

DEPARTMENT OF LAW NEWSLETTER

March 2021

Charting the future

The Head of Department, Paul Allen, explains how the Law pathways at Staffordshire University will equip Staffordshire Law Students to shape the future



As we chart our course through the current restrictions to our lives, it has never been more important to have good advice on the best route, how fast and by what means to reach our destination.

Whilst the scientists work with data, figures and the inevitable charts, the lawyers work with legislation, policy development, application, implementation, operation, and enforcement.

Our students are the advisors of the future and will be making decisions affecting all our lives, they are our future pilots.

When faced with a ban on our summer holidays we look to the law to see why it is necessary to restrict our movement. We ask, quite rightly, is that legal? is it necessary? what are the consequences if I decide to go on holiday anyway? Law students are in pole position to challenge and address these questions, every module in our Law degree provision is connected to these questions and a knowledge of the law helps to guide us through the abundance of often complex issues we face.

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Looking across recent headlines, almost all have their foundations in the law, have legal implications and consequences: the kidnap and murder of Sarah Everard: Police power to restrict the right to peaceful protest: restrictions on the export of Covid Vaccines from Europe: our relationship with Scotland, Wales and Northern Ireland; Uber taxi drivers' victory at the Supreme Court; even Harry and Meghan's success at the High Court stimulate debate around the Law. With the SRA's deregulation of law

degrees never has it been so important to get the content right, and Staffordshire leads the way with the development of the LLB pathways degree programme. Students on the programme will be equipped to develop critical thinking and debate, give advice to real clients about real issues, use legal reasoning in the development of digital solutions to legal problems, appreciate the benefits of alternative dispute resolution including mediation, understand International Human Rights issues as well as study what was previously known as the foundations of legal knowledge. The programme will ensure that our graduates have access to a rich and diverse legal education that will help them to

interpret, deal with and influence complex legal situations that have implications for us all. It's quite a responsibility; however, our graduates will have the essential legal foundations to be able to guide us to our future destination however uncertain that continues to be.





The Sri Lankan Mediation team

Mediation Success

Team from Staffordshire University's partners, the APIIT Law School, becomes the first Sri Lankan team to compete in the ICC Paris Commercial Mediation Competition

A team from the Law School at the Asia Pacific Institute of Information Technology (APIIT) – Staffordshire University's partners – became the first Sri Lankan Team to take part in the International Chamber of Commerce Paris Commercial Mediation Competition. The competition, part of the ICC's 2021 Mediation Week, took place online for the first time and saw 48 university teams from across the globe compete in 100 mock mediations. The ICC states that the competition 'gives students the opportunity to put theory into practice and to interact with some of the world's top mediators.'

The APIIT Law School team consisted of Amrah Minzar, Ashani Perera and Shanara Dumbutuarachchi and were trained by Mr Pascal Comvalius as Head Coach and Ms Saranee Gunathilaka as Assistant Coach. The team were jointly conferred the Special Award for Distinction in Acknowledging Cultural Differences. They also ranked 10th place out of the 48 international teams.

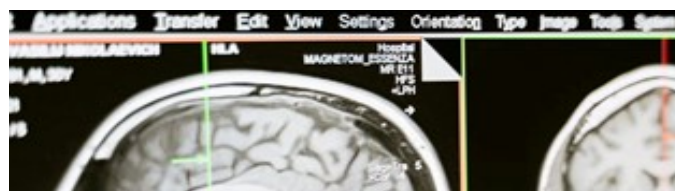


Two Department of Law Academics Provide Evidence to Parliamentary Inquiry

Two of the Department of Law's lecturers have provided evidence to Parliament's Joint Committee on Human Rights. Dr John McGarry and Dr Samantha Spence provided the evidence to the Committee which is examining the Government's review of the Human Rights Act 1998.

Dr McGarry said 'Members of the current Government have long had the Human Rights Act in their sights with various Government members talking about repealing or amending it. Sam and I were able to use our knowledge of the Act to argue that it works incredibly well in balancing the protection of rights against other fundamentals against the UK legal system. We also said that any attempt to amend the Act should be viewed with caution, particularly when the arguments for amendment are found in often wildly misleading reporting in some sections of the media'.

Dr Spence added 'One of the great strengths of the Department of Law at Staffs is that we have colleagues with a wide range and depth of expertise. As well as being able to feed into parliamentary or Government inquiries like this, we have colleagues who are helping shape the way candidates across England and Wales, taking the forthcoming Solicitors Qualifying Examination, will be prepared for their assessments and other colleagues who supervise students in providing free legal advice to our local communities.'



