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The value of a law degree - part 2: a perspective from UK providers

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The value of a law degree - part 2: a perspective from UK providers

For decades, law has been perceived as one of the most worthwhile degree programmes for students to undertake. In more recent years, contemporary rhetoric has begun to question the “value” of higher education in the modern world, and forthcoming regulatory changes in England and Wales will significantly dilute the concept of a “qualifying law degree”, which in all likelihood has historically played a role in attracting large numbers of students to such programmes. In Part 1, theory from the marketing discipline was used to quantify holistically the true “value” of a law degree, with the aim of challenging the overly economic lens through which higher education is increasingly viewed, and constructing a theoretical model designed to help education providers identify, develop and articulate the value of their courses. This follow-up, empirical study builds on that earlier work by exploring the nature and extent of the “value” that is presently articulated by over 50 UK legal education providers on their online prospectus pages. The findings of this study are then used to propose a theory of “value” within the legal education sector, which can be used to identify opportunities for innovation and value creation.

Keywords: "value"; "slices"; "employability"; "prospectus"; "marketing"

Introduction

In the UK, as the financial cost of going to university has risen, so too has scrutiny of the “value” of higher education by politicians and by the media.¹ In common with similar shifts internationally, the focus of this scrutiny has typically been economic in nature and has centred on the quality of teaching provision and the extent to which university courses enhance graduates’ employment prospects and earning potential.² Both of these latter outcomes now feature as specific metrics which are used to measure teaching quality in the Teaching Excellence and Student Outcomes Framework (“TEF”), and many graduates report

¹ See Philip Augar, *Independent panel report to the Review of Post-18 Education and Funding* (Department for Education, May 2019)

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805127/Review_of_post_18_education_and_funding.pdf> accessed 13 April 2020; and ‘The cost of studying at a university in the UK’, *Times Higher Education* (London, 1 December 2017)

<<https://www.timeshighereducation.com/student/advice/cost-studying-university-uk>> accessed 12 March 2019

² M Tomlinson, ‘Conceptions of the value of higher education in a measured market’ (2018) 75(4) *Higher Education* 711

‘anger’ where they have not been able to secure desired employment following graduation.³

Whilst it may be too early to say that employability enhancement is now the higher education (“HE”) sector’s primary *raison d’être*, it does seem likely that it has at the very least become an ‘expected deliverable’ for HE courses.⁴

If it is right that HE is now increasingly perceived by society as predominantly a vehicle for preparing students to enter the employment market, then the challenge within legal education specifically may be about to become even more acute. The forthcoming Solicitors Qualifying Examination (or “SQE”) is set to fundamentally change the qualification requirements for solicitors in England and Wales and substantially dilute the concept of a “qualifying law degree”. Under these proposals, whilst the Bar Standards Board will continue to require that aspiring barristers have studied the foundations of legal knowledge and legal research skills,⁵ aspiring solicitors will no longer be required to have studied law at university level (or equivalent) in order to be admitted to the profession.⁶

Since these changes have the potential at least in principle to reduce the relative employability value of a law degree as compared with other courses, it seems likely that this will increase competition within the legal education market because, to use the language of Porter’s five forces: barriers to entry will reduce, paving the way for new entrants to the market; substitutes will emerge, reducing the size of the market; and the bargaining power of

³ Julian Webb, Jane Ching, Paul Maharg and Avrom Sherr, *Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales* (Legal Education and Training Review, June 2013) 281 <<http://www.lettr.org.uk/wp-content/uploads/LETR-Report.pdf>> accessed 10 April 2020

⁴ Theodore Levitt, ‘Marketing success through differentiation--of anything’ (1980) 58(1) *Harvard Business Review* 83

⁵ ‘A7 Common Protocol on the academic component of training’, (*Bar Standards Board*) <<https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual/part-2-for-students-pupils--transferring-lawyers/a7-common-protocol-on-the-academic-component.html>> accessed 9 June 2020

⁶ ‘Background to the SQE’, (*Solicitors Regulation Authority*) <<https://www.sra.org.uk/sra/policy/sqe/background-sqe/>> accessed 31 March 2020

buyers will rise, as students find themselves with even more options than they have enjoyed in recent years.⁷

Of course, along with their counterparts from other disciplines, legal education providers will intuitively feel that the true “value” of their existing programmes goes far beyond employability. Nevertheless, there can be no doubt that the market is changing, and strategic responses are required.

