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Key challenges and opportunities around wellbeing for distance learning students: the online law school experience

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ABSTRACT

The wellbeing of students in higher education generally, and law students, in particular, has become an area of increasing concern in recent years. Despite the growing interest in the area, empirical work on the wellbeing of distance learning law students remains sparse. This paper builds on previous studies around wellbeing in higher education, especially in relation to law schools, by reporting on the findings of a series of focus groups conducted with distance learning law students at The Open University. Its aim was to explore participants' perceptions of how studying law had impacted their wellbeing. Its findings indicate that participants viewed the online distance-learning nature of their studies as having the most significant impact on their wellbeing, generating a range of practical and psycho-social implications. Although issues specific to the law as a discipline were raised, it appeared to be the mode of delivery, not the subject content, that was of primary relevance. This exploratory study is particularly salient at this time when law schools across the globe have been forced to perform an 'online pivot', with many now also considering expanding their long-term online offerings. The paper concludes by considering the ways in which the results of this study could usefully inform future wellbeing initiatives within online legal education.

KEYWORDS

Distance learning; online learning; wellbeing; legal education; online pivot

Introduction

Tertiary student wellbeing has become increasingly recognised as a salient issue within higher education, as reinforced in both the 2017 Universities UK's Step Change Framework and the 2019 publication of Student Minds' University Mental Health Charter (Hughes & Spanner, 2019; Universities UK, 2017). These reports demonstrate that the compromised mental wellbeing of students is an international concern. For instance, a systematic review of depression prevalence alone, across 24 studies, reported nearly one-third of students had clinically significant depressive symptoms based on an overall sample of 48,650 students (Ibrahim et al., 2013; see also Worsley et al., 2020; Insight Network, 2019; Macaskill, 2012). However, studies exploring mental health problems amongst students are of variable quality, and with rare exception, clinical diagnostic interviews (which are superior to the standardised measures routinely used in mental

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health research) are not used to determine a diagnosis (Ibrahim et al., 2013). Therefore, the current weight of the evidence demonstrates the importance of investigating student wellbeing, but the lack of diagnostic clinical interviews and representative samples means there are difficulties establishing accurate percentages in terms of the students who have a diagnosable psychiatric disorder. Within legal education, the empirical data on law student wellbeing in the United Kingdom (UK) are very limited, meaning further research is of particular importance particularly as commensurability between jurisdictions cannot be assumed (Bradney, 2007). A number of studies from the United States of America (USA), Canada and Australia have indicated that a significant proportion of law students may experience a decline in their mental health and wellbeing during their studies (see, for example, Sheldon & Krieger, 2004; Pritchard & McIntosh, 2003; Sheldon & Krieger, 2007; Towness O'Brien et al., 2011a). A range of commentators have suggested that the law school experience, in particular, is a contributing factor to this, for instance, its academic competition, individualistic focus, promotion of adversarialism and emphasis on a particular and narrow form of analytical thinking (or 'thinking like a lawyer') (James, 2008; Tani & Vines, 2009; Towness O'Brien et al., 2011a). Although the notion that levels of wellbeing are poorer amongst law students than those studying other subjects has been disputed (Larcombe et al., 2015) and the broader impact of the neo-liberal university has been emphasised (Thornton, 2016), overall there appears to be a consensus amongst commentators that suggests 'something about the law school experience causes the stress' (Pritchard & McIntosh, 2003, p. 740), namely, the factors identified in the above studies. Given certain factors have been identified as significant determinants of wellbeing within other jurisdictions, it is, therefore, important to ascertain whether similar issues are impacting the wellbeing of law students within the UK. This is particularly the case where key studies of law students in a face-to-face setting in the USA and Australia demonstrate that law student wellbeing is lower than that of the general population. One example of this is Sheldon and Krieger's study (Sheldon & Krieger, 2004) in the USA-context which involved a survey-based longitudinal study of a single cohort of postgraduate law students at one university and a further survey-based study of another university's law student cohort during the first year of their legal studies. Both groups demonstrated a marked decline in their levels of subjective wellbeing during the first year of studies, with these lowered levels then remaining constant across the remaining 2 years of study. In the Australian context, the first large-scale wellbeing study, including both law students and legal professionals, was conducted across 13 universities and included nearly 2,000 members of the legal profession. It 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' (Kelk et al., 2009, p. 42). Although the focus in the literature to date has largely focused on quantitative data, the work of Towness Towness O'Brien et al. (2011a, 2011b) demonstrates the value of a mixed-methods approach, whereby they utilised a survey with several standardised self-report measures of wellbeing and a 'dialogue retreat' to then explore qualitatively the key factors influencing wellbeing (Towness O'Brien et al., 2011b, p. 168). These studies, although important, were all premised upon the notion of law students undertaking face-to-face studies.

