspired me to express myself as an advocate for equality and diversity. It has given me a certain strength to believe that my opinions count and through personal action, change is possible.'

The main challenges faced by the BAs have arisen due to the multicampus nature of the University and the difficulty in communicating with and representing students on different courses and at different campuses to their own. Not all courses and campuses are represented by BAs and, because of the nature of some part-time courses (weekends, evenings), many students never come into contact with each other.

The BAME Advocate scheme has definitely increased awareness of the inequitable outcomes and experiences of BAME students across the whole University, as well as more widely across the legal sector through engagement with key law firms and chambers. ULaw is committed to continuing and further developing the scheme to ensure that this increased awareness translates into a tangible improvement in outcomes and student experience.

ⁱ Although it is highly problematic and reductionist, in this article, we will use the term BAME. The BAME Advocates and BAME staff at The University of Law took part in a consultation on the use of this term and concluded that it would be used to describe the BAME Advocates scheme, primarily to allow for the scheme to be easily recognised by other students. This was agreed with the strict caveat of ensuring that the work completed by the BAs will always focus on intersectionality, as well as on the specific issues faced by the different constituent ethnic groups.

ⁱⁱ The data is from May 2021 and excludes students at The University of Law's international campuses.

ⁱⁱⁱ These targets focus on specific ethnicities as well as an intersectional target combining ethnicity and economic deprivation.

^{iv} This masks the fact that data from 2017 showed that BAME Bar Professional Training Course (BPTC) graduates were half as likely as white graduates with similar prior educational attainment to obtain pupillage (Jackling, 2017).

^v It was crucial that this was a paid role, as students can often be encouraged to contribute towards reducing awarding gaps and improving student experience without being remunerated for their time (Doku, 2019).

References

- Barefoot, H. and Boons, C. (2019) 'Developing a BME Student Advocate Programme', *Compass: Journal of Learning and Teaching*, 12, 1. 2019. [Online]. Available at <https://journals.gre.ac.uk/index.php/compass/article/view/936> (accessed: 9 May 2021).
- BBC (2020) 'Black barrister mistaken for defendant three times gets apology', 24 September 2020. [Online]. Available at <https://www.bbc.co.uk/news/uk-england-essex-54281111> (accessed: 9 May 2021).
- Bar Standards Board (2021) 'Diversity at the Bar 2020', January 2020. [Online]. Available at <https://www.barstandardsboard.org.uk/uploads/assets/88edd1b1-0edc-4635-9a3dc9497db06972/BSB-Report-on-Diversity-at-the-Bar-2020.pdf> (accessed: 23 April 2021).
- Doku, A. (2019) 'Putting the Burden of Closing Attainment Gaps off BME Staff and Students' in Hugo Dale-Rivas (ed.) *The White Elephant in the Room: Ideas for Reducing Racial Inequalities in Higher Education, HEPI Report*. [Online]. Available at <https://www.hepi.ac.uk/2019/09/19/the-white-elephant-in-the-room-ideas-of-reducing-racial-inequalities-in-higher-education/> (accessed: 11 May 2020).
- Jackling, O. (2017) 'Exploring Differential Attainment at BPTC and Pupillage', 6 November 2019. [Online]. Available at <https://www.barstandardsboard.org.uk/resources/resource-library/differential-attainment-at-bptc-and-pupillage-analysis-pdf.html> (accessed: 11 May 2021).
- NUS and UUK (2019) 'Black, Asian and Minority Ethnic Student Attainment at UK Universities: #Closingthegap', May 2019. [Online]. Available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/bame-student-attainment-uk-universities-closing-the-gap.pdf> (accessed: 10 May 2021).
- Office for Students, (2020). 'Our Approach to Access and Participation', 29 January 2020. [Online]. Available at <https://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/our-approach-to-access-and-participation/> (accessed: 9 May 2021).
- Office for Students (2021) 'Findings from the Data', 11 March 2021. [Online]. Available at <https://www.officeforstudents.org.uk/data-and-analysis/access-and-participation-data-dashboard/findings-from-the-data/> (accessed: 9 May 2021).
- Solicitors Regulation Authority (2015) 'Baseline Attainment Data: Legal Education, Training and Post-Qualification', October 2015. [Online]. Available at [https://www.SRA/ Reports-about-](https://www.SRA/Reports-about-)

[diversity/Solicitors-Regulation-Authority](#) (accessed: 10 May 2021).

Solicitors Regulation Authority (2020) 'How Diverse is the Legal Profession?', 20 March 2020. [Online]. Available at <https://www.sra.org.uk/sra/equality-diversity/key-findings/diverse-legal-profession/> (accessed: 21 April 2021).

The University of Law (2020) 'About: What Makes Us Different', 2020. [Online] Available at <https://www.law.ac.uk/about/#:~:text=We%20are%20one%20of%20the,opened%20our%20leading%20Business%20School> (accessed: 10 May 2021).