

Institution: The Open University		
Unit of Assessment: C18 Law		
Title of case study: Open Justice: new pathways for promoting legal understanding and access to justice		
Period when the underpinning research was undertaken: 2017-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Mr Hugh McFaul	Director Open Justice Centre, Module Chair <i>Justice in Action</i>	01/11/2011-Present
Ms Francine Ryan	Director Open Justice Centre	5/11/2015-Present
Dr Elizabeth FitzGerald	Senior Lecturer, Institute of Educational Technology	1/08/2011-Present
Ms Keren Lloyd Bright	Senior Lecturer in Law	1/02/2008-Present
Dr Neil Graffin	Senior Lecturer in Law	21/12/2014-Present
Period when the claimed impact occurred: September 2017-2020		
Is this case study continued from a case study submitted in 2014? No		
1. Summary of the impact		
<p>The Open Justice Centre has researched and developed new methods to support the promotion of legal understanding and to facilitate access to justice via innovative use of digital technologies. The Centre's research findings have had impact in three areas:</p> <ul style="list-style-type: none"> • Over 800 distance-learning undergraduate students have been empowered to apply their legal knowledge and skills to further the OU's social justice mission by providing free legal advice, education and guidance to marginalised groups and individuals. • The global Clinical Legal Education movement has benefited from insights into the potential for CLE pedagogy to be delivered in online environments. • National and international civil society partners, including AdviceUK, Support Through Court and the United Nations, have been supported to develop new pathways to civic engagement through the promotion of the rule of law and legal understanding. 		
2. Underpinning research		
<p>The Open Justice Centre, which was founded in 2016 as part of the OU Law School, has researched ways of widening access to the legal system and profession which has resulted in the digital transformation of Clinical Legal Education (CLE) practice and created new pathways for public legal education. <i>Pro bono</i> legal work is an important component of undergraduate CLE law programmes helping students develop career experience, public speaking, legal research and analysis, teamwork and leadership. <i>Pro bono</i> legal projects are readily available in 'brick' universities but are more challenging to deliver in The Open University given its distance learning model. The Centre was established in 2016 to provide online distance-learning law students with opportunities to undertake public-facing <i>pro bono</i> projects. To realise this vision, the Centre researched the following new ways of making Clinical Legal Education (CLE) accessible to distance-learning undergraduates. The underpinning research into various aspects of the effectiveness of these novel approaches has been conducted since 2017 and is ongoing with a body of 12 peer-reviewed outputs, the most pertinent of which are listed in section 3.</p> <p>Taking CLE Online</p> <p>Until now, the development of CLE has been driven by insights and practice from face-to-face universities. The research affirmed the value of the Centre's innovations in transposing CLE pedagogy into an online distance-learning environment. It showed that doing so presents opportunities to widen access, both for participating students and for the public, and provides a means to expose students to the technological transformation that is altering the legal system and profession [O3]. The evaluation of the teaching methods used by McFaul and his team identified challenges and suggested solutions in taking CLE online; not least ensuring that students were</p>		

adequately prepared and supervised to ensure professional standards of service delivery were achieved [O6].

New applications of technology

In attempting to exploit these opportunities and mitigate the challenges, the Centre developed bespoke applications of education technology to support the delivery of online CLE. In 2017 **McFaul** led the development of a bespoke virtual reality platform to teach legal skills and **Ryan** led the development of an online legal advice clinic. Research evaluating these applications in 2019 provided new insights into the affordances of virtual reality [O1] and online legal advice clinics [O2] for the development of the professional skills required for the delivery of student legal pro bono projects. **McFaul's** 2019 conceptual study [O4] demonstrated how greater engagement with theory can improve the practice of CLE and provide new methods to harness its social justice potential. This work informed the development of several Open Justice public engagement projects. The social justice potential of utilising technology in CLE was explored further through a research case study which, in collaboration with legal charities, evaluated the potential benefits created by students developing smartphone apps for disseminating legal information to the public [O5]. This case study found that embedding mobile app design projects into CLE has the potential to benefit civil society by widening access to legal information and guidance.

New pathways to civic engagement

Findings from [O5] highlighted the need for digital pro bono projects to engage partner organisations in the earliest stages of the design process, and informed a subsequent project (partly funded by the Ministry of Justice (MoJ)) to co-produce an open-access training course on domestic abuse with the legal charity, Support Through Court. **McFaul's** conceptual study has also provided new insights into the role that university law schools can play in supporting the rule of law and social justice [O4] by using educational technologies when working with civil society partners [O5]. These insights have underpinned collaborative work with the UK charity, AdviceUK, and the United Nations.

