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A teaching best practice guide for early career academics in UK law schools grounded in the student voice

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Abstract

This paper draws on empirical data exploring undergraduate law students' experiences of small group teaching in a UK law school. The results and analysis are presented in the form of a best practice guide for early career academics in law. Advice gleaned from the academic literature on effective small group teaching is combined with focus group data to create a guide grounded in the student voice with a focus on recommended approaches for overcoming common challenges. The paper begins by exploring the pedagogical purpose and benefits of small group teaching sessions and the challenges early career academics may encounter due to a growing 'student-as-consumer' mindset. The paper goes on to provide advice related to three stages of teaching: preparing to teach, in the classroom, and outside the classroom, including helping students prepare for exams. The guide aims to provide the kind of friendly advice and support that an early career academic might receive from a supportive peer network.

Keywords: Early career academics, law school, graduate teaching assistants, small group teaching, best practice guide.

Introduction

Early career academics, including hourly-paid PhD researchers and Graduate Teaching Assistants are important members of law schools' teaching staff who routinely engage with students on a broader and deeper level than their relative

lack of experience and seniority suggests. Still, teaching for the first time can cause anxiety and lead early career academics to question their competence. Those teaching for the first time may question their teaching ability, their knowledge of the subject and whether their students are satisfied.[1] These anxieties are shared in multiple online fora, blogs and articles on the topic of teaching in higher education for the first time,[2] and some institutions do not offer adequate support or training to alleviate these fears. Encouragingly, student feedback collected in a recent study indicates that as long as effective teaching methods are employed, students are not overly concerned with the seniority of their law tutors.[3]

Teaching-related fears and anxieties experienced by early career academics are heightened in the UK by external factors such as an increasing emphasis on the Teaching Excellence and Student Outcomes Framework (TEF),[4] which has both a financial and reputational impact on law schools, and on the results of the National Student Survey (NSS).[5] These metrics have increased UK universities' focus on measuring and achieving consistently high teaching standards and improving the student experience.

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[1] Hin-Yan Liu, 'Teaching without Authority' (2012) 46 The Law Teacher 146, 147.

[2] See, for example, Justin Bengry, 'On Being A Teaching Assistant (TA) In Grad School' (*TalentEgg Career Incubator*, 13 December 2010) <https://talentegg.ca/incubator/2010/12/13/head-of-the-class-being-a-ta/> accessed 23 April 2021; Felicity Loughlin, 'Teaching Undergraduates for the First Time' (*Pubs and Publications*, 15 May 2015) <https://www.blogs.hss.ed.ac.uk/pubs-and-publications/2015/05/15/teaching-undergraduates-for-the-first-time/> accessed 23 April 2021; Adam Forrest, 'What It's Like to Lecture at University While You're in Your Twenties' [2016] *Vice* <https://www.vice.com/en_uk/article/pp4vpn/young-university-lecturers-teaching-in-twenties> accessed 23 April 2021; Charlotte Jones, 'Bane of the Postgrad Lecturer: Teaching Students Your Own Age' *The Guardian* (22 June 2017) <https://www.theguardian.com/education/2017/jun/22/postgraduates-who-teach-how-to-lecture-undergraduates> accessed 23 April 2021.

[3] Victoria Ball, Arwen Joyce and Charlotte Mills, '"They Just Have More of a Vibe of Being 'One of Us'": Undergraduate Law Student Perceptions of PhD Tutors' (2020) 54 The Law Teacher 327.

[4] The Teaching Excellence and Student Outcomes Framework is an assessment mechanism implemented by the Department of Education's Office for Students in England to promote excellence in teaching at universities and colleges. See < https://www.officeforstudents.org.uk/advice-and-guidance/teaching/about-the-tef/> accessed 23 April 2021.

[5] The National Student Survey, commissioned by England's Office for Students, is open to all final-year students in a university or college in England and gathers opinions about students' university experience. The results are made publicly available to help prospective students make informed decisions about what and where to study. See <https://www.thestudentsurvey.com/about-the-nss/> accessed 23 April 2021.

In addition, a trend has been observed in UK higher education towards a 'student-as-consumer' mindset,[6] which Tomlinson describes as a shift in power from education providers to students.[7] Previous research has found links between this mindset and an increase in university fees.[8] Those who are new to teaching in higher education may be fearful that this shift will result in them not being able to meet ever-increasing student expectations with respect to teaching quality and availability.

While those new to teaching will find guidance in online fora and the pedagogical literature on small group teaching,[9] a small group teaching best practice guide grounded in the voice of undergraduate law students adds a unique and valuable perspective to these existing resources. To that end, this paper draws on empirical data exploring undergraduate law students' experiences of, and preferences related to, small group teaching. The results and analysis from this empirical study are presented in the form of a best practice guide for early career academics in law. Advice gleaned from the academic literature on effective small group teaching is combined with focus group data to create a guide grounded in the undergraduate law student voice with a focus on recommended approaches for overcoming common challenges.

This paper begins by exploring the pedagogical purpose and benefits of small group teaching sessions and the challenges early career academics may encounter in relation to a growing 'student-as-consumer' mindset. Next, the methodology behind the study and the compilation of the best practice guide is explained. The best practice guide that follows in Section 4 is organised into

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[6] Louise Bunce, Amy Baird and Siân E Jones, 'The Student-as-Consumer Approach in Higher Education and Its Effects on Academic Performance' (2017) 42 Studies in Higher Education 1958, 1958.

[7] Michael Tomlinson, 'Exploring the Impact of Policy Changes on Students' Attitudes and Approaches to Learning in Higher Education' (The Higher Education Academy 2014) 50 <https://www.heacademy.ac.uk/sites/default/files/resources/Exploring_the_impact_of_poli cy_changes_student_experience.pdf>.

[8] Janice K Currie and Janice Newson, *Universities and Globalization: Critical Perspectives* (SAGE Publications 1998); Ball, Joyce and Mills (n 3) 18.

