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Legal apprenticeships: Enhancing capabilities, wellbeing, and diversity in the profession?

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Abstract

This original study presents findings from a study of members of the first cohort of legal degree apprentices. Introduced in the UK in 2016, legal degree apprenticeships (LAs) remove uncertainty towards legal qualification in an otherwise competitive graduate recruitment environment and could help to increase social mobility into the professions. We examine the impact of the LA pathway on the development of wellbeing and capabilities of apprentices and traditional law students through the following research questions: does it enhance wellbeing when instead of loans, debt and insecurity, aspiring lawyers have a salary, no debt and secure job prospects through an apprenticeship pathway to qualification; and does using a capability framework offer a meaningful lens for understanding the experiences on different pathways? The analysis adopts a capabilities approach, intersected with an inequalities lens, to explore interviews with 23 aspiring solicitors, from different social backgrounds and at different stages of progression on the traditional university and LA pathways in England. The interviews explored access to and experiences of both pathways, particularly how participants were able to develop and convert their social and cultural resources into key capabilities. This provided a meaningful way to make sense of participants' experiences. Capabilities were enhanced for LA students by removing stress and uncertainty around employment. This wellbeing gain was corroded for some by long commutes into work—often centred in London. Future quantitative research could establish whether, on balance, the majority of LA students

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experience an overall wellbeing gain. The capability framework usefully showed how across the LA and university pathways, all participants valued agency and developing all capabilities. Social capital was a key resource for creating opportunity and a desired capability that participants sought to develop.

KEYWORDS

degree apprenticeships, mental health, solicitor profession, wellbeing

Key insights

What is the main issue that the paper addresses?

The structure of legal training in England and Wales has changed with the addition of an apprenticeship option in 2016. The capability framework is used here for the first time (that we are aware of) for gaining a deep understanding of lived experiences on the two pathways.

What are the main insights that the paper provides?

Replacing debt and insecurity with payments and security enhances wellbeing. Yet the capability approach shows how new factors—such as long commutes—infringe on apprentices' capabilities to fully live the lives they want. Both the apprenticeship and the university routes could thus be further enhanced to support the wellbeing of aspiring lawyers.

INTRODUCTION

Law is one of the oldest professions, and its link with university education is firmly established—any visitor to the oldest university in the English-speaking world, the University of Oxford, will encounter the three oldest entrances to the Bodleian library inscribed with law, medicine and divinity (theology). The three ancient professions not only share their historic link with university education. They also each have a strong practical element, requiring on-the-job training in hospitals, legal practice and churches, which has parallels with times in history when apprenticeship models prevailed (Abel, 2015). Professional training has thus for centuries rested at the intersection between universities and professions.

In England and Wales, a radical policy innovation introduced the Solicitor Apprenticeship pathway as an alternative route to qualifying for practice in the solicitors' profession. The shift to professional apprentices is relatively new territory. We know a lot about how universities and their status hierarchies in England impact on labour market outcomes generally and within the legal profession in particular: graduates from the most prestigious universities tend to occupy the most financially rewarding areas of law and are more likely to proceed into the most elite institutions of the profession, where London dominates the legal labour market (Ashley & Empson, 2013; Carroll & Vaughan, 2019; Friedman et al., 2015; Friedman

& Laurison, 2019; Savage, 2015; Sommerlad, 2016; Zimdars, 2010). Whether this is solely due to signalling effects (Rivera, 2012, 2016) or some actual difference in human capital through the differential education experiences provided is a question that tends to be answered in favour of the credential and social and cultural capital-building effects of elite education (Casey, 2023). Thus, we are curious to find out how the introduction of a legal apprenticeship route might disrupt or reinforce current hierarchies in training pathways.

Second, we are interested in wellbeing as a key aspect of professional training. Even before the Covid-19 pandemic hit, but certainly since the experiences of lock-downs and the closure of educational establishments, there has been key interest in mental health and wellbeing: previous research had found that university students generally have poorer mental health than non-students (Brown, 2016), and law students have particularly poor mental health even compared with students from other professional pathways, such as medics (Ferris, 2021, 2022; Lewis & Cardwell, 2020; Skead & Rogers, 2015).

The present study is novel in two ways. First, it is the first project we are aware of that uses a capability approach for understanding the wellbeing of law students in England. Second, we comparatively investigate the mechanisms of individual wellbeing (or the lack thereof) of law students at universities and legal apprentices who combine work and study. We use the legal apprenticeship (LA) as a 'natural experiment' allowing for the study of wellbeing among aspiring lawyers on two different pathways. Our specific research questions were: does it enhance wellbeing when instead of loans, debt and insecurity, aspiring lawyers have a salary, no debt and secure job prospects through an apprenticeship pathway to qualification; and does using a capability framework offer a meaningful lens for understanding the experiences on different pathways? We focus on the experiences and personal interpretations of aspiring solicitors following contrasting pathways into the solicitors' profession. In doing so, we extend existing scholarship in the sociology of work and social mobility. Future research could consider applying the capabilities framework and a wellbeing lens to other comparisons of apprenticeships and university pathways into professional occupations.

The article proceeds with an outline of the policy context of higher education, LAs and the salience of wellbeing. We then bring together theoretical perspectives on capabilities and inequalities as an integrated lens to explore participants' wellbeing. We outline our methodology, followed by the empirical findings and analysis. We then discuss the experiences of participants in relation to their ability to develop capabilities and to achieve wellbeing. We conclude with implications for policy and practice and suggestions for further research.