Indeed, to date, much of the research into law student wellbeing, as well as student wellbeing across a range of disciplines or subject areas, has been conducted within face-

to-face settings (for an exception, see Scheer & Lockee, 2003). This is despite rapid technological advances and, beginning in 2020, the need to deliver all (or many) classes online as a result of Covid-19. The specific research on law students overwhelmingly assumes the presence of such a traditional university setting, despite a range of online providers, such as The Open University offering distance learning law degrees for over 20 years. There is a body of literature on the wellbeing of distance-learners more generally (see, for example, Barr, 2014; Hilliard et al., 2019; Waterhouse et al., 2020). This highlights the potential vulnerabilities of such learners whose demographics indicate they are likely to be juggling multiple responsibilities in challenging socio-economic circumstances (Waterhouse et al., 2020), for example, a first-generation student studying their degree alongside parenting and other caring responsibilities whilst also being required to continue with their paid worker role. However, there appears to have been very little research conducted on the wellbeing of distance-learning law students. This is an important omission, given that both law students and distance-learners have been identified as particularly vulnerable groupings in terms of their wellbeing. This study provided an opportunity to investigate the wellbeing issues facing UK distance-learners in law and to explore whether these issues differ from those previously described as arising within a face-to-face higher education setting.

In 2017, in response to the gap in the literature around the wellbeing of distance-learning law students, the authors of this paper undertook an online survey of students in their final stage of the law degree (LLB) with students at The Open University's Law School (Jones et al., 2019; see also Jones, 2019). A sample of 742 students were invited to take part in the study, and a total of 344 students completed the survey. The online survey included open-ended questions, together with two commonly used self-report standardised measures (i.e. the Depression, Anxiety and Stress Scales 21/DASS-21 and the World Health Organization's Well-Being Index/WHO-5). The results of the survey were broadly comparable to the incidences of mental health issues in law students studying in face-to-face environments overseas in Australia and the USA. The subjective wellbeing levels identified in previous international studies were echoed in the 'sizeable minority' of respondents at The Open University indicating that the law school experience had negatively impacted on their wellbeing (Jones et al., 2019). An analysis of DASS-21 responses indicated that the mean levels of stress, anxiety and depression of the respondents 'were all higher than those of the general population' (although the majority remained within the 'normal' range) (p. 19). Furthermore, between 12% and 15% had results within the severe and extremely severe ranges with between 7% and 14% within the moderate range (Jones et al., 2019). The results of the WHO-5 further supported the DASS-21 findings (Jones et al., 2019).

The survey's respondents were invited to indicate their willingness to participate in subsequent focus groups to gain a deeper insight into how wellbeing can be influenced by studying law at a distance. In taking this approach, the authors were drawing upon the established mixed-method approach of combining survey findings with focus groups to triangulate the quantitative data and deepen the researchers' understanding (see, for example, Grant-Smith et al., 2017; Towness O'Brien et al., 2011b). The questions for the focus groups were derived from the authors' initial literature review and aimed to investigate students' motivation for studying law (Sheldon & Krieger, 2007) and whether studying law had adversely affected their wellbeing (Sheldon & Krieger, 2004; Kelk et al.,

2009; Sheldon & Krieger, 2007). The questions also explored the factors students perceived to be influencing their wellbeing (to enable comparisons with face-to-face findings) and ideas for potential solutions to the identified issues. This paper reports on the findings of these focus groups and uses them to explore the key challenges and opportunities in relation to wellbeing faced by distance learning law students.

Ethical considerations

Research ethics approval was granted by The Open University's Human Research Ethics Committee. Data Protection compliance was assured and a Data Protection Questionnaire was completed in compliance with data protection legislation. Participants were given an Information Sheet and informed of their right to withdraw from the study up until data analysis had taken place, after which time data would be anonymous.

Methodology

A total of six focus groups were held with 43 law student participants (with between four to nine students per group). The sample included 22 males and 21 females. Although it was not possible to gain demographic information pertaining to the age of 7 participants, for the remainder the mean age was 43, with participants ranging from 23 to 68 years of age. Around half were employed (including self-employed) full time, three were retired and the remainder was either part-time workers, looking after family/home or unable to work. Five participants had declared a disability to the university. Levels of prior educational achievement ranged from below A-level to those with postgraduate qualifications.

Given the geographical disparity of The Open University's law students, it was necessary to run five online focus groups, using the university's internal online classroom set-up at that time (a version of Blackboard Collaborate). It was assumed most, if not all, students would be familiar with this given the provision of optional online tutorials on all law modules. Students were able to speak using a microphone and contribute via the chat box, although the focus was on encouraging verbal contributions. The proximity of a number of participants in a single city enabled an additional face-to-face focus group to be held in London, although this had the lowest number of participants (i.e. four students). Each focus group was facilitated by at least two members of the three-member research team (i.e. EJ, RS and ML) with the same member (EJ) leading on all six focus groups. The focus groups lasted approximately 1 h and 30 min. Focus groups were audio-recorded and professionally transcribed verbatim by a professional transcriptionist. These transcripts were then checked for accuracy before commencing analyses. No formal field notes were taken during or after the focus groups. Our analyses were supported by NVivo software.