Fundamentally, the concept of “value” is subjective.⁸ In one sense therefore, it may seem ideological to suggest that the true “value” of a product/service could ever really be accurately quantified. However, it is possible to identify a wide range of value components that may be perceived by particular persons, in relation to particular products or services, at particular moments in time. Indeed, literature from the marketing discipline has identified many such components, including for example: “co-creation value”,⁹ “economic value”,¹⁰ “experiential value”,¹¹ “epistemic value”,¹² “functional/instrumental value”,¹³ or “symbolic value”,¹⁴ and there are many more. Similarly, it is then possible to study – both theoretically and empirically – which such components are more or less likely to be perceived by certain individuals or stakeholder groups, and thus to formulate theories of value within particular markets. Such theories are valuable tools for those seeking to innovate and create new value

⁷ Michael E Porter, ‘The Five Competitive Forces That Shape Strategy’ (2008) 86(1) Harvard Business Review 78

⁸ Simon Kelly, Paul Johnston and Stacey Danheiser, *Value-ology* (Palgrave Macmillan 2017)

⁹ Stephen Vargo and Robert Lusch, ‘Evolving to a New Dominant Logic for Marketing’ (2004) 68(1) Journal of Marketing 1

¹⁰ Michael E Porter, *Competitive Advantage: Creating and Sustaining Superior Performance* (Free Press 1985)

¹¹ Morris B Holbrook, ‘Customer value and autoethnography: subjective personal introspection and the meanings of a photograph collection’ (2005) 58 Journal of Business Research 45

¹² Jagdish N Sheth, Bruce I Newman and Barbara L Gross, ‘Why We Buy What We Buy: A Theory of Consumption Values’ (1991) 22 Journal of Business Research 159

¹³ J Brock Smith and Mark Colgate, ‘Customer Value Creation: A Practical Framework’ (2007) 15 Journal of Marketing Theory and Practice 7

¹⁴ Kevin Lane Keller, ‘Building strong brands in a modern marketing communications environment’ (2009) 15 Journal of Marketing Communications 139

within those markets; as stakeholder value perceptions are better understood, strategies to identify, develop and articulate value are likely to become more effective.

Part 1 of this research, published in an earlier issue of this journal, utilized the established marketing theory in an attempt to quantify holistically the “value” of a degree in general, and of a law degree in particular, whilst also proposing a new theoretical model – The “Value Slices Model” – which was designed to help education providers identify, develop and better articulate the value of their programmes.¹⁵ The model identifies six core value categories (or “slices”) which cumulatively make up the holistic “value” of an educational programme or activity: “symbolic”; “lifetime”; “instrumental”; “community”; “experiential”; and “sacrifice”.¹⁶ In particular, by breaking down the value of a programme or activity in this way, providers are more easily able to: (1) identify opportunities for new and distinctive value creation; (2) evaluate the relative size of each value slice and then benchmark this against strategic aspirations or student expectations; and (3) articulate current and/or aspirational value to key stakeholder groups.

Though this earlier paper served a useful purpose in challenging the existing rhetoric and providing a practical tool to assist providers with their strategic and pedagogical responses, it did not provide any data on the legal education market. In order to better understand the scale of the challenge within UK legal education - and the potential for value creation and/or market reform - empirical data was therefore needed. As such, this second paper reports the findings of an initial follow-up study which aimed to better understand the “value” of a law degree as currently articulated by UK legal education providers. Whilst a picture of “value” can never be complete, this study offers another piece of that puzzle.