Policy focus

Higher education and apprenticeship pathways into law

Longstanding concerns about the returns to higher education and the ability of universities to produce graduates with the skills required by employers (see for instance Jackson et al., 2022) and to increase social mobility have led to a refocus on vocational education and training, increasing employer involvement in the curriculum, occupational standards and funding regime through the Apprenticeship Levy (from 2017) (Powell & Walsh, 2018; Smith et al., 2021). However, rather than improving social mobility for young people, the take up of higher-level and degree apprenticeships has been among those from more-advantaged social backgrounds and older existing employees, as employers seek to use the imposed apprenticeship levy to train their existing employees (Cavaglia et al., 2022; Powell & Walsh, 2018).

There are presently a range of degree apprenticeships available in fields ranging from business and finance to chartered management, chartered surveying, construction, defence

system engineering, digital technology solutions, electronic systems engineering, facilities management, food industry, healthcare, laboratory science, manufacturing, nuclear science, nursing, technical support engineer—and the solicitor apprenticeship. Overall, there has been a rise in apprenticeships offered at degree level from 1695 apprentices starting in 2016 to almost 11,000 the following year (10,875) and 22,480 apprentices starting in 2018 (OfS, 2020).

When comparing the higher education and the apprenticeship pathway, costs are possibly the first differentiator anyone investigating their options would notice. For law this means that as of 2023, a law degree comes with a price tag of £9250 per year for 3 years of undergraduate study, followed by the post-graduate stage (typically exceeding £12,000), totalling around £40,000 in tuition fees alone without having accounted for the cost of living. In contrast, for LAs, the costs of training and qualifications are paid by the employer through the Apprenticeship Levy.¹ Not only does the LA route not entail fees, it also puts the apprentices into employment with a wage during their training; in 2023 such wages were typically over £20,000² per year (UCAS, 2024). The LA route is thus significantly cheaper than the traditional university route.

In contrast to students who pay fees to the university for the privilege of being educated, LAs are salaried employees of a law firm/solicitors' practice; they work for 4 days per week with the fifth day designated for their studies and they fully qualify as lawyers after 6 years within this new work–study model (see Casey & Wakeling, 2022 for a comparison of both pathways).

The number of LAs enrolled has grown since its introduction in 2016; just over 300 LAs were enrolled for the period 2016–2019, with a further 242 in 2020 and 208 in 2020–2021 (Solicitors Regulation Authority, 2021). This contrasts with 16,499 students graduating from law degrees in 2019. While bearing in mind that not all law students necessarily wish to become solicitors and not all degree starters complete their degrees, this still results in a tentative estimate of the LAs having constituted maybe around 1.8% of those new to studying law in 2016 (Casey & Wakeling, 2022).

Decent work and wellbeing

There has been growing public policy interest in issues of work quality and worker wellbeing, for instance, the Decent Work agenda is manifested as Goal 8 of the 17 Sustainable Development Goals (United Nations, 2023). It means increasing opportunities for everyone to get productive work that delivers a fair income, workplace security, social protection for families, better prospects for personal development and social integration (United Nations, 2023). In the UK, which in the global context is relatively advanced in terms of some of these aspects (minimum pay and some social protection; see for instance Barg et al., 2020), decent work has sometimes helped to focus debates on wellbeing (Blustein et al., 2016). There are various research endeavours and policy initiatives in this field (Chartered Institute of Personnel and Development [CIPD], 2023).

The wellbeing of students, particularly law students, is presently a major focus for universities (Brown, 2016; Collier, 2016; Lewis & Cardwell, 2020). However, as noted by Galea et al. (2022), there is no clear agreement on a definition of wellbeing. Indeed, wellbeing has various philosophical constructs, with different theories based on, for example, hedonistic, desire-fulfilment or objective list theories (Parfit, 1984; see Robeyns, 2017 for a discussion). Several scholarly definitions of wellbeing discuss relative satisfaction and the dynamic relationship between both material and cultural resources and individual circumstances (Heady & Wearing, 1988; Muir et al., 2016; cited by Galea et al., 2022). Galea et al. (2022), in their ethnographic study of wellbeing in the Australian construction industry, focus on the

gendered effects of workplace rules and practices and discuss the outcomes of low levels of wellbeing as including low job satisfaction, poor mental health, anxiety, burnout and depression.

Previous survey research with law students to date has focused either on psychological wellbeing at a particular time, reporting scores on established scales measuring levels of anxiety, depression, stress and emotional exhaustion (e.g. Tennant et al., 2007), or on sociological structures such as economic, cultural and social capitals. Structural factors are important in addition to individual factors. Worrying about debt levels contributes to poor wellbeing, thus placing law students at heightened risk (Royal College of Psychiatrists, 2011). Furthermore, Ferris (2022, p. 14) observes that there are limits to individual-level interventions to enhance wellbeing, stating:

A lack of training contracts is not counteracted by an arms race in CV drafting. A lack of community is not cured by working on one's social skills. A sense of meaninglessness from chasing opportunities for social mobility that are rapidly disappearing is not resolved by developing a positive attitude to repeated rejection.

Qualitative research is one way of understanding the complexities of their individual traits and the context in which they operate aspiring lawyers face in their training. Another mandate for undertaking qualitative research comes from research on 'decent work' where Blustein et al. (2016, p. 7) highlight the role of qualitative research to consider people's lived experiences at work rather than relying on aggregate statistics to establish the quality of experiences at work.