Prior to the focus groups, a schedule was drafted. These questions were designed to facilitate discussions and assist us in obtaining a descriptive approach in relation to the wellbeing of distance learning law students. Namely, we sought to identify 'patterns in the data to answer questions about who, what, where, when, and to what extent' so that we could begin to capture a type of detailed snapshot not previously explored within the literature in regards to law students (Loeb et al., 2017). The key questions were as follows:

- Why did you choose to study law?
- Have your perceptions of the law changed since starting the LLB? If so, how?
- Do you still have the same motivations for studying law, or have your goals changed?
- If your goal is to enter the legal profession, do you think there will be any particular barriers you will need to overcome?
- If you could go back in time, would you choose to study law again?
- Do you feel that studying law has had an impact on your wellbeing? If so, has that been a positive or negative impact?
- If you don't feel it has had an impact, why do you think that is the case?
- If you do feel it has had an impact, why do you think that it has? (Prompts: The nature of law? Distance-learning? Personal circumstances?)
- How has your choice of studying law at The Open University had an impact on your wellbeing?
- Do you think student's wellbeing impacts on their academic achievement? If so, how?
- Do you think law schools should promote law student wellbeing? If so, how?
- Do you think The Open University law school can and should do anything to help with its students' wellbeing?

The questions were intended to cover key factors influencing law student wellbeing, as identified in previous studies (Sheldon & Krieger, 2004; Kelk et al., 2009; Towness O'Brien et al., 2011a) whilst remaining broad enough to allow for other factors to be identified by participants. It was not always possible to cover all questions in each group, but a particular emphasis was placed on the impact of studying law on wellbeing and the role of law schools and The Open University in assisting with students' wellbeing. The subsequent analysis was solely based upon the focus group transcripts. These were inductively thematically coded (Braun & Clarke, 2006) by the members of the research team to ensure a rigorous interrogation of emergent themes (Wiggins, 2004). Disagreements about coding were discussed until consensus was reached. The descriptive analyses resulted in six key themes (and their associated sub-themes):

- (1) Perceptions of the consequences of gaining a law degree;
- (2) Reflections on study experience;
- (3) Alternative study path;
- (4) Studying law at The Open University;
- (5) Balancing study with life; and,
- (6) Psycho-social implications.

Each of these themes will be discussed in detail below.

Findings

Perceptions of the consequences of gaining a law degree

Within this theme, one sub-theme was focused around careers and pragmatic decision-making, whilst another sub-theme focused on self-fulfilment. In terms of careers and

pragmatic decision-making, there were a number of students who wanted to start a new career in the legal profession, as well as students who felt that greater legal knowledge would assist in their existing roles (or fields) or potentially offer them a wide range of options. A number were also explicit about the fact that The Open University's distance learning format was the only way they could achieve their goals, although several also indicated they felt that being committed enough to study at a distance would help them stand out positively from other graduates. Several students indicated that studying law had already impacted favourably on their career, for example, through an internal move with their current employer. Several other students also indicated that they had begun out of personal interest but were now considering pursuing a career change. Although this suggests a positive engagement with the law through their studies, one student did suggest that aiming for a legal career increased their sense of pressure because of their awareness of the likely need for a high degree classification to proceed onwards, beyond graduating with their LLB, into the legal profession:

So in some ways you stop enjoying the studying because you're aiming, trying to get the best grade you can and that becomes something that you keep losing focus on why ... initially you're doing it (Student 2, face-to-face focus group).

A couple of students indicated that it was necessary to experience a certain level of pressure when studying law as 'this is one of the professions where stress comes with the job' (Student 1, focus group 4). A larger number of students commented on the barriers to entry into the legal profession, including the cost, time, competitiveness and inflexibility of entry routes. Perhaps related to this, several indicated they felt being offered more career advice would be helpful with one suggesting that the existing Open University Law Careers Day offered 'definitely supports wellbeing' (Student 4, focus group 6).

Aside from studying law for career reasons, another form of pragmatic choice was demonstrated by several students who suggested their studies had begun as a way of 'filling time':

I was turning 30 and it was I don't have a degree, let's do something constructive with this time instead of sitting, playing computer games. (Student 6, focus group 1)

The choice of law, in particular, seemed to be influenced by the fact that it was viewed as academically rigorous and important within society – 'the law affects absolutely every aspect of our lives' (Student 2, focus group 2) – as well as it being perceived as having a certain status or prestige.

The second sub-theme that arose focused on self-fulfilment and empowerment. A large number of students spoke of their interest in, and enjoyment of, the law as a subject and the intellectual stimulation they obtained through studying:

The academic and intellectual side of it is a wonderful way of stretching my brain and leading myself onwards. (Student 4, focus group 3)

The ability to use their knowledge and skills to help others (particularly through voluntary work) was also referred to frequently:

And it's great to be in the position of being able to give a little bit of guidance, sort of steer somebody towards something. (Student 3, focus group 2)

As was their sense of self-improvement and the satisfaction and confidence they had gained through the degree:

It's certainly given me more confidence to hold conversations that I perhaps wouldn't have done before because I didn't feel capable or educated enough. (Student 1, focus group 5)

There were also references to the 'sense of power' this provided individuals, with references to people beginning to 'look up [to] you' (Student 3, focus group 2), however, these seemed more closely linked to the ability to provide advice and guidance for most participants, rather than purely resulting from a sense of 'status' as law students.