¹⁵ Alex Nicholson, ‘The value of a law degree’ (published online: 8 July 2019) *The Law Teacher*, DOI: 10.1080/03069400.2019.1633117

¹⁶ Nicholson (n 15) 11

Much research has been conducted in recent years which explores student perceptions of the value of particular aspects of HE course design, including within legal education.¹⁷ Attempts to conceptualize value within HE have also been made.¹⁸ However, this study set out to identify areas of commonality and apparent uniqueness across UK LLB Law courses as articulated on their online prospectus pages, in order to facilitate the development of a theory of “value” within the legal education sector, from a providers’ perspective, that would then assist providers in the development of their courses. Accordingly, the objectives of this study were to: (1) identify the key aspects of “value” currently being articulated; (2) identify the aspects of value that are most and least commonly emphasized; (3) identify points of meaningful difference that are currently being articulated; and (4) formulate recommendations for value creation and/or market reform.

As recently as 2013, an article in this journal celebrated the diversity of messaging in UK law school web pages and lamented that “...it would be unfortunate if pressures to uniformity diminished the variety of ways that law schools project[ed] themselves”.¹⁹ Regrettably, the findings of this study indicate that UK law degrees do now appear to be converging around a small number of themes (most notably employability), at least in terms of how they are described by providers on their online prospectus pages. This serves as a stark warning to providers, who find themselves operating within a “red ocean” market, namely, one in which

¹⁷ See for example: Donella Caspersz and Doina Olaru, ‘The value of service-learning: the student perspective’ (2017) 42 *Studies in Higher Education* 685; C. Larsen, C. Walsh, N. Almond and C. Myers, ‘The “real value” of field trips in the early weeks of higher education: the student perspective’ (2017) 43 *Educational Studies* 110; Louise Pigden and Franc Jegede, ‘Thematic analysis of the learning experience of joint honours students: their perception of teaching quality, value for money and employability’ (published online: 4 September 2019) *Studies in Higher Education*, DOI: 10.1080/03075079.2019.1661985; Ben Waters, “‘A part to play’: the value of role-play simulation in undergraduate legal education’ (2016) 50 *The Law Teacher* 172

¹⁸ See for example Tony Woodall, Alex Hiller and Sheilagh Resnick, ‘Making sense of higher education: students as consumers and the value of the university experience’ (2014) 39 *Studies in Higher Education* 48; Nicholson (n 15)

¹⁹ Graeme Broadbent and Pamela Sellman, ‘Great expectations? Law schools, websites and “the student experience”’ (2013) 47 *The Law Teacher* 44

a vast and increasing number of suppliers claim to offer products or services of near identical (and not merely equivalent) value.²⁰ Unless providers can find ways to move out into less crowded waters and create genuinely unique value that will deliver sustainable competitive advantage (so-called “blue ocean” strategies), they each face increasingly intense competition that threatens market diversity, growth and sustainability.

The findings of this study will be of particular interest to legal academics and managers who have responsibility for designing and developing LLB Law courses in the UK. Additionally, the methodological approach, theoretical conclusions, and market recommendations, may be of benefit more broadly to HE providers internationally and beyond the discipline, who no doubt face similar challenges in responding to what is increasingly an international and cross-disciplinary employability rhetoric.

Methodology

This research was conceived in response to the pressing need to challenge current societal rhetoric and to assist legal education providers with the identification, development and articulation of “blue ocean” value creation strategies. It is acknowledged that this motivation is of itself premised upon certain value-laden assumptions but, far from prejudicing the results of this study through bias, such motivations have in recent years been legitimized within social science as an appropriate way to formulate socially useful research activity, provided that the research design has sufficient methodological rigour.²¹ The aim of the study was to use inductive reasoning to develop a substantive theory of “value” in the UK legal education market which might help explain: (1) what the sector is currently projecting as the value of its programmes and the degree of homogeneity that exists between courses; (2) how

²⁰ Kim W Chan and Renée Mauborgne, ‘Blue Ocean Strategy’ (2004) 82(10) Harvard Business Review 76

²¹ John Heron, *Co-Operative Inquiry: Research into the Human Condition* (Sage 1996)

such projections might be related to current student perceptions of value and the societal rhetoric around the value of HE more broadly; and (3) where opportunities for innovation and value creation might exist. The study is therefore primarily underpinned by a pragmatist research philosophy and constitutes “pragmatic science”, which can produce results that are both rigorous and useful.²²

The theoretical contribution made by this paper is incremental in that it builds on a wealth of existing knowledge about the value of HE programmes, but more importantly it is “practically useful” in offering insight that will aid practitioners in the development of their organisational strategy and programme design.²³