Policy initiatives have also focused on wellbeing. This includes university-led initiatives as well as employer initiatives with an array of new university schemes to boost student wellbeing (Universities UK, 2023). An employer example is the CIPD partnership with various stakeholders across government, industry and institutions such as the Scottish Apprenticeship Advisory Board (CIPD, 2023) to enhance a focus on wellbeing. It is possible that employers involved with CIPD may have a greater awareness of issues around wellbeing in the workplace which could positively impact the experience of apprentices during their training.

Theoretical focus: Capabilities, inequalities and wellbeing

The Capabilities Approach 'asks and answers a question that real people pose to themselves, and others, in many different contexts, every day of their lives: What am I able to do and to be? What are my real options?' (Nussbaum, 2011, p. 106). In exploring these matters, we are interested in the capacity of individuals to convert their resources into capabilities. At a philosophical level, this is because 'justice cannot be indifferent to the lives that people can actually live' (Sen, 2009, p. 18). We focus on individual capabilities, what people can do and be, their 'functioning' with regards to making choices they value and to achieve wellbeing (Nussbaum, 2011; Sen, 1999, p. 291). We use the Capabilities Approach as a normative and moral framework for thinking about the freedom, agency and wellbeing of students in higher education and LAs in the workplace (Wilson-Strydom, 2016, p. 135). Capabilities can be constrained or enhanced by access to financial resources, knowledge, social networks and societal norms (Sen, 1999). Possible functionings depend on the real opportunities available, and the degree of agency that an individual can exercise (Sen, 1999). Nussbaum (2011) proposes defining collections of capabilities by which individuals can measure their lives in terms of wellbeing and flourishing. Nussbaum proposes focusing on the security of capabilities, as 'fertile functioning', as opposed to 'corrosive disadvantage' or 'capability failure', where 'disadvantages can cluster, with one disadvantage leading to another' (2011, p. 145).

This approach allows us to develop an analytical framework to evaluate individuals' capabilities and functionings, as they relate to their wellbeing and mental health.

The capabilities approach intersects with extensive research on inequalities and how these are related to differences in economic, social and cultural capitals (for instance, Friedman & Laurison, 2019; Hordósy & Clark, 2018; Reay, 2018; Reay et al., 2005). The theories of Pierre Bourdieu have demonstrated the strong reproductive pattern in which social, economic and cultural capitals shape educational choices and outcomes (for example, Abrahams, 2017; Ball et al., 2002; Bathmaker et al., 2013; Harrison, 2018). Indeed, the capabilities approach is not an antithesis to the theoretical canon within inequality research but instead is an additional lens for framing and understanding inequalities. Sen (1980) discusses social justice in relation to the conversion of goods into capabilities and highlights that this can vary substantially between different people. Sen suggests that even where individuals are equal in terms of goods, there are differences in the conversion of these goods into capabilities (Sen, 1980, p. 219).

Integrating an inequality lens allows us to explore how capabilities can be used as a meaningful extension to the body of work on educational inequality and reproduction. Previous research by Walker (2005) into inequalities in access to higher education created an ideal-theoretical list of five capabilities for equitable transitions to university. These themes are: (1) practical reason—being able to make well-reasoned, informed, critical, independent and reflective choices about their post-school study and career options and having the ability to construct a personal life project in an uncertain world and exercise good judgement; (2) resilience—the navigation of study, work and life, having the ability to negotiate risk, persevere, being responsive to opportunities and adaptive constraints, becoming self-reliant, having aspirations for the future; (3) social relations and social networks—being able to form networks of friendships and belonging for learning support, leisure and mutual trust; (4) respect, dignity and recognition—being able to have respect for oneself and others as well as receiving respect from others, being treated with dignity, not being diminished or devalued because of one's gender, social class, religion or race, being able to show empathy, compassion, fairness and generosity; and (5) emotional and ethical integrity—not being subject to anxiety or fear which diminishes personal character (adapted from Walker, 2005). Walker's (2005) framework has also been used for studying the higher education experience of care-experienced students (see for example Harrison et al., 2023). We believe that this framework will be useful in exploring the experiences of aspiring solicitors in the present study and use the five themes of Walker's (2005) framework to structure our analysis and findings.

METHODS

We utilise the capabilities approach as a framework for comparing the experiences of those on university and LA pathways to understand how shifting training from a traditional degree to an apprenticeship impacts individuals' wellbeing, using the capabilities defined by Walker (2005). Because of the novelty of the LA pathway—the LAs in the study were among the first cohort of this pathway and, at the time of writing, will have completed their apprenticeship to qualify as solicitors—and the desire to generate a deep understanding of the similarities and differences experienced by apprentice and non-apprentice law students, a qualitative research design was used, as this allows sensitivity to individual differences in participants (Creswell & Poth, 2018). Ethical approval was granted from the University of York on 9 December 2016.

This article draws on findings from a wider qualitative study of 23 aspiring solicitors in England. Data collection took place over a 12 month period from 2017 to 2018. Respondents

were recruited using information from social media, websites and institutional contacts. For example, heads of university law departments, lecturers and leaders at private training institutions delivering legal apprenticeship education were invited to offer an opportunity for an in-person call for participants at the start or end of classes and to share a link to a research webpage with their law students. The aim was to create a maximum variation purposive sample of participants with a wide range of background profiles (social class, education), which would allow for the richest information and most appropriate comparisons to be made (Emmel, 2013, p. 3). Snowballing through existing study participants also complemented the sampling (Bryman, 2015; Creswell & Poth, 2018). Social class was identified using a combination of self-definition, type of school attended, level of parental education and parental occupation. On this basis, participants were divided into two simplified groups, working-class and middle class, to distinguish the relative (dis)advantage of participants (Table 1).

