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The world at their fingertips? The mental wellbeing of online distance-based law students

Abstract

In recent years there has been an increased interest in student mental wellbeing within higher education. In terms of legal education, much of this has been focused upon the United States (“US”) and Australia, with a lack of United Kingdom (UK)-based empirical data available. Although there is now extensive provision of online distance learning options available to UK (and other) law students, there is a notable lack of research into the possible challenges which are specific to this form of tertiary offering. This paper seeks to contribute to the development of research in this area by reporting upon, and analysing, preliminary data gathered from an empirical study of the mental wellbeing of online distance learning law students.

Keywords: law student; mental wellbeing; distance learning; online learning

Introduction

The focus of this paper is on a mixed methods study carried out at The Open University Law School involving students in the final stage of their LLB degree. The data obtained, via an online survey, provides a snapshot on the respondents’ mental wellbeing and indicates that a majority have had a positive law school experience and fall within the “normal range” in terms of their mental wellbeing. However, the findings also suggest that a sizeable minority are experiencing issues in terms of their mental wellbeing and are likely to need professional help. The quantitative results are contextualised and expanded upon with qualitative responses provided by students; with comparators to previous studies on law student wellbeing; and by a consideration of the role and influence of online distance learning.

The development of online distance education in law

The overall global demand for online distance education – also sometimes termed as open, flexible or e-learning- has “grown exponentially” in recent years.¹ This encompasses a vast range of formats, from Massive Open Online Courses (MOOCs), offered as a form of informal or badged learning by universities to members of the public, to bespoke tailor-made modules for corporate organisations.² Within higher education in the UK the picture is a little more complex, as the number of formal fee-paying distance learners has declined (arguably due to an overall decrease in part-time students in the country).³ However, there are still a range of institutions (such as The Open University) who focus on providing online distance learning courses.⁴ This commonly involves students studying in their home environment, at times of their choosing, using largely online materials and resources, with tutor and other administrative and pastoral support provided by telephone, email or other online means.⁵ At selected time points, face-to-face tutorials (or other similar learning events)

¹ E. Ossiannilsson, K. Williams, A. F. Camilleri and M. Brown, “*Quality models in online and open education around the globe: State of the art and recommendations*” (May 2015) International Council for Open and Distance Education https://www.icde.org/assets/WHAT_WE_DO/icdequalitymodels22.pdf, (accessed 10th October 2017) at p. 6.

² See, for example, chapter 3 of M. G. Moore and G. Kearsley, *Distance Education: A Systems View of Online Learning* (Belmont, CA, Wadsworth Cengage Learning, 2012). A recent report indicated that, in the US in 2016, over 6 million higher education students were taking at least one distance education course, about 30% of all enrollments (Allen, I. E. and Seaman, J, “Digital Learning Compass: Distance Education Enrollment Report” (2017) <https://onlinelearningssurvey.com/reports/digitallearningcompassenrollment2017.pdf> (accessed 16th May 2018).

³ Universities UK, “*Patterns and Trends in UK Higher Education*” (2014) <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2014/patterns-and-trends-in-uk-higher-education-2014.pdf> (accessed 10th October 2014) at p. 9.

⁴ The Open University currently has 174,739 students making it the largest academic institution in the UK (The Open University “Facts & figures” (2017) <http://www.open.ac.uk/about/main/strategy/facts-and-figures> (accessed 10th October 2017).

⁵ A 2010 report into online distance learning in higher education commissioned by the Higher Education Funding Council for England defined it as “as any course, at any HE academic level, delivered to students at a distance from the host institution, which has a sizeable component delivered to students online.” It also noted the lack of coherent data collection in relation to provision of online distance learning (D. White, N. Warren, S. Faughnan and M. Manton, “*Study of UK Online Learning*” (October 2010) Higher Education Funding Council for England

may also be offered, but the focus is predominantly online in format.

In addition, although increasingly less common, there are courses which are predominantly conducted offline (for example, through the provision of hard copy materials) but which retain a distance learning format.⁶ There are also many traditional universities which have added an online component to their usual face-to-face offerings, generating different forms of blended learning.⁷ This means that many students will encounter some form of distance or online learning during their studies.

In relation to law specifically, the idea of distance learning is not a new one. For example, during the Second World War, the Law Society (with the assistance of other bodies) ran a legal studies correspondence course for men serving in the forces, and some prisoner-of-war camps allowed their detainees to take the professional examinations for entry into the legal profession.⁸ However the development of distance learning provision has been somewhat uneven globally, for example, Bennett in 2014 was still referring to a “refusal to accept broader use of distance learning” in the US whilst arguing that this would (and should) change.⁹ However, in the UK distance

http://www.hefce.ac.uk/media/hefce/content/pubs/2010/rd1710/rd17_10.pdf (accessed 10th October 2017).

⁶ M. Mariani “Distance Learning in Postsecondary Education: Learning Whenever, Wherever” (2001) 45(2) *Occupational Outlook Quarterly* 2-10 at p. 2.

⁷ For a discussion of classifications of face-to-face, blended and online learning see Frazer, F. S. “Introduction” in F. S. Frazer (ed.), *Blended Learning. Across the Disciplines, Across the Academy* (Sterling, Virginia, Stylus Publishing, 2012).

⁸ F. Cowrie and R. Cocks, ‘A Great and Noble Occupation!’: *A History of the Society of Legal Scholars* (Oxford and Portland, Oregon, Hart Publishing, 2009) at pp. 60-61.

⁹ S. C. Bennett “Distance Learning in Law” (2014) 38(1) *Seton Hall Legislative Journal* 1-15 at p. 2.

learning in law is well-established, with The Open University's Law School being formed in 1998. Now some 20 years later, it has the largest undergraduate LLB programme in the UK with around 4,800 part and full-time students, a team of over 20 academics based at the university's main campus, Milton Keynes, and approximately 210 tutors who facilitate the students' learning on individual modules.¹⁰ In the UK overall, the increasing use of innovative teaching techniques within law, such as the 'flipped classroom'¹¹ and technology-based simulations¹² have also encouraged the development of a wide range of blended programmes.

With a sizeable number of law students now engaged in some form of online or distance learning, there is an increasing need for research into the various facets of their student experience, including the most effective pedagogies, teaching techniques and materials to apply.¹³ Whilst there is a sizeable body of work on distance and online learning as generic forms of education, there remains relatively little written specifically in relation to legal education.¹⁴ One area where this is particularly notable is in relation to law student mental wellbeing. Despite a sizeable body of work on this topic generated in both the US and, more recently, Australia, this has largely focussed on (or

¹⁰Student numbers taken from The Open University "About the Open University Law School (OULS)" (2017) <http://law-school.open.ac.uk/about> (accessed 10th October 2017).

¹¹ In the UK context see D. Berger and C. Wild, "Refining the traditional flipped classroom model to optimise student performance on undergraduate degree programmes" 11(1) *Journal of Commonwealth Law and Legal Education* 57-70. In the US context, see W. R. Slomanson, "Blended Learning: A Flipped Classroom Experiment" (2014) 64(1) *Journal of Legal Education* 93-102.

¹² See the examples in C. Strevens, R. Grimes and E. Phillips (eds.), *Legal Education Simulations in Theory and Practice* (Farnham, Surrey and Burlington, VY, Ashgate Publishing, 2014).

¹³ For a range of articles in the area of distance learning more generally, see *Open Learning: The Journal of Open, Distance and e-Learning*.

¹⁴ For exceptions to this general sparsity, see Strevens et al. above n. 12 and P. Maharg, *Transforming Legal Education. Learning and Teaching the Law in the Early Twenty-First Century* (London and New York, Routledge, 2007).

at least assumed) the presence of a traditional, face-to-face law school setting.¹⁵ This article adds to the field of law student mental wellbeing and seeks to explore the experiences of online distance learning law students. It does so by drawing upon empirical data and providing comparisons with prior work on the mental wellbeing of law students studying in a more traditional university environment.¹⁶ Although it would require further investigation to establish whether the experience of online distance learners are replicated within blended learning environments, the findings are likely to be of interest to educators seeking to incorporate or develop distance or online elements within legal education.