Senior Lecturer in Law, Dr Jo Beswick, discusses her latest article, published in the Medical Law Review and written with colleagues from De Montfort University and University Hospitals, Leicester

In medical negligence litigation, the standard for breach of duty is measured against the *Bolam* test which reflects accepted practice. Despite protracted debate and common law development, the *Bolam* standard remains the touchstone for litigation in this area. Clinical guidelines (CGs) are statements based upon best available medical evidence and are designed to facilitate clinical decision-making to optimise outcomes thereby reflecting expected practice. Nevertheless, there is little research that considers how CGs engage in litigation and their influence on judicial reasoning. Given the increasing pressures on the NHS amid rising costs of litigation, these are important issues. This study provides an original contribution to the literature on CGs in determining breach of duty in law. Using a mixed methods' approach, data from multiple sources have been gathered and analysed to assess the use of CGs by lawyers and the courts thereby adding to the discourse on the judicial shift away from deference to *Bolam*. It concludes by offering a conceptual basis for the use of CGs within a framework for reasonableness and promotes their principled use while avoiding constraints on expert testimony, experience, and exercise of clinical discretion. This study has relevance for academics, legal and medical practitioners, and policy makers.



AN INTERVIEW WITH THE DEAN

Law students and Newsletter editors, Courtney Rigby and Susan Jones, interview the Dean of the School of Law, Policing and Forensics, Dr Helen Poole

You've got a law degree but went into something different with the prison service. What made you go in that direction?

I did an LLB at Wolverhampton, graduating in 1994. The choice at that point was to do the legal practice course. I wasn't ever going to the bar. My mum said go and get a job and get some blinking money. I got a job in a law firm in the commercial conveyancing department; it was at that point I lost the will to live and thought maybe this is not what I want to do. I'd been trying to get articles – a training contract – but it was really tough. I really wanted to do criminal law but there were literally thousands of applications for every position at that time.

So I tried something else and got a job with the probation service, not as a full probation officer, it was called a probation service assistant. I was doing things like, when people were arrested, I'd go into the cells the following morning and try and find them an address or a bail hostel so they could be bailed and not remanded into custody. I did court duty and supervised people on money supervision orders who'd got themselves into debt. It was a really broad job. I had some hairy moments. I had death threats against me after helping a woman escape domestic violence and couldn't go into Rugby town centre, I had to just stay in the office.

I did that for a couple of years but I fancied a change. They were advertising for prison officers near my sister in Reading and so I applied and I got that post.

I worked as a prison officer in a Young Offenders' Institute for a couple of years and, again, what an amazing experience. Often, in an adult prison, prisoners don't talk to the

staff, there's a 'them and us'. Whereas young offenders don't stop talking to the staff. I was in Huntercombe on the long termers' wing – mostly people from inner city London convicted of street robbery and gang crime. Hearing their backstories, the difficult upbringings, situations and contexts they came from was so eye-opening for somebody who had a relatively sheltered upbringing.

Did you choose your Law degree with the intention of moving forward into practice?

Well, I'll tell you the honest truth. I was going to do history and had a place at Leeds. But I got a D in history and nowhere would take me for a history degree. But I'd got an A and a B in English and Economics, so my school said, why don't you go and do law? I'm so glad I did because it's the skills you develop. They stay with you and have stood me in good stead, in my current role, as well as other roles.

The skills you develop on a law degree, they stay with you and have stood me in good stead.

How did you go from the prison service to academia then?

I'd see prisoners who were leaving me would be out a few months and be reconvicted and I could see there was something intrinsically not quite right with the prison service. And my brain was going to mush because it is a muscle and, if you don't use it, it doesn't work as effectively.

So I phoned Sheffield University and said have you got any appropriate Masters programmes?

They were starting a Masters in International Criminology and I joined it. There were only 12 of us because it was a new program and we were from all over the world with loads of different perspectives.

I hadn't quite completed the masters when I got a job working for the Home Office looking at the use of forensic science in police investigations in Greater Manchester and Lancashire. It wasn't directly for the Home Office, it was with a consultancy called Morgan Harris Burrows, in collaboration with Huddersfield University. I ended up doing loads of projects in criminal justice like the expansion of the DNA database, the use of fingerprints, footwear, all kinds of projects with them.

I got drawn back to Coventry for family reasons. A job came up as a lecturer in criminology at Coventry University, I applied and that's how I ended up in HE.

I've never had a plan, I've just kind of fallen into things and it's worked out quite well. It doesn't suit everybody. Some people like that certainty.

Was there anyone you met along the way that you saw was a really big influence? Anything someone said that resonated and you still think back to today?

I can't think of specific things they said to me, but there were a couple of real influences. The lead partner at Morgan Harris Burrows was a guy called John Burroughs, very well thought of by the Home Office. His approach to leadership really influenced me. His view was that if you get all your work done on time, I don't care how you use your time it's up to you. I like that philosophy. It was about what you achieved, not whether you were sat behind a desk for 10 hours a day.