Reflections on study experience

Much of the discussion within this theme focused on the skills and characteristics of the individual participants, with the need for perseverance and the idea of skills development both arising as sub-themes. In relation to perseverance, participants often emphasised the way in which they had battled through adverse conditions and/or challenging life events to continue with their studies:

This year I was at the point just before the exam thinking, that's it, I can't do it anymore. I just couldn't concentrate, I couldn't take it in. I don't have the support at home like some other people have. So it's been a real struggle over the last four years and I was within minutes of not going to the exam on the day, but then just got the determination and thought, no, I've got to see it through. (Student 5, focus group 3)

This was the case even where a student described being 'seriously ill' (Student 2, focus group 3) or felt 'just shattered' (Student 3, focus group 6). There was a sense of students focusing on their long term goals, including achieving a law degree, and obtaining the opportunities which they perceived this would lead to, in order to keep themselves motivated:

But I think apart from, despite the difficulties and the obstacles, I think because you are trying to pursue a future so you have something that you are really pursuing. So it gives you that motivation that no matter what happens, just this last time let me just struggle and get it now. (Student 3, focus group 6)

This seemed particularly to be the case where students found particular topics uninteresting or were engaging in forms of 'learning by rote'. Perhaps unsurprisingly for students in their final stage/year of study there was a sense of having 'come too far' to 'quit' despite these challenges (Student 6, focus group 1). There was also a general consensus that law as a discipline was 'very demanding' (Student 8, focus group 4) and that this could have both positive and negative consequences.

Part of the sense of law as being demanding seemed to relate to students' growing understanding of the nuanced nature of law:

And I'm one of those people that just love rules, like everything's going to be black and white. And I must admit when I went to my very first tutorial, the tutor said actually it's just one big grey area, which completely threw me. (Student 9, focus group 1)

Alongside this there seemed to be an increasing appreciation of how deeply embedded law is within all aspects of life:

... law shapes our lives, shapes the lives of people, without even knowing it, so unless you get to study it, you don't really understand the extent that you are affected. (Student 5, focus group 1)

Several students suggested that the challenges involved in their studies had increased their resilience. Other skills were also referred to, largely in positive terms:

I've really enjoyed it and the skills and knowledge that I've been able to acquire through it has had an overall positive impact on my wellbeing. (Student 4, focus group 4)

The way studying law enhanced students' critical thinking and analysis was referred to in several groups, in largely positive terms. However, one participant did indicate this had been problematic:

It does drive me mad though, I don't know if anybody else is like this, the over-analytical side that you can't switch that off, that I can't just take anything at face value anymore, I always have to rip it to shreds and have a good look at everything! (Student 1, focus group 2)

Alternative study path

Under this theme one sub-theme that emerged was around the impact of studying at a distance upon wellbeing. This was often discussed in negative terms:

Studying law itself hasn't been an impact on my wellbeing. Studying a degree in the way that The Open University do that degree has been a massive, massive impact on my wellbeing, and the more I study, as I said earlier, the more I think why on earth am I doing this? (Student 6, focus group 1)

I think distance learning itself is very challenging. You're isolated, you are juggling between study and the amount of workload and the amount of material you have to get through and on top of that you've got other commitments. (Student 5, focus group 5)

The isolating nature of distance learning was highlighted in all six of the focus groups, where participants referred to a lack of opportunities for face-to-face interaction, limitations to do with the online tutorials offered, the lack of a personal tutor system (as opposed to an academic tutor for each individual module), a lack of local events, difficulties with deliveries of module materials, negativity in informal support groups on social media, a lack of opportunities to obtain reassurance and compare notes with peers and a lack of opportunities to meet 'like-minded people' (Student 4, focus group 1). Overall, the impression from participants was of a lack of sense of community or 'communal feeling' (Student 4, focus group 3):

But overall I would say on the wellbeing front it has been hard because obviously being distance learning you're learning by yourself, you're not interacting with people and you're not bouncing ideas off people to know what they think about stuff. So it has been hard studying by yourself. (Student 4, focus group 6)

And I think that much as the online world can provide a massive benefit in terms of communication, that one shouldn't forget the fact that we are human beings and we are human animals who benefit from and get sustenance from and solace from dealing with other human beings, not just web links and interfaces. (Student 3, focus group 1)

The online forums which are provided with each law module were referred to. However, participants generally indicated that there were difficulties in engaging with these due either to a lack of participants or to contributions that were viewed as inappropriate – such as ‘rant-y comment exchanges’ (Student 1, focus group 6). At the same time, the fact such forums have moderators to monitor exchanges and potentially share expertise was seen as a positive.

Some participants did emphasise positive sources of support they had found, including speaking with tutors, attending tutorials, building informal support networks on social media or forming friendships with other individuals, for example, after meeting at a tutorial session. Some also referred to the benefits of distance learning, including feeling more ‘comfortable and relaxed’ in their home environment (Student 2, focus group 1) and the flexible nature of study, enabling students to fit it around work and other commitments:

... certainly The Open University has afforded me the flexibility to study and do it when I want with very few deadlines really outside of the exam dates and the dates the assignments needed to be in ... So certainly the Open University has impacted positively in that regard (Student 4, focus group 4).