[9] See, for example, Paul Ramsden, *Learning to Teach in Higher Education* (2nd edn, Routledge 2003); Phil Race, *The Lecturer's Toolkit: A Practical Guide to Assessment, Learning and Teaching* (Routledge 2019); Keith Taber, *Classroom-Based Research and Evidence-Based Practice: An Introduction* (SAGE 2013); David Mills and Patrick Alexander, 'Small Group Teaching: A Toolkit for Learning' (The Higher Education Academy 2013) <https://www.advance-he.ac.uk/knowledge-hub/small-group-teaching-toolkit-learning>; Chris Ashford and Jessica Guth, *The Legal Academic's Handbook* (Macmillan International Higher Education 2016).

sections that align chronologically with three different stages of teaching: preparing to teach; in the classroom; and, interacting with students outside of class, including helping students prepare for exams. The guide aims to provide the kind of friendly advice and support that an early career academic might receive from a supportive peer network. In addition, highlighting the pedagogical benefits of tutorials may encourage the adoption of small group teaching more widely across the sector.

The purpose of tutorials and the challenges of a 'student-as-consumer' mindset

Law students are tasked with digesting a vast amount of technical information, from case law and statutes to procedural rules and academic commentary, and then building on this foundation to create arguments and to critically analyse how the law is, or should be, applied. Lectures and assigned readings are good sources of the necessary underlying technical knowledge, while small group teaching sessions, essays and exams are opportunities to apply that knowledge, contextualise it, and to develop and eventually demonstrate a deeper understanding of the material.

In UK law schools, the objective of small group teaching sessions is 'for students to explore and deepen their understanding of the law.'[10] At Leicester Law School, undergraduate teaching follows a lecture-tutorial format. Lectures, attended by all students on a module, are followed by tutorials attended by eight to ten students. Readings and essay and problem-based questions are assigned in advance of each tutorial and the sessions are designed to develop problem solving, debate and critical thinking skills. Tutorials should not be mini lectures that repeat material presented elsewhere but rather are an opportunity for students to actively engage with a subject,[11] consolidate what they have learned, both in lectures and in independent study, and to develop their understanding further.

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[10] Emily Finch and Stefan Fafinski, *Legal Skills* (Seventh Edition, Oxford University Press 2019) 197.

[11] Promoting active learning is one of the hallmarks of effective teaching. John Biggs, 'What the Student Does: Teaching for Enhanced Learning' (1999) 18 Higher Education Research & Development 57, 59–60; Ramsden (n 9) 97.

The format of small group teaching is based on the constructivist pedagogical approach proposed by Russian psychologist Lev Vygotsky[12] who saw learning as an 'interactive, social process, within which the teacher facilitates the transition of the learner into "zones of proximal development"'.[13] In keeping with this approach, students are expected to play an active role in tutorials in order to construct their own knowledge and understanding and to contribute to the learning of others.[14] When students come prepared and contribute actively to the discussion, they can receive 'immediate and detailed formative feedback, both from each other and from their tutor.'[15]

The issues explored in tutorials are often nuanced and complex by design in order to challenge students to develop their views on the law. Some focus group participants understood and appreciated this while others expressed an expectation that they would leave each tutorial with clear and complete 'correct' answers to each tutorial question. The latter view is not surprising given the previously noted trend observed in higher education towards a 'student-as-consumer' mindset.[16] A growing student-as-consumer mindset may create a gap between students' expectations about the 'service' they are receiving and law teachers' aspirations for the learning environment they want to create. Bunce *et al* note that this mindset may pose a risk to academic standards, may lead students to make demands of universities that are not in their academic best interest, and may promote 'passive instrumental attitudes to learning'.[17]

This presents a particular challenge for early career academics who are new to teaching law and may be unsure of how best to manage student expectations in order to bridge this gap. It is important to acknowledge that learning is not always an easy or comfortable process for students, and teaching practices that are effective in terms of fostering a challenging and rewarding learning experience may be unpopular. Conversely, just because a teaching method is preferred by students does not necessarily mean it is ineffective or should be

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[12] See Lev S Vygotsky, *Thought and Language* (MIT Press 1962); LS Vygotsky and Michael Cole, *Mind in Society: Development of Higher Psychological Processes* (Harvard University Press 1978).

[13] Mills and Alexander (n 9) 12.

[14] Roseanne Russell and Rachel Cahill-O'Callaghan, 'Speaking in the Classroom: The Impact of Gender and Affective Responses on Oral Participation' (2015) 49 The Law Teacher 60, 61.

[15] Mills and Alexander (n 9) 7.

[16] Bunce, Baird and Jones (n 6) 1958–1961.

[17] Ibid, 1959.

avoided. Some strategies discussed herein for developing effective teaching practices despite the challenges presented by a growing student-as-consumer mindset include building confidence as a tutor in order to teach with authority, setting expectations for student preparation and participation early in the term, and setting and maintaining appropriate boundaries.

Methodology

Despite the aforementioned worries about a growing student-as-consumer mindset and the potentially harmful implications thereof for teaching practice, research suggests that many students view themselves as active participants in their higher education learning[18] and are good judges of what constitutes effective teaching.[19] Taking this as a methodological starting point, the choice to collect data for this study through focus groups was driven by an epistemological belief that asking students directly about their preferences and experiences is a valid and effective method of collecting data about effective teaching practices. Furthermore, concerns related to not having all the answers and not being able to command respect are often framed in online fora and opinion pieces in terms of not meeting students' expectations. Therefore, an effective way to allay such concerns is to ask students directly instead of making assumptions about their expectations of tutors and tutorials. Importantly, the data collected from the student focus groups aligns with and complements the advice gleaned from the academic literature on effective small group teaching. These two strands are brought together herein to create a useful small group teaching best practice guide.