The total sample of 23 participants included nine apprentice lawyers, five recent law graduates and nine law undergraduates who were studying at a mixed range of institutions, including highly selective institutions like Russell Group universities as well as newer (post-1992) institutions. Participants were categorised based on their pathway (university/apprenticeship) and university status for undergraduate studies (elite/non-elite, based on Russell Group membership) if they were linked to a law firm, while for apprentices, their law firm's status was used. Law firm prestige varied, aligning with profiles identified in Aulakh et al. (2017) (Table 1). Three law firms had offices based in London, the Midlands and the

TABLE 1 Profile of research participants.

Pseudonym	Gender	School type	Pathway	Social class background
Anna	Female	State	Elite apprentice	Working class
Callum	Male	State	Elite apprentice	Working class
Gavin	Male	State	Non-elite university	Working class
Harry	Male	State	Non-elite apprentice	Working class
Isaac	Male	State	Non-elite university	Working class
Laura	Female	State	Elite university	Working class
Rob	Male	State	Non-elite university	Working class
Sally	Female	Private	Non-elite university	Working class
Steve	Male	State	Non-elite university	Working class
Sue	Female	State	Non-elite university	Working class
Tammy	Female	State	Elite university	Working class
Ulrika	Female	State	Elite university	Working class
Wendy	Female	State	Elite apprentice	Working class
Kate	Female	Private	Non-elite apprentice	Middle class
Patrick	Male	State	Non-elite university	Middle class
Vic	Male	Private	Elite university	Middle class
Oscar	Male	State	Non-elite university	Middle class
Ben	Male	State	Elite apprentice	Middle class
Dilys	Female	State	Elite apprentice	Middle class
Edith	Female	State	Elite apprentice	Middle class
Milly	Female	State	Elite university	Middle class
John	Male	Private	Elite university	Middle class
Faisal	Male	State	Non-elite apprentice	Middle class

North of England, and two law firms were in the North of England. Interestingly, graduates in our sample from elite universities were attached to elite law firms. Apprentices attach to law firms, and are then directed to a training provider (UCAS, 2024). As such, there is no selection of university by the apprentice.

The semi-structured interviews typically lasted between 30 min and 1 h, and took place in-person, online or via telephone. Interviews explored motivations and influences on educational and career decision-making processes, together with reflections on experiences and perceptions of their chosen route. With participants' consent, interviews were recorded, transcribed and coded thematically using NVivo 12. Firstly, this involved immersion in the data and close reading of interview transcripts, followed by coding chunks of data and then searching for and highlighting prominent themes for analysis, following an abductive approach where the data is analysed both inductively from the data and deductively from the literature (Thompson, 2022). This analysis formed the list of capabilities in Table 2 (adapted from Walker, 2005).

FINDINGS

Our key focus in this article is to compare the experiences of aspiring solicitors across university and apprenticeships pathways, and the impact on individuals' wellbeing. We are structuring the findings under the five headings taken from Walker's framework of university transitions (2005).

Practical reason

The capability of practical reason relates being able to make well-reasoned, informed, critical, independent and reflective choices about post-school study and career options, and having the ability to construct a personal life project in an uncertain world and exercise good judgement. We consider the extent to which participants were able to access and mobilise their resources of capital, for instance, knowledge and access to information, and convert these into practical reason capability. There were differences in the development of practical reason among aspiring solicitors on both university and LA pathways.

Differential access to knowledge about pathways for becoming a solicitor or life after school and the ability to exercise agency were themes that resonated across interviews. For participants from the most advantaged backgrounds, with privileged access to careers information, university was the only post-school pathway under consideration. For example, John was able to access various careers opportunities through his school:

I did several 'Futurewise' courses—How to get a career in the City in Law, and another one in Finance that were arranged by the school for me. So, for Law, I met two very prominent Human Rights Barristers and a Solicitor and a Legal Executive and spent the day doing workshops and several things with them, understanding how to get a career in Law in different areas. (John, elite university, private school, middle-class, male)

As the above extract illustrates, John was able to gain valuable knowledge of different careers in law before starting university. It also illustrates how those from privileged backgrounds use their resources to get a head start in the competition for elite, professional jobs. This is particularly important in an era of mass university participation (Brown et al., 2010; Trow, 2007). John's

TABLE 2 Capabilities for equitable transitions as applied to the present research (Walker, 2005).

Capability	Findings from present research
1. Practical reason	Access to information regarding both the relatively new LA pathway (for apprentices), as well as vacation scheme placements (for university students) were decisive for enabling participants to follow a certain pathway to qualification Time was a valued resource for apprentices and university students. Many on the university pathway felt rushed into going to university, without adequate time to fully consider their post-school options Those on the LA pathway had been required to access and engage with information that was not always as easily available as information about degree courses
2. Resilience	Resilience was important for persevering in the competition for vacation scheme placements on the university pathway, particularly for those without a relevant social network to help navigate the process Those on the LA pathway often had to be resilient in persevering with long commutes and adapting to (or resisting) certain aspects of work culture, e.g long hours. It was thus a capability required for and exercised by both LA pathway and university students
3. Social relations and social networks	Social relations and social networks were important to both university and LA pathways and impacted in various ways. For example, access to information about pathways, vacation scheme application processes, opportunities for work experience
4. Respect, dignity and recognition	This was related to place and belonging. Some felt conscious of transgression into middle-class domains. Individual interactions were key; this was both positive affirmations in conversation and regarding work tasks, but also micro-aggressions, for example regarding prejudice around school type. Narratives of a desire for agency—for example, regarding curricular opportunities at university—appeared particularly meaningful to the individual participant
5. Emotional and ethical integrity	Anxiety featured in interviews across both pathways and influenced the adoption of various strategies. Assimilation, and resistance, to corrosive culture. Some aspects of legal practice, for example, long working hours and defending someone assumed to be guilty, required reconciliation between practice and values. There was some indication that agency was possible to align practice and integrity with one LA participant experiencing a positive shift

Note: Walker's (2005) definition of capabilities 1–5 are indicated in the “Findings” section.
Abbreviation: LA, Legal degree apprenticeship.

access to privileged resources gave him an advantage in knowing the importance of obtaining a vacation scheme placement and in planning his time to develop valuable cultural capital, known to be significant in accessing the most elite law firms, especially those in the City of London (Ashley & Empson, 2013; Friedman et al., 2015; Friedman & Laurison, 2019).