The second sub-theme arising was around comparison. A small number of students had previously studied at higher education institutes elsewhere and their comparisons with their Open University experience tended to highlight the favourable aspects of their more recent experience, particularly the flexibility, although the isolation was also referred to. Several participants also noted the potentially limited support and contact hours available in conventional face-to-face settings. While several participants emphasised the need for The Open University to treat students differently because ‘it’s not like when you’re a student at 18, 19, 20 in a university where that is your life and that is what you’ve determined you want to do’ (Student 3, focus group 1), others talked about the need for it to mirror a ‘conventional’ university experience as much as possible, otherwise it ‘just really singles you out as a student’ because of the lower levels of face-to-face support and peer interaction (Student 6, focus group 1).

Studying law at The Open University

Issues that were specific to studying at The Open University were raised frequently within the focus groups (although it is possible similar issues may arise in other university settings, distance-based or otherwise). The first sub-theme within this topic was on the level of support offered by The Open University, with a particular emphasis on the detrimental impact on wellbeing that could be occasioned by changes within the university’s provision of support. A potential lack of consistency between tutors (students’ ‘first point of call’ for academic queries) and within the student support team was also highlighted as problematic. Echoing the sense of isolation explored in the previous theme, several participants suggested the support received had been reactive, rather than proactive, leading to relatively little interaction (although a couple of participants also emphasised their positive impression of the support offered).

A second sub-theme revolved around tutors and tutorials. This was perhaps unsurprising given tutors’ ‘student-facing’ role and the recent introduction, at the time of the focus

groups, of a new tutorial policy whereby students could potentially have a different tutor for tutorials than the tutor marking their work/liasing with them individually. This new system was generally viewed negatively, with students suggesting it created a disconnect with the tutor marking their work:

... for some reason they decided to change the way the tutorials work with the tutors, which wasn't great, because it was the last module we were studying and it seemed a bit strange they would change it during the course. So it meant then I didn't go to the tutorials with my tutor, I had to go to a different tutor. So you didn't get direct face-to-face contact with your tutor which I had all the way through ... (Student 2, focus group 6)

Students also frequently criticised a reduction in the numbers of face-to-face tutorials offered in their local area (although this was actually a result of a different model for tutorials offered in the final year/two years of study, rather than the university's change in policy per se). The reference to direct contact with a tutor mirrors the overall emphasis within groups on the significance of the influence which tutors have on students' study experience, which was for some positive and for others negative:

I was privileged to have a great tutor who got me through and in fact did an awful lot just to keep me going and keep me encouraged (Student 2, focus group 3)

... I felt like you'd ask questions and you were being a bit ridiculed for asking questions and she [the tutor] didn't really seem to know how to move people's thinking forward when they got stuck and I found that incredibly negative ... (Student 1, focus group 5).

Another sub-theme focused on the design and content of The Open University's law degree. There was some discussion about individual modules, with some students finding particular topics interesting and challenging, while others found them more 'dry' or uninteresting. Similarly, there was a mix of comments on the materials provided by the university, including the online format and the level of detail included in the materials. Several participants talked about the challenging nature of some topics, such as personal injury cases in tort and sexual offences in criminal law. For some this was a general sense of emotional connection, for others there was particular personal resonance:

I've mentioned sexual offences. I myself have been sexually assaulted and reaching that part of [the criminal law module] was extremely traumatic as a distance learner and it is that time where you have to really steel yourself to keep going and it's very hard when you're not in a face-to-face institution to feel supported through that. (Student 3, focus group 3)

A number of students commented on the overall workload, suggesting it was very high in both volume and intensity:

... the sheer volume of study that's involved in law is much greater than any of the subjects that I have done ... (Student 1, focus group 3).

The transitions between levels of study were also highlighted as problematic by several, particularly between levels 5 and 6. There were suggestions more preparation was required, together with more support at level 6.

The final sub-theme related to assessment. Students in all six focus groups indicated that the preparation of, and deadlines for, assignments were cited as being particularly difficult in terms of their impact on wellbeing, with associated increases in stress levels frequently referred to. Examinations were also mentioned (although less frequently) as

potentially problematic, but there appeared to be an underlying acceptance that these were an appropriate form of assessment for the law degree. Many of the comments on their assignment feedback indicated students perceived a link between attending tutorials or having individual contact with their tutors and receiving better marks – ‘... if a tutor can actually put a face to a name, marks do tend to be provided that little bit higher’ (Student 9, focus group 4). Some participants raised concerns that they did not fully understand the marking scheme being applied and one student suggested that the distance learning nature of the degree meant it was harder for a student to judge their performance:

... you’re not quite sure when, you know, let’s say 78%, is that a good mark, is that a bad mark in terms of how the other students did, or you don’t have kind of that, you’re not quite sure how it fits in, are you doing good, are you not doing well. (Student 5, focus group 2)

Balancing study with life

Students described the factors that affected their study and study routine. Across the focus groups, there were examples of students having to study alongside existing challenges such as medical conditions, pregnancy or studying while homeless. It is important to note that the university can add to the barriers that are experienced for some students:

... the constant fight with the struggles I face daily as a person with a medical condition and the way that things are set up by the university that I often feel are a challenge and a barrier rather than an assistance and a support. (Student 6, focus group 1)

For disabled students, the study experience can interact with their health and go on to also affect attainment:

The time and the commitment involved and the relentlessness, especially as you get towards the end of a module is a real problem ... the chances of my health suddenly taking a dive increase. My health can just suddenly pull the wool out from under me. I’m very prone unfortunately to infections and I can get a serious infection and find I’m in bed for six weeks. (Student 2, focus group 3)

A number of personal factors also involved some unpredictability. These included experiencing loss or bereavement during their study or changes in personal circumstances, such as to their job or relationships.