The concept of “value” arguably only truly exists in the eyes of the beholder.²⁴ Thus, whilst “value” is real in an ontological sense, it is a subjective concept that means something different to each and every person and therefore can only be accurately studied subjectively.²⁵ This perspective denotes an interpretivist epistemology, which suggests that qualitative data is most likely to produce credible and useful insight in this context. As such a single case, holistic case study research strategy was adopted - which focuses only on LLB Law degrees offered by UK HE institutions - in order to facilitate the analysis of a large volume of qualitative data that might provide useful insight into the issues under investigation.²⁶ The case study research strategy is now generally accepted within the management discipline

²² Mihaela L Kelemen and Nick Rumens, *An Introduction to Critical Management Research* (Sage 2008); Gerard P Hodgkinson, Peter Herriot and Neil Anderson, ‘Re-aligning the stakeholders in management research: Lessons from industrial, work and organizational psychology’ (2001) 12 *British Journal of Management* 41

²³ Kevin G Corley and Dennis A Gioia, ‘Building Theory about Theory Building: What Constitutes a Theoretical Contribution?’ (2011) 36 *Academy of Management Review* 12

²⁴ Valarie Zeithaml, ‘Consumer Perceptions of Price, Quality, and Value: A Means-End Model and Synthesis of Evidence’ (1988) 52(3) *Journal of Marketing* 2

²⁵ Gibson Burrell and Gareth Morgan, *Sociological Paradigms and Organisational Analysis* (first published 1979, Routledge 2016)

²⁶ Robert K Yin, *Case Study Research and Applications: Design and Methods* (6th ed, Sage 2018)

(where studies of “value” typically reside) as capable of facilitating theory development through systematic analysis of rich, qualitative data.²⁷

Within this broader research strategy, documentary research was chosen as the primary method, in which the online prospectus pages of LLB Law courses at UK HE institutions would be reviewed and analysed. Of course, such pages can only ever provide insight into the value that providers *claim* to offer, rather than that which *is* offered as a matter of fact. However, the time, cost, and access issues associated with a study of the latter phenomena would likely limit its utility in what is becoming a fast-moving market. The online prospectus pages offer a readily accessible source of data comprising the “official” repository of each provider’s value propositions to prospective students, facilitating the timely development of theory that can immediately inform market reform.

A random sample of 52 UK HE legal education providers was selected, using a random number generator to select from the 101 providers listed in the Guardian 2020 subject league table for law.²⁸ This sample was then purposively reviewed to ensure heterogeneity.

Following this review, no substitutions/additions were deemed necessary. Whilst statistical representativeness is not claimed due to the inherently subjective nature of “value”, the sample comprises a diverse population with a range of league table rankings, institutional profiles, and geographical locations. The findings of this study are therefore likely to be useful in understanding the concept of “value” within sector as a whole, beyond the sample population.

²⁷ Anna Dubois and Lars-Erik Gadde, ‘Systematic combining: an abductive approach to case research’ (2002) 55 *Journal of Business Research* 553; Pratima (Tima) Bansal and Kevin Corley, ‘From the Editors: The Coming of Age for Qualitative Research: Embracing the Diversity of Qualitative Methods’ (2011) 54 *The Academy of Management Journal* 233

²⁸ ‘University guide 2020: league table for law’ *The Guardian* <<https://www.theguardian.com/education/ng-interactive/2019/jun/07/university-guide-2020-league-table-for-law>> accessed 8 January 2020

Once the sample was selected, the six categories of value (or “value slices”) identified by the Value Slices Model developed in the pre-cursor to this paper, were initially adopted as *a priori* codes to facilitate a content analysis of the prospectus pages for each provider, with the full text of each page copied into an initial coding sheet organized under these headings. Thereafter, a second level coding sheet was prepared which incorporated a wide range of *in vivo* codes, and a second content analysis was conducted in order to identify more specific aspects of value, common themes, and points of meaningful difference.

Findings and analysis: towards a theory of “value”

Value emphasis

An initial content analysis of the online prospectus pages in the sample revealed a remarkably dominant emphasis on so-called “instrumental” aspects of value, which is concerned with what a product can do and how useful it is in helping a consumer to achieve their objectives.²⁹ Table 1 shows how this emphasis compared to other aspects of value and across the sample, and Figure 1 illustrates this in graphical form.