Many participants spoke about a lack of information from schools about alternative pathways and the focus on directing pupils towards university. Some participants talked about coming across information about apprenticeships by chance. For example, Harry explained how he found information by chance on social media:

I sort of stumbled across it on social media. I applied for one—I was worried that I wasn't going to get the grades to get into uni and so I applied for a couple of different apprenticeships [...] when I applied for it, no-one else had known about

it, which is ... I mean I wouldn't have known about it except by accident. (Harry, non-elite apprentice, state school, working-class, male)

Other participants learned about LAs through encounters with knowledgeable others. For example, Anna gained a work-experience placement at a large corporate law firm through a school alumna which then led her to continue with the LA route to qualify as a solicitor. She reflected:

Well, [going to university] wasn't something that I particularly wanted to do anyway, but ... because I knew that I wanted to go into law, I knew that I would need to get a degree. So, I initially applied thinking if I just do the year of the initial apprenticeship and then go on to uni at least I've had some experience [...] So, it was like—why don't I try this and if it doesn't work out then I can still go to uni. (Anna, elite apprenticeship, state school, working-class, female)

Anna's encounter with an alumna and the subsequent work experience confirms the influence of significant others in developing future-selves (Barg et al., 2020). Her experience illustrates how interlinked the different aspects of capability can be (Stewart, 2013, p. 9), for example, the social network facilitated by the school provides a fertile capability for the development of practical reason.

Gaining career insight and practical knowledge at an early stage enabled both John and Anna to make reflective and informed choices about their post-school education and career options, to construct their personal life projects and exercise agency. While Harry felt 'lucky' to have come across the LA pathway, his pathway choice was not part of well-considered plan but, rather, a contingent approach to managing the uncertainty of the university application process.

Resilience: Managing uncertainty

Resilience relates to the capability to navigate study, work and life, negotiating risk, being able to persevere, being responsive to opportunities and adaptive constraints, developing self-reliance, and having aspirations and hopes for the future (Walker, 2005).

For most participants on the university route there was a lot of uncertainty around obtaining work experience and obtaining a job after graduation. Since starting university, these students had become increasingly aware of the nature of the competition for vacation scheme³ places and training contracts in access to the legal profession. For example, Gavin (state school, working-class, male), a second-year undergraduate law student, explained:

I've applied to four so far. I've got another five to apply for ... I just think that applying for vacation schemes and training contracts at the moment just brings to home really how competitive it is to get into—to become qualified for law—It's ok doing your degree but it's what comes afterwards if you want to qualify. (Gavin, non-elite university, state school, working-class, male)

While Gavin was focused on finding formal work experience opportunities during his degree, students' experience of this process varied. Some students on the university pathway received feedback on Vacation scheme applications and were then able to improve subsequent applications. However, for many of those on the university pathway the mystique around obtaining a vacation scheme placement was challenging and, particularly those attending non-elite

institutions, the lack of feedback on applications particularly disadvantaged those attending non-elite universities.

For most LAs, awareness of the high level of competition for training contracts presented the apprenticeship route as a more secure pathway to achieving their career goals. Callum highlighted the issue of risk present in the university pathway: I've a friend, years older than me, who had a law degree, but they can't find a place to do the training contract (Callum, state school, Elite apprenticeship, middle-class, male).

Resilience was also required regarding geography as many of the opportunities for both work experience and apprenticeships were with large commercial law firms in London. For some of the apprentices, this involved long commutes between home and work, requiring resilience in navigating structural barriers to opportunities through the LA pathway. For example, Dilys had a 4 h daily commute between her home and apprenticeship in London and made use of the commute time to study:

So, how I justified it to the partner who interviewed me was that actually, it doesn't matter that I commute at the moment because I have 4 h on a train every day, so I get all my study done. (Dilys, elite apprentice, state school, middle class, female)

However, despite a similar 4 h daily commute to his job in central London, Callum's perspective on this experience was somewhat more negative and described as 'draining' (Callum, elite apprentice, state school, middle-class, male), not least because the LA route would require 6 years of this daily commute between home and work, necessary owing to the unaffordability of leaving home on an apprentice salary: 'given the fact that when you first start the salary isn't particularly high, it would be quite difficult to actually get by on the money that they provide' (Callum, elite apprentice, state school, middle-class, male). This difference in perspective from participants with similar stocks of capitals supports Sen's (1980) contention of differences in the conversion of goods into capabilities.

Time constraints have previously been shown to have a corrosive effect on achieving other key capabilities such as social relations and networks discussed in the next section.