Many students described how wellbeing had an effect on academic achievement with this being discussed in four out of the six focus groups. For example, it can ‘influence how well you can focus on the task in hand or to sustain the level of input, the level of work’ (Student 6, focus group 2). The course and its demands were viewed as ‘intrinsically linked’ (Student 4, focus group 4) with wellbeing. For example, some assignments can create anxiety or stress which then, in turn, interferes with students’ ability to learn:

The more you stress you don’t get anything mentally, you won’t be able to read your cases, your manuals, understand the legal reasoning to be able to answer your TMAs [tutor marked assignments], everything just goes downhill. (Student 8, focus group 4)

In terms of the impact of study on the students' lives and other personal domains, the ramifications can include feeling guilty at not spending more time with their family members, and especially their children. A couple of students spoke of the need for the full support of their family, in order that they could succeed with their studies. Importantly, there may still be tensions in relation to managing the family, work and study and it can put stress on one's relationships:

It's definitely a guilt thing when you have to refuse seeing your family or just say to them that you're going to be too busy so they can't really pop over and see you, that definitely impacts the relationship you have with people, I think they can be understanding but at times they think you're being difficult. (Student 3, focus group 2)

There had been positive impacts on some students' careers, especially those who worked in areas related to law or law enforcement. Some students described how the strengthening of personal skills and abilities benefitted them at their work. A student reflected on how in times of difficulty, they stayed connected to their underlying motivation:

So you have to make a mind shift in knowing that, you kind of do it because you know that you are bettering yourself, you are doing this because you have a future aim. (Student 5, focus group 2)

However, telling others at work about studying law could also invite higher expectations from them.

The challenges of managing time demands was commonly mentioned in the focus groups. There were issues of competing demands between the different facets on one's life, work, university and family and it was suggested that trying to manage these can be a struggle that changes one's interpersonal behaviours:

... because of this workload and poor health, I actually didn't have the time to stop and talk to people, I didn't have the time to talk to my partner. I just had to get my head down and get through it and just basically try to shut off, but it's very hard. (Student 2, focus group 3)

A student described how they had become 'extremely intolerant of an inefficient use of my time' because 'every minute of my day is taken up with something that I should be doing' (Student 7, focus group 3). Time was an integral part of achieving and managing one's work but if time was a struggle, a student needed 'practical skills to be able to find the hours to put in' (Student 2, focus group 4).

Psycho-social implications

Some of the emotional and health impacts of studying included feeling anxious, experiencing burnout and not being able to 'switch off'. A few students described constantly believing that they should be doing something because otherwise the emotional implications were feeling guilty:

It's niggling at the back of your brain, everything you do, you know, you are like thinking oh I have to study a bit more or I haven't done this, I feel guilty, and then you feel guilty that you're not giving enough time to your family or your children. (Student 4, focus group 2)

There were psychological benefits to wellbeing in relation to studying law, including increased confidence in oneself. This seemed particularly so for those with lower levels of previous educational attainment. One student described having ‘a deeper level of engaging with things like social policy and politics, it’s given me tools to respond to situations, it’s taken my critical analysis skills to another level’ (Student 2, focus group 3).

Emotionally, studying could be ‘isolating’ and ‘exhausting’ (Student 2, focus group 2) but you can ‘feel euphoria when people come up to you and seek advice or just ask you questions in relation to it, they look up to you more than anything. And it’s self-empowering’ (Student 3, focus group 2). A number of students felt that the impact of studying law had been positive for their wellbeing, such as knowing how they had chosen these challenges and were pushing themselves.

One of the commonly described effect of studying law on wellbeing was the stress experienced from the relentless pressure and timing of the course:

... you are up against the clock in that you have week one, week two, week three that you’re supposed to have learned and you might not have learned it and then you’re stressing out because you haven’t learned it and then you’ve got your eTMA [electronic tutor-marked assignment] coming and so on and so forth. (Student 4, focus group 6)

A few students described the expectations from others and noted that these may be higher because of expectations regarding the high standard of a law degree. A few students described putting pressure on themselves and there was some mention of perfectionism or being an ‘academic high flier’ (Student 2, focus group 3). This could be a source of the stress experienced:

... enormous amount of pressure I feel that I put pressure on myself and I suppose that’s where I think stress comes from is trying to spread yourself too thinly sometimes, trying to tick all the boxes, trying to balance your life well. (Student 4, focus group 2).