Wellbeing and law schools

The concept of wellbeing has increasingly become a part of popular vocabulary, albeit often applied in a somewhat nebulous and ill-defined manner, with even the spelling provoking some contention (with variations including wellbeing, well-being or well being – and wellness as an alternative).¹⁷ This debate over its meaning can be traced back to arguments over the Aristotelian notion of *eudaimonia*, which is commonly translated as wellbeing (or flourishing), and whether this stems from the parts of the

¹⁵ For early examples of US studies of law student wellbeing, see M. Hedegard, “The Impact of Legal Education: An In-Depth Examination of Career-relevant Interests, Attitudes, and Personality Traits Among First-Year Law Students” (1979) 4(4) *American Bar Foundation Research Journal* 791-868 and S. Shanfield and G. A. H. Benjamin, “Psychological Distress Among Medical and Law Students” (1985) 35 *Journal of Legal Education* 65-75. In Australia the first large-scale study was conducted in 2009 (N. Kelk, G. Luscombe, S. Medlow and I. Hickie, *Courting the Blues: Attitudes Towards Depression in Australian Law Students and Lawyers* (2009) Sydney, Brain & Mind Research Institute).

¹⁶ It should be noted that a number of these studies may have involved students using blended learning. However, this is not indicated within the studies identified by the authors. There is also no attempt to assess the levels of face-to-face and online or distance interaction and its possible correlation with the empirical data on wellbeing.

¹⁷ Davies discusses in detail how the concepts of wellbeing and happiness have been “adopted by policy makers and managers”, becoming ubiquitous within contemporary society (W. Davies, *The Happiness Industry. How the Government and Big Business Sold Us Wellbeing* (London and Brooklyn, New York, Verso, 2016) at p. 6).

soul dealing with reason or emotion.¹⁸ Since then the history of the concept has been closely aligned to the human race's search for happiness, from the aspirations of the Enlightenment to the pursuit of freedoms of classic liberal thought.¹⁹ Today, there are a variety of approaches taken to 'wellbeing', including framing it in economic terms, in relation to income and pricing, or measuring it in objective terms through the identification of specific attainments (for example, educational and social).²⁰ However, this paper focuses on subjective mental wellbeing, in other words, focusing on a "mental-state" account of wellbeing which explores an individual's psychological state.²¹ A helpful contemporary definition (and the one provided to participants within the current study) of optimal mental wellbeing is provided by the World Health Organization, which refers to it as being when:

...every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.²² (World Health Organization Regional Office for South-East Asia, 2017)

¹⁸ R. Dodge, A. Daly, J. Huyton and L. Sanders, "The challenge of defining wellbeing" (2012) 2(3) *International Journal of Wellbeing* 222-235 at p. 223.

¹⁹ For an interesting history see D. M. McMahon, *Happiness: A History* (New York, Grove Press, 2006).

²⁰ Dolan, P. and Peasgood, T., "Measuring Well-Being for Public Policy: Preferences or Experiences?" in Posner, E. A. and Sunstein, C. R., (eds.) *Law and Happiness* (Chicago and London, The University of Chicago Press, 2010) at p.6.

²¹ Dolan et al. (2010) above n.20 at p.6.

²² World Health Organization Regional Office for South-East Asia "Promotion of mental well-being", http://www.searo.who.int/entity/mental_health/promotion-of-mental-well-being/en/ (accessed 20th October 2017).

Within the legal literature, there is no one definition of the term “subjective wellbeing” and it has been used in a number of different contexts, to refer to issues with physical health²³, psychological/mental health²⁴, spiritual health²⁵ and social connectedness²⁶ (a spread of usage probably indicative of the close links between all of these factors or constructs). Despite the lack of a single definition, there are some key commonalities between empirical work on law student wellbeing that has been conducted in both the US and Australia to date. In terms of methodology, the standardised self-report measure titled the Depression, Anxiety and Stress Scales 21 (“DASS 21”), which is a shortened version of the full 42 item scales, is frequently used as a clinical assessment to ascertain a range of psychological symptoms. In terms of empirical findings, these have consistently indicated that law students are suffering from elevated levels of stress, anxiety and depression, which are higher than those found within the general population. For example, Sheldon and Krieger’s (2004) seminal longitudinal study, conducted at two law schools in the US, followed a single student cohort through three years of their (postgraduate) legal study at a single law school (Study 1), and also explored the effect of law school on a first year cohort at another law school by comparing scores at the beginning and the end of the first year (Study 2). In relation to Study 1, the authors found that the students appeared “quite happy and healthy” at the beginning of their (postgraduate) law degree. However, they

²³ B.A. Glesner, “Fear and Loathing in the Law Schools” (1991) 23(3) *Connecticut Law Review* 627-668 at p. 631.

²⁴ K. S. Sheldon and L. S. Krieger, “Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Study of Self-Determination Theory” (2007) 33(6) *Personality and Social Psychology Bulletin* 883-897 at p. 885; Kelk et al. (2009) above n. 14.

²⁵ S. M. Siptroth, “Forming the Human Person: Can the Seminary Model Save the Legal Profession?” (2007) 1 *Brigham Young University Education and Law Journal* 181-198.

²⁶ K. Galloway, R. Bradshaw, N. Dunbar and J. Fellows “Approaches to Student Support in the First Year of Law School” (2011) 21(2) *Legal Education Review* 235-249 at p. 247; M. Tani and P. Vines “Law students” attitudes to education: Pointers to depression in the legal academy and the profession?” (2009) 19 *Legal Education Review*, 3–39 at p. 25.

then experienced “declining happiness and well-being” during their first year at law school (Sheldon and Krieger, 2004: 275). Such that this included “large reductions in positive affect, life satisfaction, and overall SWB [subjective wellbeing], and large increases in negative affect, depression, and physical symptoms [of ill-health]”.²⁷ At the same time, the first year cohort experienced decreases in the relative importance of their intrinsic values (for example, prosocial values such helping others and personal growth) compared to their extrinsic values (for example, such as achieving status or impressing others). Students also reported decreases relating to their sense of self-determination (the capacity to autonomously pursue goals or interests). The declines in subjective wellbeing and the lowered importance of intrinsic values remained constant at this reduced level throughout years 2 and 3 of law school for the students who completed the follow-up questionnaires. In Study 2, the first year law student survey was replicated at a different law school and results demonstrated similar declines in mental wellbeing and decreased feelings of self-determination. Overall, the results suggest a link between changes in student values and motivation and their declining mental wellbeing. This, in turn, supports the hypothesis of self-determination theory, which posits that individuals struggle to grow when they feel they are unable to act autonomously.²⁸ The importance of self-determination was further emphasised in another three-year study published in 2007 of two law school cohorts, where the two law schools in question had differing educational philosophies, with one being viewed

²⁷ K. M. Sheldon and L. S. Krieger, “Does law school undermine law students? Examining changes in goals, values, and well-being” (2004) 22 *Behavioral Sciences and the Law* 261-286 at pp. 271, 275, 272. For a fuller explanation of self-determination theory see E. L. Deci and R. M. Ryan, “The “What” and “Why” of Goal Pursuits: Human Needs and the Self-Determination of Behavior” (2000) 11(4) *Psychological Inquiry* 227-268. This identified competence, relatedness and autonomy as core needs which influence both functioning and wellbeing.

²⁸ *Supra* n 27 at p. 281.

by the researchers as markedly more encouraging of student autonomy than the other.²⁹

Based on the findings, it was concluded that:

...to maximize the learning and emotional adjustment of its graduates, law schools need to focus on enhancing their students' feelings of autonomy. Why? Because such feelings can have trickledown effects, predicting changes in students' basic need satisfaction and consequent psychological well-being, effects that may also carry forward into the [student's] legal career.³⁰

These findings are of particular interest when considering online distance law students, as distance education is designed to foster and create autonomous individuals, with learners choosing when, how and where they study. In fact, this form of autonomy is arguably essential for a student to succeed as a distance learner.³¹ Therefore, Sheldon and Krieger's results could be used to support the idea that online or distance learning (or any flexible method) of law study may potentially help support student wellbeing, in contrast to the idea of a controlling and restrictive law school that may decrease satisfaction, career motivation and student mental wellbeing.