Focus groups are a particularly effective method of collecting empirical data about the social world by asking about people's views and experiences. This method is useful for exploring 'not only what people think but how they think and why they think that way.'[20] For this reason, semi-structured, interactive focus groups were conducted to collect a 'deeper level of data'.[21] Open-ended

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[18] Michael Tomlinson, 'Student Perceptions of Themselves as "Consumers" of Higher Education' (2017) 38 British Journal of Sociology of Education 450, 461.

[19] Ramsden (n 9) 87; see also Peter A Cohen, 'Student Ratings of Instruction and Student Achievement: A Meta-Analysis of Multisection Validity Studies' (1981) 51 Review of Educational Research 281, 304.

[20] Jenny Kitzinger, 'Introducing Focus Groups' (1995) 311 BMJ: British Medical Journal 299, 299.

[21] Naomi Winstone and Darren Moore, 'Sometimes Fish, Sometimes Fowl? Liminality, Identity Work and Identity Malleability in Graduate Teaching Assistants' (2017) 54 Innovations in Education and Teaching International 494, 499.

questions and task setting (such as ranking a set of statements in order of importance) were used to prompt discussion and elicit anecdotes illustrating the students' experience of small-group teaching. Task setting has also been shown to facilitate comparison across different groups and aid in data analysis.[22] The researchers received ethical approval to conduct this study from the University of Leicester and collected the data in November 2019. This work was funded by a grant from the Association of Law Teachers. All focus group participants received an invitation to participate with a GDPR-compliant privacy notice and a participant information sheet and completed and signed an informed consent form.

A total of 21 students participated in four hour-long focus groups held over a two-week period.[23] Only LLB students who had completed their first year of study were eligible to participate in order to ensure that all participants had sufficient experience of tutorials to inform their views about effective small group teaching. An LLM student who had never taught undergraduate students served as a research assistant and conducted the focus groups in a non-teaching room in the library at the University of Leicester. The aim was to create an environment where participants would feel comfortable sharing their honest opinions and experiences of tutorials. The data collected during the focus groups were anonymised upon transcription.

The focus group sessions began with an open-ended question asking the students to reflect on their experiences of small group teaching. Next, the facilitator invited the participants, in subgroups, to put themselves in the shoes of an early career academic and create a list of three things they would do to make tutorials more effective. This was followed by a ranking task in which participants were asked to rank positive and negative comments about tutors gleaned from the results of Ball, Joyce and Mills' empirical study.[24] The research assistant was empowered to ask follow-up questions if time allowed and if certain topics, such as how tutors can support students in preparing for exams, had yet to be addressed. The research assistant concluded each session by asking the participants what advice they would give to early career academics who are new to teaching or who are interested in teaching law to undergraduates.

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[22] Michael Bloor and others, *Focus Groups in Social Research* (SAGE 2001) 47.
[23] If the pilot study participants are included, 25 LLB students attended focus groups.
[24] Ball, Joyce and Mills (n 3).

The researchers adopted an 'open coding' approach to analyse the focus group data, coding the responses based on the content of participants' statements. The codes were informed by, but not limited to, the findings of previous studies on student perceptions of PhD tutors.[25] The researchers adopted a holistic approach to coding, analysing all the data collected together instead of separating them by focus group, question or task, and employed a process of induction to identify codes that emerged from the data.[26] The codes or themes that emerged from the focus group data fell into six categories: preparation and time management; creative teaching techniques; classroom management; tutor confidence; tutor accessibility outside the classroom; and helping students prepare for assessments.

The sample size of 21 undergraduate law students represents a range of students across the three-year and two-year 'senior status' LLB degree programmes at Leicester Law School. While these research findings are not generalisable to all undergraduate law students in the UK, the results of this qualitative study provide useful insights into these students' experiences of LLB tutorials. Importantly, the focus group data, which was taken as a starting point to structure the best practice guide, aligns with and complements the advice gleaned from the academic literature on effective small group teaching. Quotes from the focus groups are incorporated into the analysis to centre the student voice in the guide and reassure those new to teaching law that, in general, their students are likely to both appreciate and respond positively to their efforts to deliver effective teaching both within and outside of the classroom.

Notably, the training and support offered by universities to new teaching staff varies widely. While some institutions insist that new teaching staff undergo training and continuing professional development or even acquire a teaching qualification, others take a 'hands off' approach. This guide will be especially useful to anyone teaching in a context where institutional training and support is lacking. In addition, higher education institutions adopt different teaching philosophies and pedagogical approaches in terms of class size, format and frequency of teaching sessions. This guide will be particularly useful for early career academics who are new to teaching or are considering teaching in higher education institutions that deliver teaching through a combination of lectures

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[25] For example, Taber (n 9) 163.
[26] A similar approach was used by Taber, ibid.

and small group teaching sessions.[27] Nevertheless, the advice included herein is designed to be broadly applicable across a range of institutional settings and irrespective of the institution's overarching teaching philosophy.

Results and analysis: best practice guide

This section is presented in the form of a best practice guide, which combines advice gleaned from the academic literature on effective small group teaching with focus group data to offer recommended approaches for overcoming common teaching challenges. The best practice guide is organised into sections that align chronologically with three different stages of teaching. The guide begins with advice related to preparing to teach, then discusses issues that arise in the classroom, and concludes with a section on interacting with students outside of class, including helping students prepare for exams.

Preparing to teach

Whether you are giving a lecture or leading a tutorial, preparation is key in order to deliver effective and engaging teaching. As Mills and Alexander counsel, '[T]he preparation you and your students do before your session begins is as important as the dynamic within it.'[28] Even when teaching in a subject area you know well, preparing to teach by reviewing the relevant material and thinking carefully about how to structure a class session are indispensable parts of the process. Gathering and reviewing the relevant material will take longer when teaching a topic for the first time, especially one outside of your primary area of research.

<u>Reviewing course material</u>

Preparing thoroughly for each tutorial, especially when the material is new to you, will not only increase your confidence as a new tutor, it will create a better learning environment for your students. One focus group participant shared, 'When [a tutor is] well prepared, the tutorials just go really well, you get loads out of it [and] you engage more.' On the other hand, two focus group participants bemoaned, 'If [the tutor is] not well prepared, I'm not going to get

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[27] At Leicester Law School, undergraduate teaching follows a lecture-tutorial format. Readings and essay and problem-based questions are assigned for tutorials, which are focused on problem solving, debates and critical thinking.