The quality of the research is further illustrated by two additional examples of intellectual leadership in the CLE field. **McFaul**, with a collaborator from the University of Bristol, is leading 15 academics from UK, USA, Brazil, Ethiopia, Poland, Spain, Israel, Croatia and Norway to produce an edited collection that breaks new ground by applying novel theoretical approaches to CLE, forthcoming with Routledge 2021. Secondly, Northumbria University invited the Centre to guest edit a special edition on CLE in the pandemic for the *International Journal of CLE*, published December 2020.

3. References to the research

- O1. McFaul, H., and Fitzgerald, E.** (2019) A realist evaluation of student use of a virtual reality smartphone application in undergraduate legal education. *British Journal of Education Technology*. <https://doi.org/10.1111/bjet.12850>
- O2. Ryan, F.** (2019) A virtual law clinic: a realist evaluation of what works for whom, why, how and in what circumstances? *The Law Teacher* <https://doi.org/10.1080/03069400.2019.1651550>
- O3. Ryan, F., and McFaul, H.** (2020) Innovative technologies in UK legal education. In Cownie, F. and Jones, E. eds. *Key Directions in Legal Education: National and international perspectives*. Abingdon: Routledge, pp.67-79 <https://doi.org/10.4324/9780429448065>
Publishing restrictions prevent this from being publicly available. Pre-publication copy on request from <http://oro.open.ac.uk/69543/>.
- O4. McFaul, H.** Does CLE Need Theory? (2020) *Asian Journal of Legal Education* <https://doi.org/10.1177/2322005820916891>
- O5. McFaul, H., Fitzgerald, E., Byrne, D., and Ryan, F.** (2020) A mobile app for public legal education: a case study of co-designing with students. *Research in Learning Technology* <https://doi.org/10.25304/rlt.v28.2434>
- O6. McFaul, H., Hardie, L., Ryan, F., Lloyd Bright, K., and Graffin, N.** (2020) Taking Clinical Legal Education Online: Songs of Innocence and Experience. *International Journal of Clinical Legal Education* <https://doi.org/10.19164/ijcle.v27i4.1052>

4. Details of the impact

Impact on understanding and learning: improving the educational experience and learning outcomes for distance-learning law students

Research into the potential uses of education technology [O1, O2, O3, O6] informed the development of *Justice in Action*, a ground-breaking undergraduate law module launched in 2017, in which over 800 distance-learning students at The Open University (OU) have combined academic study with the opportunity to participate in professional-standard *pro bono* work. The online learning environment, which includes a bespoke virtual-reality application, enables students to engage in public-facing *pro bono* projects, including the UK's first large-scale university on-line legal advice service. Research into the social justice potential of CLE [O4, O5] informed the development of *Digital Justice*, a project in which students develop mobile apps and chat bots that provide the public with legal advice and guidance. In addition, the Centre runs a public legal education programme, run in conjunction with 30 schools, 11 prisons, and 8 charities, which allows students to deliver legal support, guidance and education events and is the only such university scheme that operates in all four UK nations [C1, C2].

Students participating in the *Justice in Action* module are expected to develop and apply their legal skills and knowledge in a way that has a positive impact on their communities. This participation impacted positively on students' understanding and learning, with OU students reporting that they found the experience of participating in *Justice in Action* to be transformative and educationally beneficial [C1, C2], for example: "*I didn't anticipate the effect that this journey that I was about to embark upon would have upon my life as both a law student and a person [...] and the experience is a must for any law student*" [C2, p.8] and "*I am so grateful to Open Justice administration for letting me join prison radio project. It changed my life and me*" [C1, p.19] and "*I have always thought that by volunteering I could make a difference to someone else's life, but I never thought that volunteering would give my life more meaning. I have become more confident in different aspects of my life and have developed personal and professional skills. The value of [...] the Open Justice activities has been [...] beyond my expectation*" [C2, p.3].

Impact on students is recognised in the *Attorney General's Student Pro Bono Award 2019* for best innovation in legal technology, a 2019 *OU Teaching Award* for excellence in employability and selection as finalists for the *LawWorks Annual Pro Bono Awards* in 2018 and 2019 for best new *pro bono* initiative and best community partnership respectively, and the Centre's shortlisting for the *Association of Law Teachers Law and Technology Prize 2020* [C3].