²⁹ *Supra* Sheldon and Krieger n 24 at p. 893.

³⁰ *Supra* Sheldon and Krieger n 24 at p. 894.

³¹ T. Andrews and B. Tynan, "Successful Online Distance Learners: An Exploration of Learner Characteristics and Patterns in Online Learning" (2014) *Proceedings of the European Distance and E-Learning Network 2014 Research Workshop*, https://www.researchgate.net/profile/Sebastian_Vogt/publication/271191109_Life-world_factors_of_distance_education_students_and_their_influence_on_learning_achievement/links/54c3d3f90cf219bbe4ec6375.pdf#page=21 (accessed 20th October 2017) at pp. 11-12); N. Dabbagh "The Online Learner: Characteristics and Pedagogical Implications" (2007) 7(3) *Contemporary Issues in Technology and Teacher Education* 217-226

The first large-scale Australian study by Kelk et al., conducted across 13 universities and included nearly 2,000 members of the legal profession, concluded “that law students and members of the legal profession exhibit higher levels of psychological distress and depression than do community members of a similar age and sex”.³² For example, the questionnaire administered by these researchers identified that 35.4% of the law students surveyed reported suffering high or very high levels of psychological distress in the last 30 days, compared to 13% of 18 to 34 year-olds overall in Australia.³³ When discussing their findings, Kelk and colleagues noted that these results did not equate with law students being “severely dysfunctional”. However, it did suggest that they were more distressed than the norm³⁴. These findings of compromised mental wellbeing in law students have subsequently been broadly supported by more recent studies in Australia too.³⁵

The reason for these lower levels of mental wellbeing are thought to be multifactorial. Factors commonly emphasised within both the US and Australian studies include: the lack of autonomy experienced (which has already been discussed);³⁶ academic pressures and the workload involved in studying law;³⁷ the impact of studying

³² Kelk et al. (2009) above n. 15 at p. 42.

³³ Kelk et al. (2009) above n. 15 at p. 12.

³⁴ Kelk et al. (2009) above n. 15 at p. 42.

³⁵ See, for example, A. Bergin and K. Pakenham, “Law Student Stress: Relationships Between Academic Demands, Social Isolation, Career Pressure, Study/Life Imbalance and Adjustment Outcomes in Law Students” (2015) 22(3) *Psychiatry, Psychology and Law* 388-406 and A. Lester, L. England and N. Antolak-Saper, “Health and Wellbeing in the First Year. The Law School Experience” (2011) 36(1) *Alternative Law Journal* 47-49.

³⁶ A. Huggins “Autonomy Supportive Curriculum Design: A Salient Factor in Promoting Law Students’ Wellbeing” (2012) 35(3) *University of New South Wales Law Journal* 683-716 at p.684; Tani and Vine (2009) above n. 25 at p. 9 and Sheldon and Krieger (2007) above n. 23.

³⁷ Bergin and Pakenham above n. 35 at p. 400; N. K. Skread and S. L. Rogers(2014) “Stress, anxiety and depression in law students: How student behaviours affect student wellbeing” (2014) 30(2) *Monash University Law Review* 564-587 at p. 564; W. Larcombe, L. Tumbaga, I. Malkin, P. Nicholson and O. Tokatlidis “Does an Improved Experience of Law School Protect Students against Depression, Anxiety and Stress? An Empirical Study of Wellbeing and the

law on thinking styles, attitudes and values;³⁸ a focus on extrinsic motivations coupled with a decline in intrinsic motivation, values and goals;³⁹ and, a lack of social connectedness.⁴⁰ There is less consensus around whether or not law students suffer from lower levels of wellbeing and higher levels of psychological distress than other university students in different disciplines. The majority of earlier studies have concluded that there is something specific to the law school experience which generates particular mental health concerns. For example, in the Australian context, Skread and Rogers have conducted a quantitative empirical study on the levels of self-reported anxiety and depression experienced by both law and psychology students (94 students from each discipline). They conclude that the results “reinforce the well-documented fact that law students experience higher levels of stress, anxiety and depression than university students in other disciplines, particularly psychology”, a finding they attribute (in relation to anxiety) to the greater demands placed on students by the study of law.⁴¹ However, work by Larcombe et al. (comparing law and psychology

Law School Experience of LLB and JD Students” (2013) 35(2) *Sydney Law Review* 407-432 at p. 429.

³⁸ M. Towness O’Brien, S. Tang and K. Hall, “No time to loose: Negative impact on law student wellbeing may begin in year one” (2011) 2(2) *The International Journal of the First Year in Higher Education* 49-60 at p. 56; S. Grover, “Personal Integration and Outsider Status as Factors in Law Student Well-Being” (2008) 47 *Washburn Law Journal*, 419-452 at p. 424.

³⁹ K. S. Sheldon and L. S. Krieger, “Walking the talk: Value importance, value enactment, and well-being” (2014) 38(5) *Motivation and Emotion* 609-619 at p. 617; Skread and Rogers (2014) above n. 37 at p. 564; K. Galloway, R. Bradshaw, N. Dunbar and J. Fellows, “Approaches to Student Support in the First Year of Law School” (2011) 21(2) *Legal Education Review* 235-249 at p.247.

⁴⁰ Bergin and Pakenham (2015) above n. 35 at p. 400; Skread and Rogers (2014) above n. 37 at p.564; Tani and Vine (2009) above n. 26 at p. 31.

⁴¹ N. K. Skread and S. L. Rogers, “Do law students stand apart from other university students in their quest for mental health: A comparative study on wellbeing and associated behaviours in law and psychology students” (2015) 42-42 *International Journal of Law and Psychiatry* 81-90 at p. 89; see also Field, R; Duffy, C. and James, C. (eds.) *Promoting Law Student and Lawyer Well-Being in Australia and Beyond* (London and New York, Routledge, 2016). For a comparison with medical students, see M. M. Dammeyer, M. M., and N. Nunez, “Anxiety and depression among law students: Current knowledge and future directions” (1999) 23 *Law and Human Behavior* 55-73.

students) has questioned this conclusion (although acknowledging that there is an issue here in terms of mental wellbeing to be tackled in both disciplines).⁴²

In the UK, the issue of law student wellbeing has only recently been acknowledged and hence there is relatively little published work on this topic.⁴³ However, this is likely to change rapidly, given the increasing interest in student mental wellbeing generally in the UK.⁴⁴ A recent report for the Institute for Public Policy Research identified that as a population “Students experience lower wellbeing than young adults as a whole, and experience lower wellbeing than was the case in previous years” with nearly five times as many students reported as disclosing a mental health condition in 2015/6 compared to 2006/7.⁴⁵ Specifically, 2% of first-year students reporting this in 2015/16, up from 0.4% in 2006/07.³⁹ Law students have been included in some wider university surveys on wellbeing, for example, Macaskill undertook a study of 1,197 undergraduate students at a post-1992 English university, studying a range of courses (10 including law). She found an overall instance of “psychiatric caseness” (in other words, meeting the criteria for a psychiatric disorder to be diagnosed) amongst these students was 17.3%, which was comparable with 17.6% in

⁴² W. Larcombe, S. Finch and R. Sore “Who’s Distressed? Not Only Law Students: Psychological Distress Levels in University Students across Diverse Fields of Study” (2015) 37(2) *Sydney Law Review* 243-273.

⁴³ The issue is discussed in a UK context in C. Strevens and C. Wilson, “Law Student Wellbeing in the UK: A Call for Curriculum Intervention (2016) 11(1) *Journal of Commonwealth Law and Legal Education* 44-56.

⁴⁴ See, for example, Universities UK, *Student mental wellbeing in Higher Education. Good Practice Guide* (2015) <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2015/student-mental-wellbeing-in-he.pdf> (accessed 11th October 2017); National Union of Students Scotland, *Silently Stressed. A Survey into Student Mental Wellbeing* (2010) <https://www.nus.org.uk/PageFiles/12238/THINK-POS-REPORT-Final.pdf> (accessed 11th October 2017).