Several students described the need for support from family and friends but mentioned that sometimes it was difficult if the person offering support did not have an understanding of law as a subject or of studying law. In some sense, there might be unique consequences of studying law:

... certainly the social sciences elements that I’ve done and my science degree didn’t challenge me emotionally the way that the law degree has done and therefore you need the support of people round about you more to study law than as opposed to other subjects. (Student 1, focus group 3)

Students discussed where the responsibility for student wellbeing lay and the responses were mixed. For example, some students spoke of the achievement they felt studying law and the sense of satisfaction when they achieve results, noting that it was a somewhat personal, individually-focused journey. However, there was also discussion amongst others about problems with The Open University’s approach to wellbeing and the way and extent that the institution took responsibility for student wellbeing. A number of students described how the university could better support students who were having issues with their mental health. For example, by providing a helpline or ensuring that tutors were there to assist them in affective aspects of their learning journey. Given that students might not be forthcoming with issues or may be feeling isolated, having

proactive phone calls or contact initiated by tutors could help support students in difficulty:

... you do feel isolated and so you don't contact unless there's something, you know, that you think is really critical that you need to talk about or to ask a question about, and invariably it's to do with the academic study. And I just wonder if people might just appreciate somebody emailing to contact and check 'is everything okay?' (Student 6, focus group 2)

Students also described the need for separate pastoral support in addition to academic support. There was the suggestion that the institution did not offer support throughout the study journey in a continuous manner but that it should have a 'duty of care' (Student 3, focus group 3) towards its students:

There's never that continuity of care and support and having somebody or a small group of people who stay with you through your study journey and get to know you and get to know the challenges you face and can represent your needs to the wider institution if necessary would be a very positive help. (Student 2, focus group 3).

As part of its responsibilities, some students felt The Open University should determine students' needs and capacities before they take the course as well as 'catching people' as they move from feeling stressed to 'feeling desperate' (Student 1, focus group 4) during their study. Some students felt that the university needed to assume students studying at a distance were likely to have many stresses and pressures in their lives and that it, therefore, needs a consistent approach to dealing with this which was reflected in institutional policy rather than via ad hoc forms of support based on making a case for special circumstances:

So I think for me the other thing is to do with the consistency in relation to the standard, the policy. They will tell you that you can't do this or that, these are the rules, but then next minute and it's like, well, I'm in this circumstance. So how does that rule fit all, it doesn't make sense. (Student 6, focus group 5)

Discussion

Previous papers on law student wellbeing have commonly focused on the distinctive characteristics of studying law to emphasise the discipline-specific elements that are thought to impact upon wellbeing (James, 2008; Tani & Vines, 2009; Towness O'Brien et al., 2011a). However, the findings from this study indicate that the participants (from a large distance education university) perceived the online, distance learning nature of their studies to be a very powerful determining factor in terms of their wellbeing. Some of the findings here echo those in previous research conducted with law students, for example, an emphasis on studying law as a route to enter the legal profession. However, other findings emphasise the impact of the mode of study more so than the discipline involved.

The first theme 'perceptions on the consequences of gaining a law degree' included an emphasis on the career possibilities and prestige offered by a law degree. This reflects previous findings which characterise law students as predominantly instrumental and status-driven in their choice of studies, with a focus on entering the legal profession (Hardee, 2016). However, the findings also suggested that self-fulfilment was equally, if

not more, important to many of this study's participants. This appeared to reflect the different life-stages and demographics to be found within a distance learning cohort in comparison to the (younger) more traditional law student population (Jones et al., 2019). Participants' responses indicated high levels of what Deci and Ryan (2008) term as 'autonomous' motivation, defined as where someone is intrinsically motivated or where their original extrinsic motivation has become integrated into their own value system and sense of self. Such 'autonomous' motivation has been described as being associated, by Deci and Ryan, with better levels of 'psychological health' (Deci & Ryan, 2008, p. 183).

The second theme 'reflections on study experience' suggested participants viewed their study experience as almost a test of character, emphasising the need for perseverance in the face of various obstacles and challenges. Interestingly, this was largely characterised as something that was positive. There was an emphasis on how participants' studies had developed their resilience, their critical thinking skills and their appreciation of the nuanced nature of law. It is unclear whether the online nature of participants' studies influenced this perspective, however, it may be that the demographics of the students and the challenges many of them faced in juggling a variety of commitments were influential in this. In terms of wellbeing, the question is where the balance lies between students experiencing appropriate stretch and challenge and students disregarding important aspects of their wellbeing to achieve their study goals (Bromberger, 2010). It appears from this theme that most participants felt they had achieved this balance, although the results of the initial student survey for this wider project may suggest otherwise (Jones et al., 2019). It could be speculated that, having invested significant levels of time and resources by level 6, participants had a need to justify their investment as being valuable and worthwhile. However, it was notable that, when asked if they would still choose to study a law degree, all but one participant said they would (and for that single participant the reasons for their response were not directly wellbeing related).

The third and fourth themes, 'alternative study path' and 'studying law at The Open University' indicated strongly that the participants perceived issues with wellbeing to be caused by the distance learning nature of their studies, rather than the discipline of law. The isolating nature of distance studies and the lack of a sense of belonging or community were particularly important and were clearly attributed to the online nature of the degree. This perhaps explains why an emphasis was put on the value of tutors and the provision of tutorials when discussing wellbeing. Experiences relevant to all students included talking about students' positive and negative experiences with individual tutors. Issues specific to The Open University, most noticeably the change in tuition policy, were also frequently discussed. This demonstrates the value of appropriate support tailored to each university and the need for any large-scale changes to be implemented in a sensitive and well-planned fashion. The references to study design and content, workload and assessment also indicate the need for both consistency and transparency in tertiary education. In terms of content, law students arguably need to deal with a sense of liminality to progress through key threshold concepts (Field & Meyer, 2020). However, in terms of assessment, progression between levels and workload, it is likely that uncertainty or a lack of understanding of aspects such as the marking scheme will generate anxiety and worry without stimulating further academic growth by undermining the individual autonomy of students (Deci & Ryan, 2008) across a range of disciplines,

including law. For students who are navigating such challenges at a distance, perhaps feeling unsure of who or where to obtain guidance, this highlights the need for higher education providers to prioritise consistency and transparency for students.