Social relations and the importance of social networks

The development of capability (3), social relations and the importance of social networks, was a key capability which relates to the ability to form networks of friendship and belonging for learning support, leisure and mutual trust (Walker, 2005). Informal social networks at both university and in the workplace are important for access to information and assistance in navigating career openings (Friedman & Laurison, 2019; Savage, 2015), and in developing a sense of belonging and identity (Hannon et al., 2017; Harrison, 2018). Some participants had accessed informal work experience through their existing social networks. For example, Sally secured 1 week's experience shadowing the managing partner of a law firm who had agreed to the arrangement as a favour because Sally was a school friend of his daughter. Sally, who had won a scholarship to a private school, talked about how the work experience had led to greater certainty around her career choice:

I got really excited when I'd get to the building. It was a really big, prestigious building, and I thought, yeah, if I work really hard and, you know, get my grades and get into a firm and try and get my training contract quicker, then I could be

here ... It gave me, sort of, aspiration, a little bit of ambition, motivation. (Sally, non-elite graduate, private school, working-class, female)

While Sally was able to draw on her acquaintance for pre-university legal work experience, this was a favour and did not result in any relationship of sponsorship (Savage, 2015).

In contrast to Sally's experience, there were some participants who understood the importance of building a relevant network and developing their social capital through opportunities while at university. For example, John (elite university, private school, middle-class, male) had a voluntary role at university as a student 'Brand Ambassador' for a large law firm. He talked about the help he received in navigating vacation schemes: 'Aspiring Solicitors,⁴ [gave] us a workshop on turning your vacation scheme into a training contract, so basically how to excel at the vacation scheme'. John participated in vacation scheme placements at three law firms and received a training contract from a law firm that he considered to be a good match for his aspirations and values.

Having access to a network of peers for mutual support is important, particularly in what can sometimes be a harsh corporate environment, which can be both physically and emotionally draining, which was apparent across both university and LA pathways. Dilys was an example of making the commute and long hours work with regards to her networking ability, as illustrated below:

So, I do my study in the morning, I come to work and I do my study in the evening and when I get home I can then go out for dinner and have a social life because I'm earning money at the same time—so the balance seems to be working really well for me. (Dilys, elite apprentice, state school, middle class, female)

As introduced in the literature review, the conversion of goods into capabilities varies between people (Sen, 1980), and this was particularly apparent between the elite and non-elite university pathways. Sally's conversion of social 'goods' can be understood by Robeyns' (2005) adaptation of Sen's concept of conversion through the introduction of conversion factors. Sally's social 'goods'—her relationship with a friend from school—was a social conversion factor and her ability to convert this into a capability that would help her was influenced by such factors as the power relationship, in that Sally was the recipient of a favour, with no reciprocity, no exchange value and no mutual recognition of group membership (Abrahams, 2017, p. 635). However, Sally's conversion of social goods resulting in access to an informal work placement was an insecure conversion that she could not rely on or draw on for future opportunities, for instance, in gaining sponsorship for the next stage of qualification. In contrast, John was successful in obtaining three 2-week vacation scheme placements while at university—each representing 2-weeks' paid legal work experience and an interview for a training contract—and obtained a training contract with an elite international law firm in London, demonstrating successful conversion of his existing and acquired social and cultural capitals. For those on the LA pathway, long commutes were seen by some as an opportunity to balance studying and maintaining a social network, although others on the LA pathway struggled with this.

Respect

One of the key goals of the capabilities approach is that all people be treated with equal respect, particularly in their freedom to choose and to act (Nussbaum, 2011, p. 24). Nussbaum emphasises freedom of choice as being central to human dignity; this can be denied, for instance through social, political, familial and economic conditions (2011, p. 30). In the present study, we have seen choice constrained by access to knowledge and information about

pathway options, as discussed in preceding sections. Once on a pathway, there are choices regarding curriculum options within a law degree. Here, some choice was not possible through a lack of offerings. Rob (non-elite university, state school, working-class) discussed how course choice was constrained: 'they're not wanting to put the more challenging subjects on. In Company Law they don't do Mergers & Acquisitions because they're quite challenging'. Rather than accepting this state of affairs, and highly relevant to the Capabilities Approach, Rob petitioned all law school students through his student law society about their interest in a particular module that had been proposed by a law tutor but refused by the university:

So, at the Law Society [at the University] we sent out a survey—'Would you be interested in a Banking & Finance [module]?' ... like 76/77% of students went 'Oh yeah, I would do, it would be quite interesting' ... well we've got the majority of the Law School is a member of the Law Society, so when we say we are speaking for the Law School, we are actually speaking for 98/99% of the students that are here. (Rob, non-elite university, state school, working-class, male)

The above extract illustrates that, although the university was constraining students' choices, the experience was instrumental in developing Rob's capabilities. He was exercising agency in not accepting an unsatisfactory position in a lack of choice of courses, as well as engaging positively with fellow students to remedy the situation, treating them with respect.

For others, the support of colleagues was important for reinforcing the confidence of those following the new LA route. For example, Anna (Elite apprentice, state school, working-class, female) discussed the positive perception of the LA route among work colleagues:

Well, I thought that I might get a bit of 'well you shouldn't, it's not right, it's not the way that it's done'. But actually, most people think it should be done more, that it's a really good idea. Like, I've had loads of support from people in my department because they know what I'm doing, and they want to see it work. (Anna, elite apprentice, state school, working-class, female)

While universities are now increasingly aware of the importance of creating a sense of community and belonging for students, some first-in-family students, nonetheless, can face disparaging micro-aggressions that can undermine their confidence, for example, Ulrika (Elite university, state school, working-class, female) discussed experience of such a micro-aggression from fellow students on her law course:

I got asked if I was from a [state] school, and then they were all like 'you can tell' ... It wasn't until I came to uni that I realised that it was an issue ... one guy on the Law Society ... [said] 'I don't know why they're asking people from this background to be judges because they're not going to be as well prepared'. (Ulrika, elite university, state school, working-class, female)

Such experiences undermine the development of social capability and erode a sense of affiliation and belonging (Nussbaum, 2011), which also has a corrosive effect on other key capabilities, notably emotional integrity. Rob was able to develop the capability of respect through personal and collective agency at a non-elite university, while Ulrika had to resist the micro-aggressions of fellow students at an elite university. The positive encouragement of colleagues on the elite LA pathway created a fertile capability for Anna.