⁴⁵ Thorley, C. “Not by Degrees. Improving Student Mental Health in the UK’s Universities”, Institute of Public Policy Research, September 2017, https://www.ippr.org/files/2017-09/1504645674_not-by-degrees-170905.pdf (accessed 13th October 2017) at p. 4.

the UK population overall, with the figure peaking midway through the second year at 23.1%.⁴⁶

In terms of the wellbeing of distance learning law students, the authors were only able to identify a handful of published empirical studies undertaken on online distance students in general.⁴⁷ They were unable to identify any empirical studies focusing specifically on online distance LLB students.⁴⁸ Overall, the ways in which students interact with, and respond to, their online environment has been missed or overlooked in research, as if online distance learning is an exact equivalent for face-to-face or traditional teaching methods - but there is an absence of any evidence to support this notion. However, what is striking in the literature in relation to online distance learning is the acknowledgment of the way in which the affective domain (i.e. emotions, feelings and moods) impacts on various aspects of online experiences, including learning.⁴⁹ Not only do students bring their own emotions to the online environment,

⁴⁶ A. Macaskill, "The Mental Health of University Students in the United Kingdom" (2013) 41(4) *British Journal of Guidance and Counselling* 426-441 at p. 430.

⁴⁷ In terms of online distance students generally see S. B. Scheer and B. B. Lockee, "Addressing the Wellness Needs of Online Distance Learners" (2003) 18(2) *Open Learning: The Journal of Online, Distance and e-Learning* 177-196. In a more recent study of the characteristics of mature online distance learners it was noted that "Wellbeing identified as an important driver for many of the choices students make, not only about when but also about where and how they engage in their learning" (Andrews and Tynan above n.31 at p.15).

⁴⁸ Surveys of students in the Australian National University's Legal Workshop Professional Legal Education Program were reported in 2014. However, this is a vocational, post-graduate course of study which provides a "very different context" (p.28) to the LLB by preparing its students for the transition to legal practice. Interestingly, the results of these surveys suggested that the students experienced low, and largely unchanging, levels of psychological distress throughout the course. Tang, S. and Ferguson, A. "The Possibility of Wellbeing: Preliminary Results from Surveys of Australian Professional Legal Education Students" (2014) 14(1) *QUT Law Review* The use of a pilot involving the provision of online support service to enhance the wellbeing of both face to face and online learners is discussed in L. Crowley-Cyr, "Promoting Mental Wellbeing of Law Students: Breaking Down Stigma & Building Bridges with Support Services in the Online Environment" (2014) 14(1) *QUT Law Review* 129-152. However, this paper does not include any empirical data on the wellbeing of the students involved.

⁴⁹ See, for example, M. Arguedas, T. Daradoumis and F. Xhafa, "Analyzing the effects of emotion management on time and self management in computer-based learning" (2016) 63 *Computers in Human Behavior* 517-529; A. Cheshin, A. Rafaeli and N. Bos, "Anger and

but they also have to try and interpret and understand those of others (for example, tutors and peers) without the use of non-verbal cues, and deal with the emotions generated by this, which could potentially include distrust, isolation and loneliness.⁵⁰ This is an interesting contrast to the way that online distance learning is commonly portrayed by its proponents – praising its flexibility, easy access and inclusivity, thus suggesting that there is much to explore in relation to online distance law student wellbeing.

Methodology

The empirical work undertaken by the authors sought to take a snapshot of the mental wellbeing of online distance learning students in their final stage of the LLB degree with a UK-based online distance learning provider, specifically The Open University. The aim was to obtain preliminary baseline data using an online questionnaire. The study received ethical approval from the university's Human Research Ethics Committee and respondents' provided informed consent for the use of the data they provided. The selection of the standardised measures for the survey was informed by previous research conducted overseas on law student wellbeing (including those by Larcombe et al.⁵¹ and Townes O'Brien et al.⁵²) to allow for comparisons to be made across studies. Although these two articles do not provide an explicit definition of wellbeing, their use of the DASS-21 allowed comparators in relation to specific

happiness in virtual teams: Emotional influences of text and behavior on others' affect in the absence of non-verbal cues" (2011) 116 *Organizational Behavior and Human Decision Processes* 2-16; S. Fineman, S. Maitlis and N. Panteli "Virtuality and emotion" (2007) 60(4) *Human Relations* 555-560.

⁵⁰ For an interesting discussion on the role of trust in online dispute resolution, see N. Ebner and J. Zeleznikow "Fairness, trust and security in online dispute resolution" (2015) 36(2) *Journal of Public Law and Policy* 143-160.

⁵¹ *Supra* n 37.

⁵² *Supra* n 38.

symptoms of psychological distress. The questionnaire was subject to piloting by faculty members from The Open University Law School (n=5) and was subsequently refined based on the feedback they provided.

Eligible participants were the 742 students who were final stage LLB students (Year III full-time or Year V and VI part-time) who had previously agreed that they could be contacted to participate in research. Students were invited to take part via email and asked to complete an online questionnaire (using Qualtrics survey software) which included two standardised measures for assessing mental wellbeing. In particular the DASS-21, which (as discussed above) has been commonly used in prior research of law student wellbeing. However, the DASS-21 measures actual symptoms of psychological distress, and so an assessment of general wellbeing, the World Health Organisation's Well-Being Index (WHO-5), was also utilised. The DASS-21 includes three sub-scales (depression, anxiety and stress) consisting of 7 items for each sub-scale (for example, "I found it difficult to relax"), with a four-point rating scale asking about symptoms experienced over the past week (0=Did not apply to me at all to 3=Applied to me very much). Scores range from 0 (no distress) to 21 (highest level of distress) for each sub-scale. The WHO-5 Well-Being Index consists of 5 statements related to general wellbeing (for example, "I have felt cheerful and in good spirits"), with a six-point rating scale in relation to how this item applies over the last two weeks (0=At no time to 5=All of the time). Total scores (0 to 25, 25=highest possible level of wellbeing) are typically converted into a percentage score (by multiplying the total score by 4). The questionnaire consisted of demographic questions and five open-ended items. Specifically, the open-ended items asked students: (a) their main motivation for studying law; (b) whether law school has met expectations; (c) whether law school has

contributed positively or negatively to their wellbeing; (d) their suggestions for The Open University as to how to improve student wellbeing; and (e) what sources of support they drew on during their course.

Data was obtained on whether each of the eligible participants had reported a disability to the university. The overall number with a declared disability equated to 13.7% of the eligible participants (n=102). Approximately one in five of those with a declared disability had a mental health disability/disabilities (as categorised by The Open University), which was 2.8% of the overall sample (n=21).

A total of 344 students took part in the study (representing a response rate of 46.4%). We used descriptive statistics to summarise quantitative data in relation to: participants' demographic features; their motivations for study; the law school experience; and the assessments of student wellbeing (i.e. DASS-21 and WHO-5). Statistical tests (specifically Chi-square tests and a t-test) were carried out in order to determine whether there were statistically significant differences in the response rates between those students who completed the survey (i.e. responders) and those that did not (i.e. non-responders) in relation to sex, White/Non-white status and age. We have utilised the commonly used cut-off of $p \leq 0.05$ to denote statistical significance (i.e. there is less than a 5% probability that any observed differences are due to chance). The quantitative results of the survey were analysed using SPSS (Statistical Package for the Social Sciences, Version 21) software. The qualitative open-ended items were analysed

on an Excel spreadsheet using an inductive thematic analysis of the type proposed by Braun and Clarke.⁵³

Demographics

There were 144 male students (41.9% of respondents) and 200 female students (58.1%) who responded to the survey. This is broadly reflective of the UK's national statistics on the demographics of law students, which in 2015/16 stood at 88,645 law undergraduates where 38.3% were male and 61.7% were female students. The mean age of responders was 40.6 years (range 22-84 years, Standard Deviation 11.8 years). The responders were predominantly White (n=275, 79.9%), with Non-White responders (i.e. Black, Asian, mixed ethnicity, and people who were an Other ethnicity) totalled 62 students (18.0%). An additional 7 students refused to answer or did not answer the question on ethnicity (2%). When comparing responders to the non-responders of the survey, the two groups were not significantly different in terms of their sex⁵⁴ and White/Non-White status⁵⁵. However, responders were older on average than non-responders⁵⁶, with a mean age of 37.0 years old for non-responders (i.e. they were on average 3.6 years younger than responders). Students were asked to report their highest level of educational attainment, prior to commencing their LLB. As outlined in Table 1, almost one third of responders had already completed an undergraduate or postgraduate degree. In addition to studying for their law degree over three quarters were in either full- or part-time employment (n=261, 75.9%).