It is possible that, on occasion, it was participants' subjective view that certain aspects of their study experience which impacted on their wellbeing was generated by the degree's distance learning nature. It may be that some of these aspects would have been present within traditional learning settings, as indicated by some students who had experienced both distance education and studying at a 'conventional' university. Some aspects could also potentially be discipline-specific, for example, a lack of social connectedness has previously been highlighted as a characteristic of legal studies (Tani & Vines, 2009), perhaps particularly due to the competitive nature of subsequent career progression within the legal profession, where supporting peers could be perceived to disadvantage a student who offered others support. It could be that the distance learning experience is, to some extent, over-shadowing or masking, some of these discipline-specific aspects. However, it could also feasibly be that the distance-learning format can successfully shield students from some of the pressures and socialisation felt within traditional settings, such as the high levels of academic competition thought to occur when students are studying face-to-face (Jones, 2019; Towness O'Brien et al., 2011a, 2011b).

The potential impact of 'unpredictability' upon wellbeing was demonstrated in a different way within the fifth theme, 'balancing study with life'. This emphasised the impact of participants' wider life events (or, in some cases, on-going disabilities) on their studies. This theme also demonstrated the ways in which wellbeing and academic attainment intersect (Hughes & Spanner, 2019). Poorer wellbeing was seen as impacting on students' results, whilst the study experience itself was seen as having both positive and negative impacts on wellbeing, for example, in terms of losing time with family and friends but potentially gaining career benefits. The importance of time management was also highlighted here, suggesting there would be a value in distance learning providers working with students to develop appropriate techniques and strategies.

The final theme of 'psycho-social implications' demonstrates again the difficulties of locating the boundary between challenge and growth, and lack of consideration for wellbeing issues. Students reported anxiety, feeling burnt out, stressed, isolated and not being able to switch off, but also highlighted their sense of achievement and growth in confidence. Although no clear consensus emerged, the discussions of where responsibility for wellbeing should lie were interesting because overall they did highlight a clear role for The Open University (and others providing distance learning), not only in terms of wellbeing-focused interventions (such as the provision of pastoral support), but also in terms of curriculum offering and administrative support, to provide consistency and acknowledge wellbeing concerns in the development of wider institutional policy. In other words, the form of 'whole university' approach advocated by the Universities UK Step Change Framework (Universities UK, 2017) and the University Mental Health Charter (Hughes & Spanner, 2019) should be adopted within online and distance settings to acknowledge the interplay between wellbeing and academic work, rather than 'siloing' the intellectual and pastoral aspects of study.

The study is subject to a number of limitations. The study consisted of 43 law students from a single university, therefore we cannot assume their experiences are representative of all distance-based law students. Participants were aware that the authors were employees

of The Open University, with one (EJ) being an academic from the Law School. This may have meant participants were reluctant to speak frankly about their experiences, especially any negative experiences. However, the authors had a sense that this was not the case, with participants being forthcoming about the issues they faced. Also none of the participants involved were current or former students of the authors. Ideally more focus groups would have taken place, so that we could have included a wide cross-section of students across a range of geographical locations. However, we have a strong sense that no new ideas or concepts were raised upon the conclusion of the sixth focus group. Moreover, overall participants broadly reflected the geographic spread of The Open University's law students.

Conclusion

The findings in this study demonstrate a range of aspects of the distance learning study experience which have the potential to significantly impact upon student wellbeing. Whilst some of these may be discipline-specific to law, the majority of these aspects appear to be related to the particular needs arising as a result of the particular online setting and the demographics of the cohorts who undertake this form of study. The sense of fulfilment, empowerment and confidence participants often gained must be balanced against the levels of anxiety, stress and other detrimental impacts on wellbeing that a number had experienced (at least in part) as a result of their commitment to study.

For distance learning providers such as The Open University, this suggests that there is a need for wellbeing to become a core component of their strategy going forwards as part of a 'whole university' approach. The findings from these focus groups clearly demonstrate that teaching and learning, in addition to wellbeing more generally, were viewed by the participants as integral parts of their overall law school experience, rather than as discrete elements. This suggests that an intentional acknowledgement of wellbeing within curriculum design as well as its delivery is vital, for example, in facilitating the development of a sense of academic community and fostering various forms of peer support and learning.

Given the on-going global pandemic, it is also suggested that other higher education providers consider these issues when designing and delivering programmes of blended learning to ensure that the specific wellbeing needs of online law students are acknowledged and addressed. That is because it cannot be assumed that any measures taken within face-to-face legal education are sufficient or appropriate to address the issues that arise within a distance-learning setting. Once again, there is a need to approach such blended provision with intentionality and purpose to ensure the wellbeing of law students is not compromised.

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