[28] Mills and Alexander (n9) 4.

anything out of it', and 'if [the tutor] doesn't prepare then obviously it can't be a very good tutorial'.

The objective of small group teaching is to help students deepen and develop their understanding of the law by actively engaging with a topic. King notes that in order to help students 'build on previous learning experiences' and 'engage in deeper-level discussions' the facilitator of small group teaching sessions must be prepared to act as a subject-specialist.[29] Race adds that facilitators of small group teaching should not only prepare for each session but make that preparation visible to students so they 'can see that you are taking [each tutorial] as seriously as you want them to do.'[30] While taking on the role of subject-specialist can be daunting for early career academics, a formula for success is to combine adequate preparation with a willingness to admit to not having all of the answers.[31]

The first step in preparing for a new term is to read the module handbook for any module on which you are teaching. This document will contain important information about the module materials, the topics covered, and the type of assessments students will be asked to complete. Many questions students ask can be answered with reference to this document, so it is important to know where it is and what it contains. In addition, ensure you can access copies of all assigned textbooks online or request desk copies[32] from the publishers.[33] Reading the same material as your students is essential to understanding how to answer the tutorial questions and will enable you to anticipate potential areas of confusion or difficulty for students.

If your school uses a virtual learning environment like Moodle or Blackboard, make sure you have access to the module page and subscribe to the discussion board to keep abreast of the kinds of questions posed by students and the responses provided by other members of the teaching team. Listen to the recorded lectures delivered by other members of the module teaching team that

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[29] Francis King, 'Facilitating Small Group Discussions', *The Legal Academics Handbook* (Macmillan International Higher Education 2016) 128.

[30] Race (n 9) 237.

[31] This is discussed further under 'Preparing to teach: Building confidence to teach with authority'.

[32] Depending on the publisher, desk copies may also be referred to as sample copies, inspection copies, or evaluation copies.

[33] This can usually be done using an online form on the publisher's website or by emailing the publisher's customer service representative for your area.

are made available through the virtual learning environment. As one focus group participant observed:

> [When] my tutors refer back to what was said in the lecture…it's reassuring to know that [the tutor] has been keeping up with the lectures as well so they are not making inconsistent points.

Finally, when preparing to teach, make a list of points for discussion related to each tutorial question. As one focus group participant advised, 'Be really organised, detailed and anticipate the issues we're going to have before we get there.' Some module convenors will provide tutors with detailed crib sheets, others take a more short-hand approach. Either way, a tutor should avoid reading directly from the tutorial sheet. Doing so indicates a lack of preparation and confidence and is less engaging than a more conversational approach. As one focus group participant noted, a less effective tutor is one who is 'more robotic and just reads from a sheet.'

Structuring a tutorial

Good time management in a tutorial requires advance preparation and having a well-thought-out structure. It is good practice to provide context for the session with a brief mention of how the tutorial fits into the module content, and to clearly establish the intended learning outcomes of the session.[34] Several focus group participants highlighted that they appreciate when a tutor 'start[s] off the tutorial [by asking] general questions, like, "how did you find [this topic]?"' or 'how are you finding it, are you understanding everything ok?'. In the same vein, it is advisable to finish a session by asking if the students found the tutorial useful or if there are things about which they are still unclear.

When structuring the main content of the tutorial, consider how much time roughly you can spend on each question to fill the allotted time. Otherwise, as one focus group participant noted, 'you may find suddenly that you've spent 40 minutes on the first question and then it's a rush to get through the other questions.' As the facilitator and leader of the tutorial, keep an eye on the clock and ensure that class discussions remain useful and on topic.

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[34] Philip Race, *In at the Deep End: Starting to Teach in Higher Education* (2nd revised edition, Leeds Met Press 2009) 29.

If the list of tutorial questions is ambitiously long, consider which questions or activities you will prioritise if you begin to run out of time. Focus group participants appreciated when tutors asked them which question(s) they found the most challenging and then 'allocate[d] more time to go through that [question] step by step.' If it's not possible to address every question on the tutorial sheet during the session, explaining what you intend to focus on, and what will be discussed in less detail at the outset will help manage students' expectations. On the other hand, if there are just a few brief questions on the list, consider what else you could ask the students to do or discuss if you begin to run out of material. As one focus group participant advised, 'always leave more time for discussion than you expect [and] always plan a back-up activity in case you finish early.'

Even with sufficient advanced planning, delivering a tutorial to a particular group may not proceed as expected. As such, being flexible and responsive to the group dynamic is key.[35] It can be daunting to have to restructure a tutorial at the last minute if, for example, only two students turn up and you had planned to facilitate an activity in small groups. Luckily, flexibility is a key strength of the small group teaching format.[36] While a class of one or two students will not be able to benefit from the knowledge and experience of their missing peers, they will benefit from more individualised attention from their tutor and the opportunity to assess their progress and further their understanding.

Building confidence to teach with authority

Teaching for the first time can be daunting. Liu described the anxiety he felt when teaching as a PhD student, which stemmed from a fear that he lacked sufficient knowledge and expertise to teach with authority.[37] Similarly, Roach suggests that early career academics who are relatively closer in age to their students 'may have to work harder to establish appropriate teacher-student distance [and] may have to work harder to project themselves as competent in teaching'.[38]

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[35] This is discussed in more detail under 'In the classroom: Class management'.
[36] David Kember and Carmel McNaught, *Enhancing University Teaching: Lessons from Research Into Award-Winning Teachers* (Routledge 2007) 64–66.
[37] Liu (n 1).
[38] K David Roach, 'Effects of Graduate Teaching Assistant Attire on Student Learning, Misbehaviors, and Ratings of Instruction' (1997) 45 Communication Quarterly 125, 132.