The other person was my Vice Chancellor at Coventry, Madeline Atkins, she was just phenomenal.

When I started at Coventry we were 87th in the League tables and when I left we were 12th and

that was largely down to Madeline's determination. One thing about Madeline was that she was quite clearly not in it for the money. Being a vice chancellor was not about financial reward for her. Her energy, her eye for detail and her vision was just incredible.

I've never had a plan, I've just kind of fallen into things and it's worked out quite well. It doesn't suit everybody. Some people like that certainty.

I'd advise my younger self to be more confident about who I was back then, to be less apologetic for myself and to understand that my opinion counted. And to have been less stressed about everything

Is it the work that you did in the prisons that led to the thesis for your doctorate?

Yes, absolutely. We were quite good as a prison with quite a lot of different programs they could engage with, but in a lot of prisons all they get is sort of level 2 maths and English because that's what prisons are measured on – how many leave with the maths and English skills of an 11 year old, which is not going to get you a job is it? So yes, absolutely. Also I wanted to do a Doctor of Education because I was in education rather than a doctor of philosophy and so looking at prison education just brought criminology and education together and it worked quite well.

Is there any advice you give to students that plan on an academic career? Did your experience in the middle make you sure that this now is the right choice? Or would you choose a direct route?

It's different for different subjects. For example, in psychology it's more common to go straight from your PhD into academia. Whereas in areas like criminology and law, there's lots of people who've been in practice in some form or another in between the two things. For me, my experiences made my teaching a bit brighter because, when doing a prisons module, I'd tell students some of the things I'd seen and that would improve their experience because they knew there was somebody who had been involved with that. But I can see it both ways in terms of advice. It's tougher than when I came into HE. I started in 2003; I didn't have a doctorate but that wasn't unusual. You were expected to work towards your doctorate, whereas it's more common now that you're expected to have some sort of doctorate level qualification or equivalent experience.

So if you want to go into academia, you need to think about either having a spell in practice, even if it's not as a fully qualified solicitor, it might be something related to that area, or doing your PhD.

What was it like to work with the United Nations?

Again, it's one of those things I kind of fell into by accident because I did a gun crime project with the EU and got on their radar. It's been phenomenal really, really interesting but really hard work. It's a very complex, massive organization. But it's given me opportunities to go to places I never thought I'd go, that I wouldn't have otherwise, like Panama and Kazakhstan and places that you wouldn't normally get the opportunity to go to. I've also met people from all parts of the world. I think what's been particularly interesting is we quite often work with Western people. So if we go to a conference, we might find a lot of people from the US, from Europe, etc. What we don't tend to encounter is a lot of people from the Global South and hearing about their experiences in terms of firearms crime has been really eye opening.

I constantly have impostor syndrome as a lecturer, as an associate head of Department, as a head of Department and have it as a Dean absolutely. I've got a coach at the moment and I said, 'I don't think I act Dearly enough'. And he said act how you act because it works for you.

What would you say to your younger self?

I think a couple of things. I especially say this to you Susan and Courtney, the two young females that I'm looking at on the screen: it's to be more confident about who I was back then, to be less apologetic for myself and to understand that my opinion counted. I was one of those people when I started my law degree who never spoke. I never contributed; I was engaged, I could have answered most of the questions asked, but I hadn't the confidence.

And to have been less stressed about everything. I think one of the benefits of getting a bit older is you get a bit more perspective on life. Now, I don't stress so much because I know I'll just work that bit harder when I have to. So I think it would be about confidence and being less anxious.

Do you ever still suffer from impostor syndrome?

Constantly. I had impostor syndrome as a lecturer, as an associate head of Department, as a head of Department and have it as a Dean absolutely. You kind of look at some of your colleagues in the same position and go well 'they look like a Dean, I'm not'. I've got a coach at the moment and I said, 'I don't think I act Dearly enough'. And he said act how you act because it works for you.

I don't want us to lose the fact that going through a degree program is a life enhancing experience.

What's your guilty pleasure? What about a rubbish TV programme or something like that

Oh my God, this is not guilty. It's just sad. I'm just a crossword addict really. Rubbish TV programmes, that too. I really like documentaries. I think that's the sociologist in me. I watch documentaries, things like 'My 600 pound life'. Absolute rubbish but watching how people behave under different sets of circumstances; what's led them to being in that position and then how they won't break away from it. My excuse is because I'm sort of a sociologist, that it's educational.

I see students juggling all these things, child care, work commitments and lots of other things, it's just phenomenal.

What would you change in academia if you could?