Impacts on pedagogical practice in the UK and internationally: changing the pedagogical approach in Clinical Legal Education and adapting to online teaching

The Centre's adaptation of CLE pedagogy for online settings has been increasingly influential during the Covid-19 pandemic as law schools across the world have attempted to cope with teaching restrictions and national lockdowns by attempting to move towards online teaching. The online CLE model developed by the OU's Open Justice Centre provides an established and effective model for facilitating this important educational experience and consequently has been a valuable resource for other universities and institutions who have less experience in providing online learning. A webinar was designed to communicate and share the Centre's research and the methodology successfully developed for *Justice in Action* with an international audience. This webinar, entitled 'Taking clinical legal education online' took place in May 2020 and attracted a global audience of 60 specialists from institutions based across the UK, Australia and the Caribbean [C4a]. Subsequently, Ryan gave consultancy support to 19 university law clinics that moved to online platforms. One university clinic director who attended commented that she gained a "*valuable insight into the process of running clinic online*" and the webinar gave her and her colleagues "*confidence that we had considered the key issues necessary to ensure that the running of our clinic was as smooth as possible*" [C5a]. Another law clinic director commented that she had benefited from the expertise of the Open Justice Centre and gained insights on "*the different ways working off campus could be facilitated*" [C5b].

A leading Professor of CLE from Swansea University's Law School recognised **McFaul's** commendation in the *Times Higher Most Innovative Teacher Award 2020* [C3] as "*testament to the immense contribution you have made to the clinical legal education movement*" [C6]. The

quality of this impact is also reflected in **Ryan's** shortlisting for the *OUP 2020 Law Teacher of the Year* [C3].

Impact on social welfare and public understanding: increasing access to justice through provision of legal services and legal education

The sharp decline in levels of state-funded legal support has highlighted the importance of publicly available sources of legal information for facilitating access to justice. The Centre's research and its outcomes directly address how university law schools can utilise technology to help address unmet legal needs and thereby support the rule of law [O3, O5]. The online legal advice clinic combines the *Clio* case management system with online conferencing technology to allow students to improve access to justice by providing legal advice from anywhere in the UK supervised by qualified solicitors [O2, O3, O6]. It has provided over GBP230,000 of free legal services, providing assistance to 196 clients in five practice areas during 2019-2020 [C1, p.5] with feedback including, *"Their guidance really helped in a time of hardship where I otherwise would have had no access to legal advice"* [C1, p.6].

Pro bono work and social justice, an open access 8-hour law module, has improved access to university level legal education by reaching 5,682 learners from the UK, India, USA, Australia and Canada. A UK school pupil and aspiring solicitor was inspired to write a blog on social justice for the Open Justice website on completing this course and commented, *"It has been an excellent opportunity to learn more about the current crisis surrounding legal aid and what potentially could be done to reduce the effects of this"* [C4i]. The in-person and online public legal education programmes have raised levels of legal understanding about human rights, criminal justice, welfare and housing law in 30 schools throughout the UK [C1, p.8, C2, p.5]. One teacher commented the sessions *"worked brilliantly with our students. The activities and resources were really engaging [...] It is a tough gig keeping 40 teenagers interested and engaged for four hours in a confined space and they managed it in style!"* [C2, p.5].

Open Justice students provide online research and policy support to Inverclyde Employment Centre, JustRights Scotland, Just4Kids and the Freedom Law Clinic [C1, C2, C4.c]. Director of the Freedom Law Clinic said: *"We are looking forward to engaging with the key legal and political questions of our time with this committed team of students and academics"* [C4b]. A legal education programme supporting St Giles Trust Peer Advisors (2017 to present) was also underpinned by research on the social justice potential of CLE [O4, C1, p.7&15]. The peer advisors are serving prisoners who are highly motivated and provide an advice, guidance and support service to their fellow prisoners. This collaborative project educates and supports these advisors and improves the accessibility of legal information for this marginalised group, reaching over 200 prisoners in 11 UK prisons. Director of St Giles Trust described the project as *"a collaborative and empowering process"*, which *"impacts on the Peer Advisors increasing the sense of their own worth, self-esteem and motivation"*. She added that *"In this time of austerity and cuts there is little access for prisoners to specialist support and advice which makes this project even more vital. It is providing an essential service for many prisoners"* [C7].

