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Caroline Strevens · Emma Jones *Editors*

Wellbeing and the Legal Academy

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Dr. Emma Jones is a Senior Lecturer in Law and Director of Student Wellbeing for the School of Law at the University of Sheffield. She previously worked at The Open University, including spending time as Law School Teaching Director. She began her career as a solicitor in private practice, specialising in construction law. Her research interests focus upon the role of emotions and wellbeing within legal education and the legal profession, as well as writing on wellbeing in higher education more generally. She is the lead on the Fit for Law project, working with the charity LawCare to promote emotional competence and professional resilience within the legal profession. She also recently co-authored a textbook on digital lawyering. She is an Associate Fellow of The Honourable Society of the Inner Temple, Acting Chair of The Association of Law Teachers, a Deputy Editor of The Law Teacher journal, Blog Editor for the Socio-Legal Studies Association and a Co-Founder of the Advancing Wellness in Law Network.

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Chapter 1

Introduction: Wellbeing and the Legal Academy



Caroline Strevens and Emma Jones

Abstract This edited collection provides a novel contribution to the wider bodies of literature on student and academic wellbeing by including a series of rich and nuanced discussions of specific aspects of the wellbeing of legal academics. It contains original research contributions on this topic drawing on insights from law, education and psychology and throws a spotlight on an emerging field of interest. In particular, it focuses attention on the need to understand the implications of workload, communication, competence, and community for academic wellbeing with the collection providing insight as to the impact and amelioration of stress linked to these themes.

This introduction explores the context and background to highlight the increased demands on academic staff and the resulting increase in adverse stress. This is a significant concern for the individuals themselves and may place students and staff interests in conflict. These possibilities are explored in this volume and solutions proposed.

Keywords Academic wellbeing · Law school · Law students

1.1 Aim of This Volume

The topic of wellbeing has become increasingly acknowledged and discussed within higher education, for example, the charity Student Minds has recently launched the UK sector-wide University Mental Health Charter. There is also a significant body of evidence from both Australia and the US that law student wellbeing is particularly problematic because of the distinctive nature of law as a discipline. In addition, there is a significant evidence-base to indicate that academics are experiencing problems with mental health and wellbeing. However, to date, little consideration has been

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specifically given to the wellbeing of legal academics. If we are to address the wellbeing of law students then we must understand and facilitate the wellbeing of legal academics who play a key role in socialising students into the norms of the discipline, devise and deliver the curriculum and act as role models within the law school.

The introduction will begin by summarising the individual contributions to this volume and highlighting how each speaks to this key message that the wellbeing of legal academics is a matter of concern for the wider community. It will explain how the chapters collectively draw attention to the themes of workload, communication, competence and community. Thereafter the introduction will draw together key definitions before amplifying each of the four themes. Reference will be made to the key factors which influence each of these themes, such as the neo-liberal academy, the contours and staffing of the law school, the impact of COVID-19 and the role of values and ethics. Relevant theoretical perspectives relating to these themes, including self-determination theory and the notion of an ethic of care, will also be discussed. These elements provide the contextual background to the volume's individual contributions. In particular, they highlight the complex interplay between the politics and policies of the Law School¹ and individual wellbeing and lived experience.

1.2 Contributions to the Volume

Overall, the seven chapters included in this volume aim to build upon current knowledge by drawing on a range of theoretical frameworks and methodologies to examine key elements of wellbeing in the legal academy. The unifying message that emerges from the diverse contributions, is the need to understand the implications of workload, communication, competence and community for the legal academy.

In Chap. 2, Strevens, James and Field adopt a framework advocated by Wray and Kinman (2022) to analyse aspects of negative occupational stress in law schools. The framework comprises seven key psychosocial hazards: demands, control, support from managers and colleagues, relationships, role and change management. This is applied to qualitative data gathered from UK and Australian legal academics during the early days of the COVID-19 pandemic in 2020. The authors call for a greater focus by institutions on workload, particularly teaching related activity, which is consistently seen as a growing and key stressor. As the workload demands grow, the time for staff collaboration, mutual support and collegiality shrinks with adverse consequences for wellbeing, particularly at a time of working from home. Furthermore, the authors highlight the need for clearer communications and transparency in decision making. This is effectively a call for greater autonomy support, which, according to self-determination theory (SDT), is particularly important in relationships where there is power exercised by one over another such as in the academic employment relationship. The research of positive psychologists Ryan and Deci

¹ We will refer to the UK context for the main part throughout this introduction but will include international comparator institutions and international research where appropriate.

(2000) indicated enhanced wellbeing where individuals experience autonomy as opposed to controlling environments.