⁵³ V. Braun and V. Clarke "Using thematic analysis in psychology" (2006) 3(2) *Qualitative Research in Psychology* 77-101.

⁵⁴ Chi-square continuity correction (1, n=742)=0.03, $p=0.86$.

⁵⁵ Chi-square continuity correction (1, n=727)=1.09, $p=0.30$.

⁵⁶ $t(695.20) = -4.32, p < .001$.

Table 1. Highest level of previous educational attainment

	Frequency	Percentage
No formal qualifications	11	3.2%
GCSEs/GCEs or equivalent	63	18.3%
A levels or equivalent	164	47.7%
Undergraduate degree	70	20.3%
Postgraduate degree	33	9.6%
Missing	3	0.9%
Total	344	100.0%

Motivations for study

Students were asked about their motivation for undertaking a law degree (see Table 2).

Approximately 45% reported that they wanted an LLB qualification so that they could work in the legal profession.

Table 2. Motivation for studying for an LLB degree

	Frequency	Percentage
To work in legal profession	155	45.1%
To assist in existing career	53	15.4%
To obtain a qualification	52	15.1%
Out of personal interest	39	11.3%
To work in non-legal career	25	7.3%
Other	14	4.1%
Missing	6	1.7%
Total	344	100.0%

In Table 2 above, the percentage (i.e. 45.1%) who reported their motivation was to work in the legal profession was lower than the 57.9% of third year students who indicated they intended to enter the legal profession in the final year of Hardee's

longitudinal survey of 87 respondents across 16 universities in England and Wales.⁵⁷ Of those students who completed the open-ended item (a) to explain their response further, the majority referred to (presumably in the future) working as either a solicitor or barrister or used the generic term “lawyer” when discussing working in the legal profession. However, a number also referred to other roles within the legal sector, such as in policing or being an advice worker. Interestingly, given the recent fragmentation of the legal profession, some students’ responses appeared to categorise these roles as work within the legal profession, whilst others saw this as a different type of career choice.⁵⁸

The findings in the current study appear more nuanced than Hardee’s in relation to changes of motivation during the LLB (although this exact question was not asked specifically of The Open University students).⁵⁹ For those students who indicated their motivation had moved away from entering the legal profession, this appeared to be largely due to changes in their work or personal circumstances:

Originally I was interested in qualifying as a solicitor but the legal aid cuts, combined with my then 4 year old son being diagnosed with autism, mean this is no longer a viable option as I cannot work full time. So now I am studying for the sake of it! (Respondent 96)

⁵⁷ Hardee, M. (2016) “The Cohort Study of the Career Expectations of Students on Qualifying Law Degrees in England and Wales”, http://ials.sas.ac.uk/sites/default/files/files/About%20us/Leadership%20%26%20Collaboration/LERN/LERN_Hardee.pdf (accessed 27th November 2017).

⁵⁸ For a detailed discussion on recent changes to the legal profession see, for example, Sommerlad, H., Harris-Short, S., Vaughan, S. and Young, R. (2015) *The Futures of Legal Education and the Legal Profession in: Sommerlad, H., Harris-Short, S., Vaughan, S. and Young, R. (eds) The Futures of Legal Education and the Legal Profession* (Oxford and Portland, Hart Publishing).

⁵⁹ Hardee noted a drop in motivation to enter the legal profession over time.

Conversely, several students who had started their law degree with a more general interest in law or desire for career progression had developed a desire to work within law:

I started the degree unsure about exactly which career path I wished to take but as the degree has progressed it is looking more likely I will try to work within the legal profession. (Respondent 249)

Other key motivations that emerged were students choosing to do a law degree to assist them in progressing in their existing career, or to enhance their employability more generally:

To be able to expand career opportunities within current sector (Respondent 63)

I decided to study law because it could help me progress in my career which does not necessary have to be a legal profession. Law can be useful in many other jobs and helps to understand how thing are run around me. (Respondent 245)

For a smaller proportion their studies were more to do with a general interest in law, or a long-held ambition to pursue degree-level studies, whilst for an even smaller number their stated motivation was a desire to help individuals and/or communities and remedy perceived injustices (sometimes arising from their personal experience/s):

Passionate about helping people and have been touched by the criminal justice system (Respondent 138)

The focus on career ambitions does reflect previous work on law students which has indicated a high level of extrinsic motivation, with an emphasis on achieving career goals.⁶⁰ This, in turn, has been implicated in issues with mental wellbeing within other jurisdictions, with Sheldon and Krieger in the US suggesting that a focus on extrinsic motivations can be damaging to mental wellbeing, whereas those who are able to both “talk the talk” and “walk the walk” in terms of intrinsic values have greater levels of mental wellbeing.⁶¹ However, the responses to the open-ended survey item on motivation also gave a sense of students having been given a second chance to develop their confidence and realise their aspirations, suggesting a more nuanced approach, with elements of intrinsic motivation also present for a number of respondents. This can perhaps be explained, at least in part, by the nature of the cohort, with a higher mean age, and less in the way of educational qualifications than is likely to be found within a more traditional university setting.

Law School Experience

⁶⁰ In the USA context see *supra* Sheldon and Krieger n 24. In the UK context see R. Collier, “The Liberal Law School, the Restructured University and the Paradox of Socio-Legal Studies” (2005) 68(3) *Modern Law Review* 475-494 at p.489 and K. Purcell and J. Pitcher (1996) *Great expectations: the new diversity of graduate skills and aspirations*, Institute for Employment Research/Association of Graduate Careers Advisory Services/Higher Education Central Services Unit.

⁶¹ K. S. Sheldon and L. S. Krieger, “Walking the talk: Value importance, value enactment and well-being” (2014) 38(5) *Motivation and Emotion* 609-619.

Nearly two-thirds of students indicated that law school had lived up to their expectations (n=221, 64.2%). Whilst approximately 17% of students reported that law school had not lived up to their expectations (n=58), with a similar number reporting that they did not know if law school had lived up to their expectations (n=57). These findings provide a useful snapshot of the respondents' experience which assists in contextualising the findings specifically in relation to mental wellbeing, as well as indicating potential aspects of the LLB experience which individual students viewed as having a particular impact. For those respondents who completed the open-ended item (b) to provide more detail on their response, positives of their experiences included the quality of the university's teaching materials, the support provided, and the flexible nature of online distance study:

Yes the tutorials, manuals and support is excellent (Respondent 225)

I chose the OU qualification because I am away for several months at sea. It has been possible to do the degree, even whilst being on a ship that is floating around the world's oceans (Respondent 50)

A key theme that emerged was enjoyment of the subject of law itself, and the confidence and skills that doing the LLB had imparted:

I have learnt more than I had ever imagined the law to be (Respondent 10)

In terms of the negative aspects identified, some respondents' commented critically about the degree's content, but a more common theme was one of feeling a

lack of support and a sense of isolation. Some of these complaints or issues around support seemed to stem from a particular challenge with tutorial arrangements that impacted on the institution during the academic year the survey was conducted in. Others demonstrated the impact that different tutors could have on the student experience (at The Open University students typically change tutors for each module studied). There were also more general comments which seemed to imply a lack of belonging and community:

I thought there would be more support and assistance from tutors (Respondent 277).