I think we're moving into a dangerous place where higher education is only measured via what kind of job you get and how much it pays. Higher education should be measured by the contribution you guys will be making to society in the round, not just financially, but if you end up in a role where you're helping people. If you work for a third sector organization that's doing great things in communities and you're using the skills that higher education gave you to do that, that's a positive outcome. What worries me is that the metrics are more and more focusing on how much it pays. I don't want us to lose the fact that going through a degree program or a postgraduate degree program is a life enhancing experience. That you develop so much during your degree. There's just so much to higher education that can't be measured by what job, in terms of pay, you get at the end of it. And the government are talking about reducing how much we can charge so there will be differential fees, depending on what they see as the value of the degree, not what you might see as the value of the degree you're taking.

One reason I love being at Staffs, we have lots of students who wouldn't otherwise get these opportunities. For me, that's a really important aspect of what higher education is about. Giving people opportunities who, in the old world, wouldn't have them. For many of our students, I don't know how they do it, frankly. All I did was a degree and a summer job. And you know what? I see students juggling all these things, child care, work commitments and lots of other things, it's just phenomenal.



Anna Garland, Law Course Director for Undergraduate Programmes, gives advice on choosing level 5 and 6 options

At level 5 and Level 6 on your LLB course you have the opportunity to choose option modules, to study alongside your core subjects. There is information available on each module on Law Academic Community, in the form of a brochure and individual subject videos. These give an overview of the module content and assessment, so that you can make an informed choice about what is involved in each. But having absorbed that information, how do you know what is a good choice for you?

If you have a clear career plan, then some option modules will be obviously suitable for you. An aspiring barrister should consider Introduction to the Law of Evidence at Level 5, and Mooting at Level 6, as well as any subjects related to your particular field of interest, whether that be criminal, family or commercial law. Potential solicitors might wish to get a 'head start' on subjects which are examined on the Legal Practice Course and Solicitors Qualifying Examination, such as Business Law, Evidence (both at level 5) and Company and Commercial Law at Level 6. Anyone drawn towards a career in criminal law or criminal justice might naturally choose Evidence and Community Safety at Level 5 and Criminology and Criminal Justice and Punishment at level 6. (And no, I'm not recommending Evidence just because it's my module but because it is a useful subject for any of the legal professions as it is concerned with how you prove cases in court.)

If you still are not sure, then choose something which looks interesting, and that will be enjoyable. Intellectual curiosity is a good reason to study a subject! You can also make an appointment with your Academic Mentor to discuss the options that will support your individual career ambitions and academic interests. Whether you want to move on to further training for one of the legal professions, postgraduate study, or other graduate employment, all option modules will help you to develop the essential academic and transferable skills and knowledges that will support you to progress to the next stage with confidence.

Level 4 student, Kay Gethin, reflects on her first year as a law student at Staffordshire University

Since beginning my studies in law at Staffordshire University, I have received an unprecedented amount of support for both my passions and my somewhat unclear future. If it wasn't for the wonderful advice and encouragement from John McGarry, David Simonds and my academic mentor Aidan Flynn, I genuinely don't know if I would have fully 'spread my wings' and begun writing articles about egalitarianism, human rights and international law on LinkedIn. It is here that I have found my love for legal journalism and the empowerment of people which in times like these, is overwhelmingly important. As people and as students, we should never be too shy to sit down and admit that we are unsure or scared, especially if it is our own lecturers seated opposite us. If being a student during a pandemic has shown us anything, it is to be perseverant and confident in the fact we may need help. It has been a rough ride, but in the words of my favourite novel character Augustus Waters "We are on a roller-coaster that only goes up, my friend".

With that in mind, the Staffs law department have been incredible and have supported us throughout the ongoing covid-climate; from allowing us flexibility in participating in lectures to answering stressed out emails .

I think it's safe to say that I am definitely Proud to be Staffs!

It has been a rough ride, but in the words of my favourite novel character Augustus Waters "We are on a roller-coaster that only goes up, my friend".



Look after your mental and physical health over the Easter Break

This is just a reminder from us all in the Department of Law for our students to look after their physical and mental health over the Easter break. It's easy to concentrate so much on studying that you forget the need to look after yourself to get the best from your hard work and be aware of your own self-care. Ask whether you are taking sufficient breaks, eating well (not all sugars!), enjoying what is going on around you, keeping in touch with friends, family or flatmates, and making time for any hobbies or past-times you have.

A great link for inspiration is and other resources is: <https://staffsuniversity.sharepoint.com/sites/WellbeingStaffordshireUniveristy>

You might also find the following link to be useful:

<https://www.mind.org.uk/information-support/types-of-mental-health-problems/stress/developing-resilience/>