In Chap. 3, Bleasdale also analyses empirical data gathered from legal academics during 2020 and, using the lens of SDT, makes recommendations to support the wellbeing of teaching-focused academics. There are increasing numbers of staff in the UK employed on Teaching only or Teaching and Scholarship contracts (Wolf, 2021). These staff play an important role but there remains inconsistency in how the roles are defined across the sector and a lack of clarity in terms of pathways to promotion. This results in increased risk of role conflict and consequent demotivation. Clear communication and transparency in decision making would also support wellbeing in this section of the legal academy. Bleasdale, by recommending the creation of hubs and more targeted procedures and policies for teaching-focused colleagues to support a sense of relatedness and a growing sense of competence, also highlights the beneficial role of community in the Law School. Most importantly she highlights the need for communication and dialogue. She asks that the concerns of staff on these contracts are not neglected, nor presumed to be the same as those of teaching and research colleagues, and urges law schools to include this group of staff in strategic discussions including the development of processes and policies. It cannot be right for this group of staff to face uncertainty about how to apply for promotion, for example, because the policy is written for research-active staff. Drawing upon SDT, Bleasdale points out how this undermines a sense of competence as well as relatedness.

In Chap. 4, Skead and Rogers examine perceptions of stressors and measures of support in Australian sessional law teachers, in order to reveal sources of stress and to draw out the implications for academic wellbeing within law schools. Sessional law teachers undertake a significant proportion of teaching in Australian law schools and thus are an important population to research, especially as numbers appear to be growing in other jurisdictions (McComb et al., 2021). Although they report mixed results in their measure of emotional wellbeing and thus call for further research in this area, they highlight the need to address anxiety resulting from non-permanent contracts and to increase a sense of competence in these staff. Perceived supportiveness of the law school community is identified as being positively associated with emotional wellbeing and consequently they recommend mentoring support. Workload is identified as a cause of stress with this group who are under pressure to accept high workloads and duties that may involve unpaid tasks. They urge law schools to extend the support given by Higher Education Institutes (HEIs) to permanent staff to casual staff, in order to address perceptions of a lack of competence. They end the chapter by calling for improved communication and community building.

Chapter 5 explores the potential to adapt elements of the successful Value Me framework (Tymon et al., 2020) from the field of graduate employability, to support confidence in career development for early and mid-career academics through improved understanding of self and of personal values. This involves support from peer communities to enable reflection and perceptions of competence. SDT is used to propose that such an intervention, which has the potential to increase self-efficacy, self-esteem and self-confidence, supports fulfilment of the three basic psychological needs of autonomy, competence and relatedness, thereby improving wellbeing

in legal academics. Many academics are privileged to experience choice in their professional lives. However, to satisfy the basic need of autonomy that choice should be aligned with one's own true beliefs, values and interests (Niemiec et al., 2010). Thus, making personal values and their importance to wellbeing explicit forms a foundational step. Leering (2019) and Gibbons (2019) argue that legal academics would benefit from understanding a more nuanced concept of reflection that extends beyond Schon's work on experiential learning. The proposed intervention discussed in this chapter would provide a structured approach to deeper critical reflection in order to cultivate perceptions of increased competence. Co-constructing knowledge with colleagues would seek to satisfy the basic need for relatedness and provide a community of practice approach.

In Chap. 6, Piaskowska and Piesiewicz move the focus onto the ways in which legal academics may be supported when faced with one particular stressor, namely dealing with students with serious disabilities, such as schizophrenia. This provides an example of the detrimental impact of a lack of institutional or community support. Working with such a student requires specialist skills, not only for the teaching process itself to occur, but also to give recognition of the impact upon the academic teacher and their wellbeing. The chapter calls for a collective response from the wider community as the authors explore the issues experienced within a Polish Law School and identify the need for centralised institutional support that currently does not exist in Poland. The authors also call for intervention by way of training for individuals, in order to support perceptions of competence.

The volume concludes in Chap. 7, as Boyle and Ritchie examine the concept of competence through an analysis of perceptions of complaints procedures using the lens of an ethic of care. This chapter examines the interaction between individual staff and wider policy and political issues. It considers serious breaches of student codes of conduct (an issue recently raised by the Office for Students and Advance HE (Lapworth, 2021) from the perspective of legal academics. This includes the extent to which they are given responsibility for dealing with such problems, and their perceptions of the ground-level operation of procedures. The authors identify the need to address a lack of care for staff, illustrated by the unacknowledged amounts of time needed to deal with student complaints, coupled with staff perceptions concerning their lack of expertise and the consequent stress that results. Furthermore, the authors identify issues with the complaints procedure itself. They raise the issue of a lack of trust due to a lack of management of student expectations regarding possible outcomes and the communication and accessibility of information regarding the progress of a complaint. This forms an example of staff and students being placed unwittingly in opposition to each other and the authors recommend an enhanced evaluation of this process in order to build improved relationships.

The varied nature of these contributions, their broad exploration of academic wellbeing and their use of a range of methodologies and theoretical perspectives are viewed as a key strength of this volume. The topic of academic wellbeing is under-researched and theorised within legal education. These contributions form the basis for future scholarship in this area by offering a range of different avenues and approaches for researchers to develop and explore further.

The following sections will elucidate the themes of workload, communication, competence and community with reference to these six varied contributions. However, it is first necessary to consider some of the key terminology used within this volume, namely, around the concept of wellbeing.