I have been increasing disillusioned with the lack of support from the law school. I also think the law school failed to communicate with me at many levels, academically, personal and supportive. (Respondent 241)

A sizeable number of responses included both positive and negative comments about the students' learning experiences, often suggesting that the learning journey had been both difficult, but also rewarding:

Challenging and sometimes difficult to balance with work/personal life but worthwhile and manageable. (Respondent 285)

The degree course has been much more demanding and difficult than I anticipated, although I seem to have adapted and coped well; therefore it has taught me certain skills in terms of perseverance, development of intellectual

capacity, for instance, in addition to skills such as analysis and reasoning.

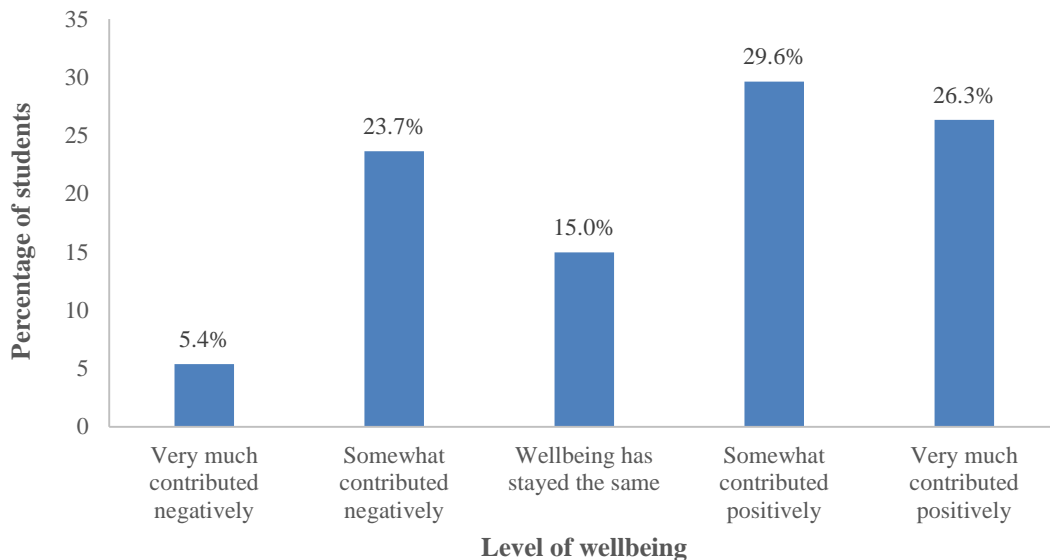
(Respondent 215)

Student wellbeing

(a) Overall student perceptions

In terms of the effects that law school had on students' mental wellbeing, the majority (55.9%) felt that studying the LLB had contributed very much or somewhat positively to this (see Figure 1). However, more than one-quarter (29.1%) felt that their studies had contributed very much or somewhat negatively. This is a noteworthy finding as, whereas the results of the DASS-21 and WHO-5 could both be influenced by numerous factors within a student's life, this particular question asked students to link mental wellbeing specifically to their studies.

Figure 1. The perceived impact of studying for an LLB on student wellbeing



(b) DASS-21 results

When applying the DASS-21 to identify symptoms of stress, anxiety and depression, the mean (average) scores for each of the three sub-scales was between the normal and mild range (see Table 3). However, all three sub-scales and the DASS-21 total score in the current study were elevated in comparison to the UK general adult population norms. Such that, for the depression sub-scale a score of 0-4 is indicative of a normal psychological state and 5-6 suggests mild depressive symptoms. Within the study, the mean score for depression was 4.75, falling within the range indicating mild depressive symptoms. In comparison, the figures for the UK general population suggest a mean score for the depression subscale of 2.83 (i.e. well within the normal range). Similarly, in relation to both the anxiety and stress sub-scales, the mean scores in the study were in the mild symptoms range, whereas the mean for the general population was in the normal range.

Table 3. Results for DASS-21 in current study and compared to general population

	Current Study			UK General Population ⁶²		
	N	Mean	SD	N	Mean	SD
DASS (Depression subscale) ¹	326	4.75	4.52	1,794	2.83	3.87
DASS (Anxiety subscale) ²	326	3.44	4.01	1,794	1.88	2.95
DASS (Stress subscale) ³	326	7.05	4.40	1,794	4.73	4.20
DASS Total Score	326	15.24	11.73	1,794	9.43	9.66

¹ 0-4 score indicates normal range, 5-6 mild, 7-10 moderate, 11-13 severe, >14 extremely severe

² 0-3 score indicates normal range, 4-5 mild, 6-7 moderate, 8-9 severe, >10 extremely severe

³ 0-7 score indicates normal range, 8-9 mild, 10-12 moderate, 13-16 severe, >17 extremely severe

A detailed breakdown of the severity of depression, anxiety and stress results, based on the DASS-21 are provided in Figures 2-4. These figures also provide comparison data from previous studies conducted at Melbourne Law School/MLS by Larcombe et al.⁶³ and Australian National

⁶² As reported by J. D. Henry and J. R. Crawford, “The short-form version of the Depression Anxiety Stress Scales (DASS-21): Construct validity and normative data in a large non-clinical sample” (2005) 44(2) *British Journal of Clinical Psychology* 227-239.

⁶³ *Supra* n 36.

University/ANU by Towness O'Brien et al.⁶⁴ in order that the results can be placed into an international context. Overall, the results of the current study demonstrated the same general pattern as the previous studies at MLS and ANU, with most students reporting symptoms in the normal range. In the current study over 60% of students were in the normal range for all three subscales. However a minority of students were in either the moderate range for depression (12.6%), anxiety (7.1%) or stress (14.1%) or the severe or extremely severe range for depression (12.5%), anxiety (15.3%) and stress (13.5%).

Figure 2. DASS-21 Depression subscale severity across studies

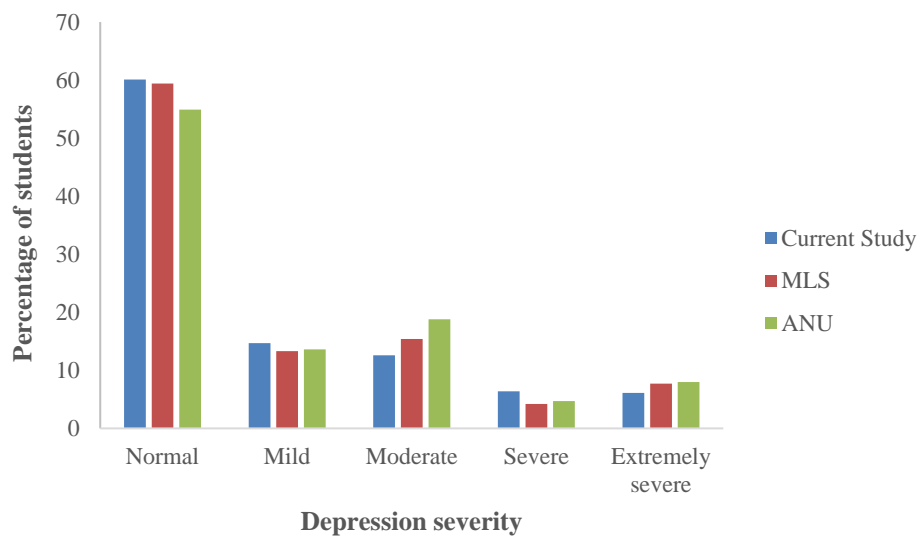


Figure 3. DASS-21 Anxiety subscale severity across studies

⁶⁴ *Supra* n 37.