The Centre has used local and national media to generate public awareness of legal issues, including access to legal advice. *Legal Eagles*, a prison radio project at HMP Altcourse in which students appear as legal advisors on a range of issues, featured on BBC Radio 4's *Law in Action* [C8], and the Centre's community legal advice clinic in Rawtenstall featured on Radio Lancashire [C4d]. **McFaul** was the legal academic advisor on BAFTA-winning BBC TV documentary series *The Detectives: Murder on the Streets* and authored related web content promoting the public understanding of law, reaching a TV audience of 8.2 million in addition to 24,921 online engagements [C9].

Impact on organisational practice: legal charities and the United Nations

The research into utilising technology to raise levels of legal understanding [O1, O2, O3, O5, O6] and to support social justice [O4] has influenced the work of national and international civil society partners who have increased their capacity to promote legal awareness amongst their stakeholders.

The Centre received GBP67,000 in funding from the Equality and Human Rights Commission to co-design a five-hour 2018 Open Access Education Resource with AdviceUK to build capacity to deal with human rights and discrimination law in the UK free legal advice sector [C4e]. This

resource reached 4,096 learners [C11], and the Executive Director of AdviceUK said it “*opens up learning opportunities to a wide audience; supporting access to justice around discrimination and human rights*” [C4e].

The Centre’s collaboration with Support Through Court (STC) led to a 20-hour co-produced Open Education Resource to help legal volunteers support domestic abuse victims. Head of Service at STC, said “*after a one-year project focusing on domestic abuse, we were looking for a way to continue training our volunteers in this important area, and the Open Justice modules are a fantastic training legacy*” [C4j]. Part-funded by an MoJ grant, it reached 7,536 learners [C11]. UK Government Justice Secretary described it as “*excellent [...] collaborative work*” [C4f] and the Higher Education Funding Council Wales have included it as a best practice case study in their guidance to the HE sector on the Welsh Government’s Violence Against Women Domestic Abuse and Sexual Violence (VAWDASV) agenda [C12]. The success of the Centre’s work with UK charities led to an invitation to partner with the United Nations Office on Drugs and Crime (UNODC) to widen access to the delivery of the Global Education for Justice (E4J) initiative, which promotes the rule of law through education. The Centre designed a five-hour online train-the-trainer course, to build the capacity of a global audience of lecturers to deliver integrity and ethics education [C4h]. Since December 2019 it has reached 4,767 learners and the feedback noted that ‘the goal of the course is to give lecturers additional tools to teach the E4J Modules. I believe that such goal is successfully accomplished’ [C11]. Additionally, an academic from Strathmore University Kenya, said we “*are delighted to have access to such excellent teaching material! [...] The Dean of my school has also shared it with the other lecturers in our School to encourage us in promoting our university’s theme this year which is on “Promoting ethical behaviour” by fighting corruption*” [C10]. This resource was expanded in September 2020 to include anti-corruption education and was translated into Spanish in October. A Crime Prevention and Criminal Justice Officer at UNODC, said: “*The course is particularly appropriate in the current global circumstances, as an innovative distance-learning tool which guides lecturers on integrating anti-corruption, integrity and ethics issues in their curricula as they move to a digital or blended teaching environment*” [C4h].

During 2019/20 **McFaul** delivered workshops to support the E4J initiative at the UN in Vienna, and at universities in Moscow, Indonesia and Tunisia [C2, p.11]. In September 2020, **McFaul** was appointed to a UNODC post to consult on the design of an online platform to support the development a global community of anti-corruption academics.

5. Sources to corroborate the impact

- C1. Open Justice Centre Annual Report, 2020.
- C2. Open Justice Centre Annual Report, 2019.
- C3. Open Justice Award List 2018-2020.
- C4. Report: Summary of Open Justice News Stories [C4a-C4j], 2018-2020.
- C5. Evidence Bundle [C5a & C5b]: Emails from Law Clinic Directors 2020.
- C6. Email from Professor of CLE, Swansea University Law School, regarding THE Awards 2020.
- C7. Supporting Statement from St Giles Senior Development & Training Manager for LawWorks Award 2019.
- C8. Legal Eagles on Altcourse Prison Radio November 2019: [C8a] – Recording of radio broadcast. [C8b] – Blog post reporting on the Prison Radio Project Legal Eagles.
- C9. Broadcast Partnership Newsletter Issue 13 September 2017 - February 2018.
- C10. Email from Senior Lecturer at Strathmore Kenya, February 2020.
- C11. Open Justice Open Education Resources Learner Engagement Report 2020.
- C12. Higher Education Funding Council Wales Circular 2020 (pp.13-14).