1.3 The Concept of Wellbeing

Wellbeing is being discussed in spheres much broader than those of Higher Education. Wellbeing (or well-being, or well being) is often used as a catch-all phrase and can range from the very general (including physical health, social and economic well-being as well as psychological wellbeing) to the very specific (for example, emotional wellbeing that has been used in chapter three). Our chapter authors have chosen their own preferred version of the spelling. The increasing recognition of the importance of wellbeing within society is reflected by the UK Office of National Statistics (ONS) measurement of personal wellbeing since 2012, using four questions measuring levels of life satisfaction, happiness and anxiety and the feeling that things in life are worthwhile. It has also measured economic wellbeing since 2015 through monitoring and publishing a range of financial indicators.

As the ONS's approach suggests, wellbeing is not simply about personal happiness, it is a much more nuanced concept and brings with it many positive outcomes apart from improved mood. According to Huppert and So (2013, page 838).

In cross-sectional, longitudinal and experimental studies, high levels of well-being have been shown to be associated with a range of positive outcomes, including effective learning, productivity and creativity, good relationships, pro-social behaviour, and good health and life expectancy (see reviews by Chida & Steptoe 2008; Diener et al., 2010; Dolan et al., 2008; Huppert 2009; Lyubomirsky et al., 2005).

Given these benefits, the increased interest in wellbeing generally is perhaps unsurprising. As noted at the start of this Introduction, there has also been increased discussion (and alarm) over mental health and wellbeing within university settings. This has been reflected in the growing body of legal education literature on student wellbeing (see, for example, Baron 2014; Wilson & Strevens, 2018). Collier (2021) notes that, in addition, the past five years has seen an emerging research interest in the wellbeing and mental health of academics experiencing working conditions dictated by the considerable changes in the political and economic contexts of their institutions.

The contributions to this volume all address the wellbeing of academic staff and use a number of well-known definitions for the term. All contrast positive wellbeing with adverse stress at work. In chapter two wellbeing is framed around the quality of working life in the academy. The authors conceptualise workplace stress factors in the academy that negatively affect quality of working life, and hence wellbeing, using the seven psychosocial hazards framework developed by the Health and Safety Executive for work places. Chapter seven also considers staff stress as a factor of wellbeing, this

time as a result of a particular example of institutional policy: complaints. It makes use of aspects of this same framework to formulate conclusions and recommendations from their data. In chapter three and chapter five, SDT is used to examine different aspects of the career experiences of legal academics and to make observations about wellbeing. SDT asserts that higher wellbeing is likely to result from experiences of autonomy, competence and relatedness. The concepts are explained and applied in order to argue for change in order to enhance conditions conducive to well-being for teaching-focused and early career academics. In chapter four, wellbeing is contrasted with psychological distress. The authors used the Brief Emotional Experience Scale (BEES) (Rogers et al., 2021) due to the availability of benchmarks to enable comparisons to be made between sessional law staff and the general population. The authors were able to draw some conclusions from their empirical data on potentially negative stress experiences in law school. Chapter six also considers wellbeing of academic staff in relation to the experience of stress at work with particular reference to the obstacles they face in the classroom from students suffering a serious mental health illness and a lack of institutional support.

A common feature of the contributions was a significantly greater discussion of stress as opposed to wellbeing. This mirrors the 2015 Perceptions of wellbeing in Law Teachers survey findings² that academics were more comfortable talking about stress than wellbeing. However, each of the four key themes that have emerged, workload, communication, competence and community, have the potential to both positively and negatively impact wellbeing. Therefore, a synthesis of the contributions within this volume suggest that any future model of academic wellbeing should focus upon these issues. Each of these themes will now be discussed in greater detail.

1.4 Workload

The emphasis upon academic workload within this volume is perhaps unsurprising given the background of considerable economic change experienced by HEIs in the UK. This is particularly since the Browne Review in 2006 conferred what Nixon et al. (2018, p. 929) describe as “the students’ sovereign status”. There is enormous pressure to respond to the needs and demands of the student population, coupled with governmental requirements to collect and publish data concerning the student experience (Greatrix, 2011; Johansen et al., 2015).

This view of the student as consumer has been challenged by Brooks et al. (2021). An analysis of focus group data gathered from approximately 300 students from six countries across Europe including the UK, indicates that the students’ view of the purpose of degree level study is more complex than suggested in recent literature. Brooks asserts that English (and Spanish) fee paying students do expect to

² For the full report see [https://fials.sas.ac.uk/sites/default/files/files/About%20us/Leadership%20%26%20Collaboration/LERN/LERN_Final_Report\(CS\)_Perceptions_of_wellbeing_in_Law_Teachers.pdf](https://fials.sas.ac.uk/sites/default/files/files/About%20us/Leadership%20%26%20Collaboration/LERN/LERN_Final_Report(CS)_Perceptions_of_wellbeing_in_Law_Teachers.pdf).