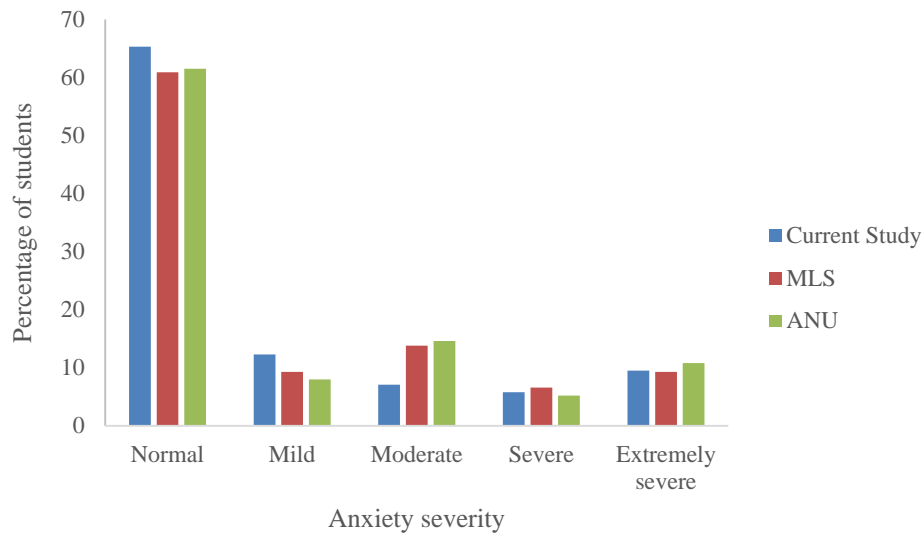
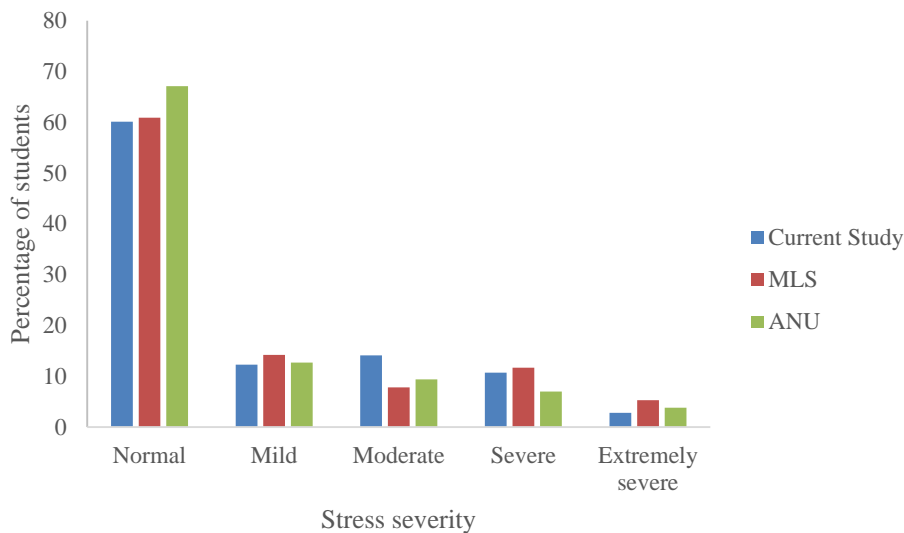


Figure 4. DASS-21 Stress subscale severity across studies



(c) WHO-5 results

The mean total percentage result for the WHO-5 Well-Being Index was 51.1% (Std. Deviation 22.9). A 1998 WHO report indicated that a mean score for adults without depression in the general population is 75%, whilst those with current major depression had a mean score of 37.5%. Therefore, the respondents in the current study fell somewhere between these two figures. For any individual, a score below 52% is an indicator to use the Major Depression (ICD-10) Inventory to further assess for

depression.⁶⁵ Table 5 presents the frequency and percentage of students in the following ranges:

- Students with scores below that of the mean of those with major depression (i.e. those with scores $\leq 37.5\%$, a group *likely to need some professional help* after a full assessment);
- Students with scores indicative of needing further assessment for major depression (i.e. those with scores between 37.6-52%, a group that *might need an assessment of their mental health needs*);
- Students with scores suggesting no need for screening, but *below average wellbeing* in relation to the general population (i.e. those with scores between 52.1-74.9%);
- Students with scores at or above the mean of the general population (i.e. those with scores $\geq 75\%$, a group with *average or above wellbeing*).

Table 4. WHO-5 results

	Frequency	Percentage
<i>Likely to need some professional help</i>	95	27.6%
<i>Might need an assessment of their mental health needs</i>	71	20.6%
<i>Below average wellbeing</i>	93	27.0%
<i>Average or above wellbeing</i>	65	18.9%
Missing	20	5.8%
Total	344	100%

These results indicate that 27.6% of respondents would probably benefit from professional help in terms of their mental wellbeing. However, the WHO-5 is not designed as an assessment of psychological impairment, therefore the DASS-21 results are more relevant with regards to determining the proportion of students likely to have mental health problems that require

⁶⁵ World Health Organization info package: *Mastering depression in primary care*. Frederiksborg: World Health Organization, Regional Office for Europe, Psychiatric Research Unit, 1998.

professional support. Nevertheless, both assessments indicate the percentage of respondents potentially needing help, which is considerably higher than the number who have a declared mental health disability to the university (i.e. 2.8%).

The responses to open-ended item (c) indicated that the key positive impacts in relation to mental wellbeing included an enhanced understanding of rights and responsibilities (either in relation to their personal position or within society as a whole) and a sense of pride, accomplishment and achievement. There were also some comments around the perceived benefits in terms of anticipated future career progression and employability (or, in some cases, indicating that the experience of study had compensated for an unfulfilling working life):

Law touches every aspect of our lives. Knowing how it is formed and applied, gives you a sense of empowerment and being in control impacts on your wellbeing. (Respondent 60)

I have unlocked a lot of forgotten potential and it's helped me at work. (Respondent 45)

My achievements so far make me feel proud of myself and I have realised how much I am capable of (Respondent 98)

Feel positive that am studying something interesting that will add value to my career (Respondent 245)

Another theme that emerged was that for a number of students they felt law had impacted on their way of thinking by making them more rational, analytical and organised. Interestingly, this was identified as a positive for mental wellbeing by respondents, despite the impact of studying law on thinking styles, attitudes and values having been implicated in decreasing levels of mental wellbeing in other studies.⁶⁶

⁶⁶ *Supra* n 37.

It helps me see things from a different perspective and has helped me become more rational. (Respondent 171)

Key impacts on negative wellbeing were identified as including the difficulties of juggling study with family, work and other commitments, particularly around deadlines for assignments and examination periods. For some respondents this appeared to have lessened engagement with family and friends, whilst others referred to a lack of sleep as a result of late nights spent studying.

I have found it stressful studying, working and looking after a family. Especially at TMA [assignment] and exam time! (Respondent 103)

The hours required mean that I have little time for social activity, study through evening, weekends and holidays, find it difficult to do anything at short notice and rarely sign up for any sport/ social activity which requires commitment. (Respondent 143)

To some extent, these responses reflect the sense of social isolation which has been identified as a contributing factor to declining mental wellbeing in previous studies of law students.⁶⁷ However, the emphasis on work and family commitments is also arguably exacerbated by the higher mean age of the cohort and the large number in full- and part-time employment.

⁶⁷ Supra n 39.

Other themes echoed those found within the accompanying open-ended item (c) with some students again referring to a lack of support from the university and raising the issue of tutorial arrangements (specifically GTP) which had arisen within the institution. These more mixed responses often drew together a number of these key themes:

It has contributed both negatively and positively. Positively it has enabled [me] to engage with a subject that affects almost every aspect of life, it has also helped me with my career already and helps with my job. The negative aspect is that it is a real challenge working, studying and being a single mum. I am tired a lot and feel like I miss out on a lot of social activities. (Respondent 252)

Responses such as these also fed through into open-ended item (d), on how The Open University could improve student wellbeing, with a range of feedback around the need for consistent tutorial arrangements and an overall sense of dissatisfaction with how recent changes had been implemented within the university. There were also (perhaps inevitably with students) a number of comments around the way assignments and examinations were administered and marked. However, the key theme appeared to be around contact, support and encouragement, with suggestions for improvements including sending encouraging emails, providing more opportunities for peer-to-peer and student-tutor support, an increase in face-to-face interaction, the circulation of regular questionnaires about wellbeing and provision of a bespoke student counselling service:

I think things like more local activities such as meetups for in law students.

Open days. Student social activity days. Free tickets to local law events.