While students may pick up on a tutor's lack of confidence, they are likely to be baffled by it. One focus group participant noted, 'Why would you not feel confident…when you are the one in charge?'. Others shared, even if a tutor is not 'an expert in the topic…[to] a student, they're expert enough'; 'you don't necessarily need to be an expert to provide relevant advice'; and an early career academic 'will know more [than an undergraduate] and for what they are teaching, it's sufficient'.

A common fear among early career academics, especially when teaching on core undergraduate modules or outside of their specialist area of research, is that students will ask questions they can't answer. A new teacher may worry that admitting to a gap in their knowledge will undermine their authority. But Mills and Alexander argue thatsmall group teaching is exactly the kind of learning context where "good" teaching involves admitting that you are not all-powerful or all-knowing'.[39] In fact, being honest in that moment may help reinforce the role of the student as an active participant in the learning process and encourage reticent students to ask questions and participate in discussions.[40] Of course, you can always defer the question until you have had time to look into the issue and offer to follow up in the next session or by email, or ask the students to research the question themselves and bring what they find to the next session.

One way to appear more confident is to infuse your teaching with energy and enthusiasm. Focus group participants appreciated when tutors shared their passion for a topic and found that enthusiasm contagious. Comments in this regard included: 'Show your interest and passion in the topic. [When you] find it interesting, students [will] become more interested as well.' Others shared, 'the best tutors I've had were more upbeat [and had] more energy'; '[tutors should] create an enthusiastic environment to encourage learning'; and 'you don't want somebody who is not enthusiastic because then you're not going to feel enthusiastic about it either'. It is not always easy to be upbeat and enthusiastic, especially at 9am on a Monday morning or at 4pm on Friday after a long week, but students take their cues from the energy you bring into the classroom. If your natural energy is lacking, faking it usually works just as well.

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[39] Mills and Alexander (n 9) 24.
[40] Roach (n 38) 132.

Boost your confidence by seeking out training and support and developing a network of teaching mentors and peers that you can turn to for advice. Attend teaching workshops and training sessions offered by your institution and through professional bodies and networks such as the Association of Law Teachers[41] and Advance HE.[42] Ask the module convenor or other members of the teaching team with more experience for additional teaching resources and tips. They may have notes, sample answers and teaching strategies they are willing to share. Finally, when teaching a new topic for the first time, ask if you can observe another tutor's classes first to see how they deliver the material.

Remember that you will be the most senior and experienced academic in the room, and you have the skills and knowledge to teach, support and inspire students. It is impossible to satisfy every student in every class so take gratification from connecting with engaged students and creating an environment in which tutorial groups can develop their knowledge and understanding. Preparing to teach, identifying and reflecting on your teaching style, and building support networks of teaching mentors and peers can help.

In the classroom

Once you've sufficiently reviewed the teaching materials and have made a teaching plan, it is time to get into the classroom and meet your students. This section of the best practice guide focuses on setting the tone for the upcoming term, managing through common challenges and disruptions in a classroom setting, and increasing opportunities for active learning.

Setting the tone

The purpose of tutorials, and expectations for students' behaviour in them, is not self-evident. Students' socio-economic status and prior educational experiences can affect their understanding of tutorials as a pedagogical tool.[43] As Ashwin's study demonstrates, students entering university are often unfamiliar with how the tutorial system is meant to function pedagogically and

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[41] The Association of Law Teachers is a community of academics, professionals and practitioners engaged in legal education across countries. See http://lawteacher.ac.uk.
[42] Advance HE is a British professional membership scheme promoting excellence in higher education that works with higher education institutions across the world to improve higher education for staff, students and society. See https://www.advance-he.ac.uk.
[43] Mills and Alexander (n 9) 23.

are not sure what it is meant to achieve.[44] The present study's focus group data confirmed these findings. Some participants revealed an expectation that they would leave each tutorial with the 'correct' answers saying: 'I just want the answers' and 'I want a clear summary of the law, a perfect answer'. One student said, 'It's [fine] to engage in discussions but at the end of the day I want to know that my notes are right.'

Far from being a forum to provide students with the 'correct' answers, law school tutorials are an opportunity for students to actively engage with a subject, consolidate what they have learned and develop their understanding further.[45] Some focus group participants appreciated this. One said succinctly: 'lectures are the bones; tutorials are the flesh.' Another noted, tutorials are 'the best part of the academic experience because…when you prepare for tutorials all of that information [you received in lectures] is consolidated.' Another shared, 'The main purpose of tutorials is [engaging in discussions] around the subject and [to] consolidate everything.' If every student shared this understanding, and came to tutorials prepared to contribute, the expectations of students and law teachers would align, and the objectives of small group teaching sessions would more easily be achieved. But, as Mills and Alexander note, 'students [must] learn about small group teaching before they can effectively participate in it.'[46]

The format of small group teaching is based on a constructivist pedagogical approach.[47] Explain to students that in keeping with this approach, they will be expected to play an active role in tutorials in order to construct their own knowledge and understanding and to contribute to the learning of others.[48] In order for these pedagogical goals to be achieved, students must come to the session prepared to discuss and debate the readings and assigned tutorial questions. Ideally, a tutorial should be a setting where students deepen what they have learned in their preparatory reading, thinking and writing through group discussion and feedback.[49] Therefore, it can be disappointing when

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[44] Paul Ashwin, 'Variation in Students' Experiences of the "Oxford Tutorial"' (2005) 50 Higher Education 631.
[45] Biggs (n 11) 59-60; Ramsden (n 9) 97.
[46] Mills and Alexander (n 9) 21.
[47] Ibid 12.
[48] Russell and Cahill-O'Callaghan (n 14) 61.
[49] For times when this idyllic outcome is not achieved, 'In the classroom: Class management' addresses how to manage through common challenges in a classroom setting.

students arrive at a tutorial unprepared. Remember that preparing for and actively participating in a tutorial is hard work and may not always be a comfortable process for students. A tutor's role is to support students through this process, encourage and reinforce good study habits, and employ effective teaching methods to help students achieve a higher level of understanding.