Emotional and ethical integrity

The capability of emotional and ethical integrity is achieved by not being subject to anxiety or fear which diminishes personal character (Walker, 2005). Anxiety owing to the uncertainty of qualification and competition for training contracts featured in many interviews but did not manifest in the corrosion of character resulting from individual strategies in the competition for graduate jobs described by Brown and Hesketh (2004). However, exposure to some law firm cultures can have a corrosive effect, particularly on the development of professional and legal ethical conduct. For example, before going to university, Rob (state school, non-elite university, working-class, male) had worked as a lower-level apprentice at a small criminal law firm. He encountered a troubling ethical conflict where the law firm had been representing a client accused of murder:

I wouldn't want to be in a moral position where somebody who I know has done something, because they've all but said 'Yeah it was me', and I've still got to stand up and go 'Well, he didn't do this'. It opened my eyes to some of the pressures they faced but it also opened my eyes to how easy it is ... to skirt along the legal and ethical boundaries and things like that. (Rob, non-elite university, state school, working-class, male)

For some, the working culture in a large corporate law firm created tensions and resistance to a long-hours culture:

It was like a revelation learning about how late people were willing to work—there's people in the office that are quite happy to stay till like 7:00 am and ridiculous times. Most days I leave at 5.30 pm but it turns out I'm the odd one out on the apprenticeship—out of the apprentices that I know. It's just that we're not paid to work those long hours. We're paid to work to 5.30 pm. I'm worried about the kind of precedent they are gonna set out for next year's apprentices, essentially, but they won't listen to me. (Callum, elite apprentice, state school, middle-class, male)

The above extract suggests that other apprentices were assimilating to the working-hours culture of the firm, whereas Callum resisted this. Fortunately, Callum had the support of his apprenticeship manager and his mentor. However, such tensions can have a corrosive effect on emotional integrity, in addition to other capabilities, in that behaving differently to others in the team impacts on a sense of belonging and may lead to worries about managers' perceptions of commitment and the possible impact of this on progression (Tomlinson et al., 2013).

Reflecting on his experience of the daily commute and his hopes for his future career, Callum talked about the conflict between working in London and the life he would prefer:

I thought about it, but every time I think about it I usually go—it's about 50/50 which one I answer to myself—sometimes I do say 'Oh, I'm used to London and I'll stay here', other times I go 'that's it, I'm moving' ... I just don't think I want to work in London my whole life ... there's a value to everything and I think the most valuable thing we have is time. (Callum, state school, Elite apprentice, middle-class, male)

Completion of the LA route would require 6 years of this daily commute and Callum was well aware of the trade-off between his resources of time and the opportunity to achieve a professional qualification.

While Callum was an apprentice at an elite London-based law firm, other LAs at non-elite firms based outside of London talked the trade-off between London and the regions in terms of salary and lifestyle. For example, Faisal discussed his preference for quality of life over a London-salary:

Well, you couldn't have a massive salary and a boring job. What would you want to do that for? Whereas, you could have a [regional] salary, which I don't think is that bad actually, compared to what they—well I don't know what people in London get. But you'd have to pay all the rest of it [expense of living in London]. I've no ambition towards London, I think there's just as interesting things up here as down there. (Faisal, non-elite apprentice, state school, middle-class, male)

For some LAs, perhaps more so on the non-elite pathway, there was an apparent rejection of the rat race, as predicted by Brown and Hesketh (2004), as individuals reappraise popular conceptions of success and seek a better quality of life.

DISCUSSION

We investigated whether it enhances wellbeing when instead of loans, debt and insecurity, aspiring lawyers have a salary, no debt and secure job prospects through an apprenticeship pathway to qualification. We explored whether using a capability framework offers a meaningful lens for understanding the experiences on different pathways. We used a capabilities approach intersected with an inequalities lens to understand the impact of changing a traditional law degree to a degree apprenticeship.

Based on 23 interviews with aspiring solicitors from a range of backgrounds and institutions, we found that the capabilities lens provided rich insights into access to, and experiences of, university and LA pathways to the solicitors' profession. The framework enabled the identification of social inequalities in experiences of legal training and how these intersect the theoretical frameworks of capabilities and resource conversion.

To recapitulate, 'Capabilities' are the freedoms or opportunities for people to 'achieve outcomes that they have reason to value' (Sen, 1999, p. 291). Economic, social capital, knowledge and cultural capital and societal norms can constrain or enhance opportunities (Nussbaum, 2011; Sen, 1999). We applied Walker's (2005) ideal-theoretical framework of five capabilities to issues of wellbeing and agency in higher education and apprenticeship experiences. Our findings are summarised in Table 2.