(Respondent 329)

The time leading up to exams can be stressful, it would be helpful to have a 24 hour helpline to offer support. (Respondent 170)

At the same time, some respondents indicated that they were happy with the levels of support, or felt that provision of additional support was outside the university's remit, with several indicating they preferred studying with minimal interference.

I think there are plenty of things in place for me, however this is my own opinion based on my circumstances. I like to be left alone. (Respondent 92)

Overall, the responses to (d) seem to largely focus on issues relating to the distance-learning nature of the LLB. For some students, their preference for flexible or independent study appeared to influence their response in a positive manner. Whilst for others it seemed there was a sense of separateness from The Open University and a lack of community which was viewed more negatively. Interestingly, there was little indication in the responses that it was the particular nature of law itself that had impacted on respondents' wellbeing. This seems to indicate a divergence from previous studies which have emphasised the discipline-specific nature of mental wellbeing issues.⁶⁸ However, whether it is the case that the issues associated with distance learning are effectively obscuring or over-shadowing underlying issues relating

⁶⁸ *Supra* n 40.

particularly to law, or whether the nature, content and purpose of the LLB in the UK is such that the presentation of law as a discipline has less impact on mental wellbeing than elsewhere, remains open to question.

In terms of open-ended item (e), on sources of support, family featured heavily in responses, together with tutors and (to a lesser extent) friends and other LLB students (relationships frequently developed via social media). Often students had drawn on a number of these sources of support and they had provided a range of practical and moral support.

My family has been my rock (Respondent 207)

Meeting different tutors with their varying attributes keeps me going.

(Respondent 86)

I can say that two of my tutors have been amazing going the last mile and then some. My husband has been supportive. Other LLB students coming alongside.

(Respondent 1)

Other respondents indicated that they had not had sources of support, either through choice or circumstances, with a number characterising themselves as highly self-reliant and self-motivated:

Me. Just me. My parents and husband are proud of me but there is little support they can give. (Respondent 92)

The overall responses to (e) are of particular interest when considering ways in which to support distance learning students in terms of mental wellbeing, clearly emphasising the important role of tutors in mediating the learning experience, as well highlighting the relevance of social connectedness (and support) more generally.

Summary of findings

The current study provides a cross-sectional snapshot of a cohort of final stage online distance-based learning LLB students. It indicates that almost two thirds of respondents had found that Law School lived up to their expectation. The majority (55.9%) indicated that law school's impact on their mental wellbeing had been positive (Figure 1). However, for a sizeable minority (29.1%) the impact had been negative (Figure 1). The results of the DASS-21 indicated that the respondents' mean levels of stress, anxiety and depression were all higher than those of the general population, but the majority remained within the "normal" range. Nevertheless, around 12-15% displayed symptoms of particular concern (i.e. having results within the severe and extremely severe ranges) with between 7-14% also falling in the moderate range. The results of the WHO-5 also suggested that a sub-set of respondents had compromised mental wellbeing. A broadly comparable proportion of students were categorised as having extremely severe depression, anxiety and stress as those from students at two Australian universities. This is an interesting finding, given the differences in the mode of educational delivery and demographic characteristics, and given the fact that The Open University LLB is open access with no previous qualifications required for LLB entry.

Despite similar results to previous studies in relation to wellbeing as assessed using standardised measures, the responses to the open-ended items indicated a potential divergence

from points previously outlined, in the US and Australian studies. For instance the explanations provided for the low levels of wellbeing amongst law students. Overall, the responses about law as a discipline were positive, focusing on its empowering nature, status and role within society, although at the same time, there were echoes of previous studies in the references to how law had shaped the respondents' ways of thinking. Many of the negative comments around mental wellbeing in this study instead related to the distance-learning nature of the LLB. This provides an interesting counter-point to Sheldon and Krieger's studies in which they emphasise the damaging impact of a lack of autonomy⁶⁹, as in this survey there were indications that the high level of autonomy provided by the distance learning environment had contributed negatively to the respondents' mental wellbeing. Instead, a key theme was the need for a greater sense of relatedness, with a desire for further support, encouragement and community to help respondents navigate their studies alongside the "stresses of life" (Respondent 291). This perhaps indicates a need for further investigation of the balance to be struck between these two constructs if self-determination theory is to be developed as a conceptual framework for the promotion of law student mental wellbeing.

Strengths and weaknesses of the study

To the best of the authors' knowledge, this survey represents the first mixed methods study on law student wellbeing from the UK. This study had 344 participants which represents a substantial sample (a response rate of 46.4%) of law students for a UK institution and this sample size allows for meaningful comparisons with other data. The response rate appears commensurate with that in earlier studies⁷⁰ and the respondents

⁶⁹ *Supra* n 24 and n 27.

⁷⁰ For example, Larcombe et al (*supra* n 37) reported a 37% response rate (p. 414).

appear representative of the sex and ethnicity breakdown of the whole of the university's LLB final stage cohort. The survey's use of the DASS-21, an internationally accepted and validated measure, means that comparisons can be made with studies from other jurisdictions. The use of the WHO-5 adds a further dimension, because this tool is focused specifically upon mental wellbeing rather than symptoms of distress, and thus avoiding an overly simplistic assessment of mental wellbeing which only focuses on symptoms of psychopathology. The open-ended qualitative items also provided an opportunity for students to elaborate on their responses, giving an insight into whether the responses to the standardised measures are likely to be influenced by issues specific to distance learning, or ones relating to the LLB or the higher education environment more generally.

Limitations of this study include the fact it only represents a single institution, at one point in time. The unique nature of The Open University also makes it questionable to what extent the findings are representative of the LLB student population as a whole. The standardised measures are self-report instruments, rather than clinical interviews and no formal diagnoses were made. There is always the potential danger of self-report leading to a social desirability bias (in other words, respondents giving what they perceive to be the "right" answers).

Future directions

Mental wellbeing is becoming an increasingly important issue amongst law students, higher education students generally and the legal profession. In the UK, although it has

been highlighted as a concern,⁷¹ the magnitude of the issue has not yet been discerned. This study indicates that, despite the majority of respondents finding their mental wellbeing was positively influenced by their LLB studies, there are a minority who are negatively impacted by the experience. To investigate this further it is necessary to conduct longitudinal studies which trace the progression of LLB students from their entry into a programme, and examine the experience of students at each stage of their learning journey whilst also exploring attrition and studying the experience of those selecting to leave an LLB programme. Comparisons within disciplines and across institutions could also assist in establishing to what extent the issues relate to one institution and one discipline or are common to higher education more generally. It would also be informative to track the mental wellbeing of LLB graduates once they leave the institution(s) in question to see whether (and if so how) their mental wellbeing alters over time.

Further discussion also needs to develop around how best to deal with issues of the suspected declining mental wellbeing of LLB students as they progress through their studies. A fundamental question is whether interventions should be targeted at those who are identified as at risk from, or who have already experienced, mental health difficulties, or whether all LLB students should be encompassed, for example, through embedding wellbeing initiatives within the LLB curriculum.⁷² This raises further issues around the

⁷¹ See C. Strevens and C. Wilson, "Law Student Wellbeing in the UK: A Call for Curriculum Intervention" (2016) 11(1) *Journal of Commonwealth Law and Legal Education* 44-56.

⁷² For discussion of the need of a more holistic, "whole school" approach in relation to law, see J. Duffy, R. Field and M. Shirley, "Engaging law students to promote psychological health" (2011) 36(4) *Alternative Law Journal* 250-254; S. Grover, "Personal Integration and Outsider Status as Factors in Law Student Well-Being" (2005) 47 *Washburn Law Journal* 419-452 and B. A. Glesner, "Fear and Loathing in the Law Schools" (1991) 23(3) *Connecticut Law Review* 627-668.

extent to which students are willing to engage with these and the need to foster a receptive culture amongst both students and academics within the law school. Arguably a good starting point is to ask LLB students themselves (or recent graduates) what help and support they need, however, in order to learn from this, law schools may have to prepare themselves for some 'hard truths' and some uncomfortable self-examination. This may not be an easy journey, but the benefit to students are likely to be life-changing.