Another important point to make clear to students is that your primary role as their tutor is to facilitate discussions, coordinate learning among students, and inspire their interest in the subject matter. You can reassure them that as a facilitator you will underline important points made by other students to ensure they have been heard by all.[50] You will provide clarity when an area of the law is confusing to help students learn how to think about legal questions.

Finally, it is your role to gently correct students who have misunderstood or misapplied the law. Focus group participants stressed the importance of this, saying: 'Just tell us so that we know that we're wrong'; 'Trying to be nice doesn't help anyone because it'll either confuse people or waste time'; and 'Just correct people when they are on the wrong track.' Interestingly, one participant observed, 'I've noticed that my less experienced tutors are less willing to say when we are wrong.'

In addition to setting expectations for preparation and participation, consider how you can create a classroom environment that will facilitate active learning. For early career academics who do not have their own office space to teach in, arrive at the classroom a few minutes early to adapt its layout to the needs of your tutorial. The arrangement of the chairs, and where you choose to sit or stand in the room will influence how students interact.[51] In this regard, a focus group participant noted, 'Small things like [the tutor] not sitting behind the desk but sitting with the students… give rise to a more discursive environment.'

Set a friendly tone and encourage participation by introducing yourself and getting to know your students in the very first session. Briefly tell the students about your background, let the students know how to address you, and write your email address and office hours, if applicable, on the white board. Even if your contact information is available in the module handbook or online it is

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[50] Kate Exley and Reg Dennick, *Small Group Teaching: Tutorials, Seminars and Beyond* (Routledge 2004) 8.
[51] Ibid 17; Debra D Burke, 'Scale-Up! Classroom Design and Use Can Facilitate Learning' (2015) 49 The Law Teacher 189, 197.

worth repeating. One focus group participant admitted, '[Senior members of staff] are easier to access, they post their office hours, you can send them an email. I didn't even know you could email a PhD tutor.'

Facilitate an ice breaker in your first class by inviting students to briefly introduce themselves and share a fun fact, like their favourite law-themed TV series or what they wanted to be when they were a child. This will help you get to know your students and help them feel more comfortable with each other. As Race counsels, 'One key to working and learning with other people is…the ability to lower barriers and become friends with would-be strangers, while acknowledging differences and respecting different viewpoints.'[52] Ice breakers can help reduce students' anxiety about speaking in front of their peers and create a pattern whereby the learner shares and the instructor listens. Filene and Bain agree that actively engaging students from the beginning sets the tone for subsequent sessions: 'Whatever you do at the outset will largely determine student behaviour throughout the semester. [So, on] the first day, make sure that students talk at least briefly.'[53]

Finally, some tutors find it helpful to create a set of ground rules for tutorials. Circulate some basic rules in advance of the first tutorial via email or bring them to the first session and ask for students' input. Inviting students to contribute their ideas and to set expectations for how the tutorials will proceed can help them feel more invested in the process and in their own learning outcomes. It can also help to set students' expectations about what you hope to accomplish in tutorials and what you expect from them in terms of their preparation and participation.

Class management

Effective small group teaching can inspire enthusiasm and passion for learning and offer students an opportunity to develop their own academic identity. But achieving a high level of engagement from every student in the class is rare. Two common challenges encountered in a small group teaching context are a reluctance to participate and dominant students who commandeer class discussions. Mills and Alexander caution that in both of these circumstances, social and power dynamics play a role 'and it is important to [ascertain] why

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[52] Race (n 9) 217.
[53] Peter Filene and Ken Bain, *The Joy of Teaching: A Practical Guide for New College Instructors* (University of North Carolina Press 2005) 64.

particular students are more or less dominant before acting to curtail or encourage participation.'[54] It is a skill to be able to 'read' the group to determine whether individual students are understanding the material or falling behind and to steer a discussion to keep the group focused and avoid unproductive tangents.[55] Developing these skills, overcoming common challenges and finding innovative ways to increase student engagement not only improve learning outcomes but also make teaching more enjoyable and rewarding.

As one early career academic shared, 'The worst thing that can happen is if you ask an open-ended question…and get silence.'[56] When this happens, resist the urge to immediately fill the silence. It is easy to 'fall into the trap of talking in those silences or giving out answers.'[57] Leading a class without dominating the discussion is an important skill to master when teaching in a small group setting and, as Mills and Alexander note, 'talking "at" students is a sure-fire way of draining the life out of a group'.[58] Students may not speak up in a tutorial for any number of reasons from under-preparation to anxiety about speaking in front of their peers. As one focus group participant shared, 'not everyone may be very comfortable speaking [but] sometimes being quiet doesn't mean you don't understand.' That may be true, but for many students engaging actively in a tutorial provides an opportunity to consolidate and further develop their understanding of the material.

If sitting in a silent classroom does not come naturally to you, you're not alone. Studies have estimated that tutors in small group teaching contexts talk between 60 and 80 per cent of the time, although the average time spent talking is reduced when problem-based methods of learning are employed.[59] Even if it feels interminable, a few seconds of silence may be the space a student needs to find the courage to speak up.

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[54] Mills and Alexander (n 9) 19–20.
[55] Ibid 5.
[56] Jones (n 2).
[57] Kate Bradley, *Teaching as a PhD Student* (History at the Higher Education Academy 2009) <https://www.advance-he.ac.uk/knowledge-hub/historical-insights-teaching-phd-student>.
[58] Mills and Alexander (n 9) 5–6.
[59] Madeleine Atkins and George Brown, *Effective Teaching in Higher Education* (Routledge 2002) 53.