We investigated whether the 'natural experiment' of changing the structure of legal training to a degree apprenticeship would significantly impact responses regarding wellbeing as capability. The responses in the present study show some positive effects of replacing loans, debt and insecurity with a salary and security. The primary finding here was that the stress felt by university students regarding the competition for placements was not felt by apprentices. We can infer wellbeing benefits from this absence of stress. However, the long commute to work for some apprentices provided another source of constraint related to the geographic distribution of LA opportunities. The spatial imbalances in the distribution of opportunities for accessing LAs has implications for career trajectories (see for instance Davies & Donnelly, 2023). While Dilys and Callum commuted to London, opportunities outside of London, if available, could risk a trade-off in terms of the type of law firm, type of legal work, status and earnings (Carroll & Vaughan, 2019).

Our research demonstrated that capabilities and the ability to convert capitals into capabilities have a class dimension to them. In particular, social capital and existing networks were crucial conversion tools to create capabilities, for instance, forming new networks and

opening up opportunities, such as internships. This was especially apparent on the university pathway where those at non-elite institutions were constrained by the lack of these resources. Overall, we found perhaps fewer differences in the narratives between the participants on different pathways to qualification than we would have expected. The greater employment certainty around the LA did not lead to uniformly happier aspiring solicitors; there was partly a shift of unhappiness regarding other aspects of their arrangements. In this sense, the present research perhaps resonates with research on medical students who, despite guaranteed jobs at the end of their training and the previous grant system, still struggled with aspects of wellbeing (Lewis & Cardwell, 2020).

The practice implications of our work partly echo existing research—transparent and open access to vacation schemes and paid internships were enablers for developing networks and a professional identity and should be further strengthened in an equitable manner. The geographic opportunity structure provides constraints for those outside London (Holt-White & Montacute, 2020); remotely accessed internships might provide a partial solution to this. Second, we found that the new apprenticeship structures do not replicate the structures in place at universities for community and social capital development. This could be an opportunity for firms or the law society to create new apprenticeship experiences focused on social capital building. We encourage law firms and policy-makers to consider ways of mitigating the effects of spatial imbalances in opportunities, perhaps through additional funding for LA accommodation in London.

The capabilities framework was a useful tool for understanding across the LA and university pathways how all participants valued agency and developed all capabilities, with social capital playing a dominant door-opening role for unlocking other capabilities. The capability framework and this particular finding could thus inspire research on other degree apprenticeships and university training routes using this lens. However, our theoretical framing lacks sufficient appreciation and theorisation of individual or personality factors, a shortcoming that was recently noted in other sociological work (Friedman & Laurison, 2019). The structural explanations are insufficient in our small study for explaining Dilys' positive commuting experience and contrasting it with Callum's loneliness. Personality traits would be another useful addition to the present work to understand some of the different individual responses and varying capability development among those facing similar constraints.

Our findings are helpful regarding the mechanisms whereby capabilities and wellbeing can be supported, and we found conflicting pulls here for the LA students regarding increased wellbeing around employment certainty but some reduced wellbeing owing to commutes. Future research could explore this finding through larger-scale data collection thus allowing further inferences as to the relative prevalence of the different experiences. Larger-scale research would also be able to investigate the impact of gender, ethnicity and intersectionalities—for example with gender—on the ability to convert resources into capabilities. With 22 Caucasian and one BAME respondent we had insufficient diversity within our sample to undertake this analysis and we recognise that we have undertaken this work in a tradition that may have sometimes focused only on social class and insufficiently on ethnicity, migration status or being the first-in-family in higher education. If future research could integrate dimensions of personality, this could provide further insights into the interplay between personality, individual circumstances and external opportunity structures. Individual comparisons of two case studies could also work well.

A final recommendation for further research is to investigate differences in skills and competencies acquired and preparedness for the legal workplace through the different pathways. Comparing performance on the SQE⁵ could be one way of doing this, so could longitudinal research comparing career trajectories. Such further work would contribute to the large body of work-based learning.

CONCLUSION

To conclude, the original contribution of the present article is a rigorous, theory-driven investigation into the experience of different pathways for legal training, including the new LA. Using the capabilities framework afforded rich insights into the lives of individuals and enabled the identification of constraints and enablers of wellbeing. The significance is that, as degree apprenticeships further expand to include more professions, our findings show that apprenticeships do not eliminate classed experiences in training. There is potential for apprenticeships to enhance wellbeing and capabilities, notably by providing enhanced agency and certainty. Yet for the legal apprenticeship the geographic clustering of opportunities decreased capabilities regarding social network building for those needing to commute. This suggests that apprenticeships can solve some but do not fix all issues associated with the university-focused training system.

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ENDNOTES

- ¹ The Apprenticeship levy is payable at a rate of 0.5% of the annual wage bill for all organisations with an annual wage bill in excess of £3m. Source: HM Revenue and Customs (2016).
- ² Apprentice salaries vary: outside London £14k–19k per annum, within London £20k–25k per annum (The Lawyer Portal, 2024). As the typical salary for the Apprentice is over £20,000 (UCAS, 2024), this suggests the dominance of London law firms in the distribution of solicitor apprenticeships.
- ³ A 1- to 4-week period of work experience with a law firm, usually paid and leading to an interview for a training contract (Smith, 2023).
- ⁴ The Aspiring Solicitors group works with law firms to provide opportunities for students and graduates from diverse backgrounds, for example, coaching, mentoring, events and competitions, with the aim of enhancing equality, diversity and inclusion, and social mobility in the legal profession (Aspiring Solicitors, 2024).
- ⁵ The Solicitors Qualifying Examination (SQE) was introduced in 2021 and a qualifying Law degree is no longer a pre-requisite to qualification as a Solicitor. However, the SQE was not in existence at the time of data collection in 2017/2018. All students (University and Apprenticeship pathways) starting courses after 31 December 2021 will have to qualify through the SQE (Solicitors Regulation Authority, 2021).

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