If patience doesn't yield results, try asking a more basic question, restating the question in a different manner, or breaking it down to tackle it in pieces.[60] A useful approach that encourages active participation is to give students the opportunity to discuss their answers in smaller 'buzz-groups' before sharing their ideas with the class.[61] If a reluctance to participate is rooted in shyness, creating a supportive environment, taking students' contributions to the discussion seriously, and praising them when they do speak up can build their confidence so that contributing feels less risky.[62]

Among the focus group participants, whether tutors should call on specific students to contribute was a polarising topic. Some focus group participants felt the technique encouraged them to participate and motivated them to prepare more fully for future class meetings. One noted, 'I [had a tutor whose] style is kind of intimidating…I never missed any of her tutorials [and] I always did the reading.' Others commented: '[I]t is important to put people on the spot'; 'Go around the room and make sure everyone at least says something'; and '[Don't] give people the perception that they don't have to prepare as much because they won't get questioned'.

For others, being called out for being unprepared can be demoralising and may discourage future attendance and participation. As one focus group participant recounted: '[a tutor] made [a student] apologise to the rest of us [for being unprepared]. I don't know if we will be seeing him in that tutorial again.' Another noted, 'if you feel discouraged to come to the tutorial [that's] not creating a culture conducive to learning.' Others agreed that cold calling in tutorials, when taken too far, can cause them great anxiety. According to one focus group participant: 'A senior tutor asked me [the first question on the sheet] directly and I froze and… it was a lot of pressure.' Another shared, 'I feel apprehensive [and] I don't want to be that person that's called out.' Still, calling on someone who hasn't spoken before to ask if they would like to contribute can be done gently and respectfully. As one focus group participant noted, 'It's ok to put people on the spot, but then when you take it a step further and make someone feel discouraged or embarrassed, that's not how it should be.'

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[60] Race (n 34) 39.
[61] Race (n 9) 226.
[62] Mills and Alexander (n 9) 6; Russell and Cahill-O'Callaghan (n 14) 70.

A very different challenge arises when one or two students respond to every question and dominate the discussion. It is best to deal with this issue head on by thanking the student for their contribution but noting that you'd like to hear from someone who hasn't spoken yet for the next question. If the behaviour persists and becomes problematic it is worth raising the issue gently with the dominant student outside of class. But remember that you will always encounter different personality types in the classroom and both shy and domineering students should be given the opportunity to develop their knowledge and communication skills in small-group contexts.[63] As Bradley notes, the goal is not to 'discourage the more confident [student] from speaking, but [to] highlight to the less confident [student] that you are also interested in what they have to contribute.'[64]

<u>Increasing opportunities for active learning</u>

Given the pedagogical goals of small group teaching, it is important to design engaging sessions that maximise students' active participation.[65] Some techniques for achieving this include utilising a white board and other teaching aids, incorporating group work and other activities into your teaching plan, and bringing your enthusiasm for the topic into the classroom. The aim in each session is to promote discussion and dialogue through active participation and engagement.

Think about ways to usefully incorporate teaching aids into your small group teaching. Writing the outline of a problem question or diagramming a key concept on a whiteboard is a great way to frame a discussion and may be especially useful for visual learners.[66] You can write on the whiteboard before students arrive or as they provide input, or you can give whiteboard markers to students and ask them to share their work or take notes on the whiteboard as their peers contribute to the discussion. As one focus group participant noted, when a tutor writes on the board before students arrive, 'It makes [the tutorial] flow better and it gives students something to keep referring back to.' Others shared: 'hav[ing] the whiteboard prepared beforehand with a chart or diagram with how to use the law [is] really useful' and 'writing on the board helps because then [the tutor] is not just reading off the [tutorial] sheet.' Focus group

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[63] Race (n 34) 40.
[64] Bradley (n 57).
[65] Biggs (n 11) 59–60; Ramsden (n 9) 97.
[66] Race (n 34) 39.

participants generally agreed that when tutors made use of the whiteboard and other teaching aids this made the material more engaging and easier to understand.

Another way to increase student engagement and keep a tutorial moving is to include group work and other activities in a session. Or, as one focus group participant advised, 'Plan group discussions and activities to mix things up.' If the tutorial contains a problem-based question, break it down by claim and ask students to compare their prepared answers in pairs before sharing them with the class. Doing so can increase shy students' confidence and encourage the development of inter-personal skills. While students work in groups, you can walk around the room and check whether they are understanding the material. Focus group participants highlighted that they found group work especially useful in tutorials. One shared, '[The tutor] would split us into groups to answer [questions] on the board and I found that really helpful instead of just having it on the laptop and kind of passively typing out the answer.' Another advised, 'Have group activities, because if people are shy…they are more likely to talk to their peers [and give the] answer in a smaller group rather than to the whole group.'

Outside the classroom

You've prepared and taught your small group teaching sessions – well done! But students may request additional assistance outside of the classroom. This section of the best practice guide focuses on how available to be to your students outside of class, how to handle student queries, and how to help students prepare for their summative assessments.

<u>Availability and student queries</u>

Ramsden, Muzaka and others have highlighted that being accessible within reason outside of the classroom is a component of effective teaching and is much appreciated by students.[67] Focus group participants commented that they find it helpful when tutors follow up after class via email, for example if a question was asked that the tutor could not immediately answer. Consider creating an email distribution list to send students relevant information, tutorial feedback and perhaps even an occasional news story that relates directly to a

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[67] Ramsden (n 9); Valbona Muzaka, 'The Niche of Graduate Teaching Assistants (GTAs): Perceptions and Reflections' (2009) 14 Teaching in Higher Education 1, 5.

topic that has come up in class. Focus group participants commented positively about tutors who did this. Check with the module convenor before sharing any additional materials with students to ensure that they are appropriate for the module and the students' year of study and, if they are, that they can be made available to all students on the module.

Students may contact you by email with questions, to ask you to review a piece of writing, or to clarify something from a tutorial. One focus group participant shared that they usually receive 'a really quick response' to their queries by email when they contact a PhD tutor. The fact that students are pleased to receive a quick response does not mean that you should feel obliged to answer student emails outside of standard business hours. Neither should you feel obliged to allow a single student to monopolize your office hours, if you have them. One focus group participant inadvertently raised this issue when they commented: 'I can literally send emails at any time of the day because I feel that comfortable in asking for help and I only find that with [early career academics].' Manage students' expectations about your availability outside of the classroom by communicating with them clearly and consistently.

Setting appropriate boundaries is important when balancing 'the social familiarity necessary to build trust and mutual respect in small group teaching' with the authority and professionalism required in the role.[68] Check whether your university has a policy on how quickly students can expect teaching staff to reply to emails, such as within three business days. If your working hours are not the usual 9-5, considering including this in your email signature or out of office message so students are aware. If a student is monopolizing your time over email or in office hours, contact the team at your school that handles student support for advice. If you are using a virtual learning environment with an online discussion board, it is good practice to advise students to raise their queries there. This means the teaching team only has to answer a query once and all students will benefit from seeing it. Students appreciate support from tutors outside of the classroom but setting and maintaining appropriate boundaries will help you manage your workload and students' expectations.

Preparing students for success in summative assessments

On many LLB modules, students are expected to complete both formative and summative assessments. Formative assessments may be assigned at any point

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[68] Mills and Alexander (n 9) 24.

in the module to help students identify weaknesses in their understanding,[69] practice implementing their knowledge, and check on the progress of their learning.[70] While formative assessments are marked, the mark is not included in the students' final module grade. Summative assessments are generally completed and assessed at the end of a module and may take the form of an exam or a piece of coursework like an essay. Summative assessments are considered to be formal measures of progress and to represent students' academic achievement.[71]

Focus group participants praised tutors who helped them prepare for assessments by pointing out how to structure responses to problem questions or how to use academic articles to make an argument stronger in response to an essay-style question. One participant said, 'a few of the tutors that I've had helped us structure what to do for essays and what to do for problem questions and that is quite useful.' Another said, 'My tutor was really helpful in saying, "this is a really good article and it's...something you can work into an essay to help you get those better marks."'

As course marks can impact everything from a student's job prospects to their sense of self-worth, it is common for students to become preoccupied with preparing for summative assessments and this can influence their approach to learning. Some focus group participants felt that exam preparation should be a key goal of tutorials. One said, 'I want to know, how can I use this [material] to answer problem questions and essay questions? Tutorials should be helping us understand how to do that.' Another shared, 'I like when the [tutorial] is structured [to provide information] that we would use in an actual exam. Like it's great that we discuss [topics], but if I can't use that knowledge to answer an essay question, then what's the point of the tutorial?'

Designing tutorials that are nothing more than exam review sessions would not be in students' academic best interest. Therefore, tutors should endeavour to manage student expectations in this regard while providing guidance when possible on how to approach and prepare for summative assessments. Having the students mark a set of sample answers to an exam question can be a helpful

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[69] Race (n 34) 42.
[70] Mills and Alexander (n 9) 8.
[71] Ibid.

exercise. Putting themselves in the shoes of an exam marker will help students become more familiar and comfortable with the assessment criteria.

Conclusion

The empirical research underpinning this guide provides a snapshot of how a recent cohort of LLB students experienced small group teaching at one UK law school. By surfacing the student voice, it is hoped that this guide will equip early career academics in law with a better sense of what students expect from tutorials and, importantly, how to help students adjust those expectations as appropriate to align with the pedagogical aims of small group teaching in order to achieve intended learning outcomes. Equally, the advice herein should help early career academics gain the confidence to manage a classroom and set appropriate boundaries for their own well-being.

The focus throughout the best practice guide has been on recommended approaches for overcoming common challenges encountered during three different stages of teaching. Notably, while online teaching was not something the researchers considered during the data collection stage of this research, much of the advice in this guide can be adapted and applied to an online teaching setting.[72] Teaching online poses unique challenges related to designing engaging sessions, using teaching aids and facilitating in-class group work that are outside of the scope of this paper.

Whether they are teaching online or face-to-face, tutors should obtain and review relevant course materials and create a detailed but flexible plan for each session. In addition, they should build their confidence to teach with authority by implementing the advice in this guide, seeking out training and support resources, and developing a network of teaching mentors and peers. At the start of a new term, tutors should set clear expectations for their students and seek to create a conducive learning environment by encouraging preparation, equitably maximising participation and providing opportunities for active learning. Outside of class sessions, tutors should set realistic expectations regarding their availability but also seek to support students' reasonable requests. In terms of helping students prepare for summative assessments,

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[72] The focus groups for this research were conducted prior to the onset of the 2020 coronavirus pandemic that prompted many UK law schools to move teaching online.

tutors should think about how to incorporate exam practice into teaching sessions and help students become familiar with the marking criteria.

While the advice in the best practice guide has been aimed primarily at early career academics, it is likely to be relevant for academics at any stage in their teaching career. No matter how long one has been teaching, it can be useful to be reminded about the fundamental pedagogical aims of small group teaching and to consider how to achieve them. As Mills and Alexander counsel, 'a commitment to critically evaluating our own teaching practices...is the best way to keep improving and developing.'[73] In addition, this guide and the empirical research that underpins it will be useful for those in university and law school management positions as they make decisions about the type of training and support to offer to new teaching staff. Finally, highlighting the pedagogical benefits of tutorials may encourage the adoption of small group teaching more widely across the sector.

It is worth acknowledging the tension that exists between the chosen methodology for this study and the rise of a student-as-consumer mindset in higher education. On one hand, the researchers believe there is much to be learned by asking students directly for their views and research suggests that students in higher education are good judges of what constitutes effective teaching.[74] On the other hand, a growing student-as-consumer mindset may lead students to make demands of universities and teachers that are not in their academic best interest. This presents a particular challenge for early career academics. Hopefully, by combining students' reflections on their experiences in tutorials with advice gleaned from the academic literature on effective small group teaching, this guide provides useful, practical and accessible advice for early career academics.

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[73] Mills and Alexander (n 4) 5.
[74] Ramsden (n 9) 87; Cohen (n 19) 304.