[Table 1 near here]

Based upon this preliminary analysis of word count alone, it appears that UK legal education providers are currently significantly emphasising – and therefore arguably contributing to – the very “means-end”/consumer mentality that is at the heart of the modern rhetoric about the value of HE. This is perhaps unsurprising given that HE is now a consumer market.³⁰ By contrast, providers on the face of it appear to be saying very little about the personal *meaning*

²⁹ Robert B Woodruff, 'Customer value: The next source for competitive advantage' (1997) 25 Journal of the Academy of Marketing Science 139, 142

³⁰ Competition & Markets Authority, *UK higher education providers - advice on consumer protection law*, (CMA 2015) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/428549/HE_providers_-_advice_on_consumer_protection_law.pdf> accessed 8 February 2019

that might be attached to university education, its lifetime benefits, or the benefits for students' wider communities.

Similarly, Figure 2 shows the most used words across the UK LLB Law course pages in the sample. The words “employment”, “professional”, “placement”, “solicitors”, “barrister”, “practice” and “career” are all prominent and would readily associate with aspects of instrumental value.

[Figure 2 near here]

Commonly articulated value components and points of meaningful difference

Clearly however the word count figures only present a partial and crude picture of the value propositions being articulated by providers. In particular, these figures disguise which aspects of instrumental value are most prominent within those online prospectus pages, and therefore do not show whether the current emphasis is indeed on employability, or whether it is on other aspects of instrumental value, such as product quality.

By contrast, the second level of content analysis does provide this information. Table 2 shows the *in vivo* codes that were developed through the initial analysis of the data, together with the percentage of providers in the sample that articulated each value component – to a greater or lesser extent - somewhere on their online prospectus pages. Even at a glance, it is evident that there is significant consistency in the value claims made by providers across the sector. Whilst often the cited value components are presented by providers as being unique, the table illustrates that this is often not the case.

[Table 2 near here]

Symbolic

Symbolic value relates to the *meaning* that a student might attach to the course or their experience of it.³¹ Emphasis of symbolic value was relatively limited across the sample. Of the 52 providers studied, as many as 50% of these (and 100% of the Russell Group providers) made claims to offer some value that might be classified as “symbolic”, but often this amounted to little more than standalone references to the provider’s league table rankings or historical roots. Even where providers did make such claims, it is clear from the word count figures in Table 1 that they represented only a very small proportion of the overall content.

This suggests that providers do not generally perceive this to be a value component of significant importance to their market. However, the literature suggests that any such perception may not be a valid one: HE has an important role to play in the self-formation of students’ identity;³² and each student is likely to attach unique but highly important meaning to their studies, which may be far deeper than surface-level vocational motivations that they might themselves articulate.³³ Opportunities are therefore likely to exist for providers to develop and/or better articulate the symbolic value of their courses.

Though generally this value slice was not well utilized, there were some points of meaningful difference articulated by some providers, which collectively provide some insight into how other providers might also enhance this aspect of value.

For example, some of the highest ranked programmes prominently displayed or otherwise emphasized their entry tariff, which had the effect of creating a sense of exclusivity and

³¹ Smith and Colgate (n 13) 9

³² Simon Marginson, 'Student Self-Formation in International Education' (2014) 18 *Journal of Studies in International Education* 6

³³ Tamsin Haggis, 'Meaning, identity and 'motivation': expanding what matters in understanding learning in higher education?' (2004) 29 *Studies in Higher Education* 335

therefore desirability.³⁴ As one student testimonial claimed: “I chose [this provider] because of the...many great minds that have walked through the academic halls here”.³⁵ Arguably such claims only work for institutions which do have that heritage and reputation.³⁶ However, another provider sought to achieve a similar end by advertising a limited number of places on its course, which would appear to be less dependent upon such institutional foundations.³⁷

On the flip side, one institution claimed to offer a “non-elitist and non-hierarchical approach”,³⁸ whilst another sought to associate its provision with top-ranking universities by claiming to offer “traditional Oxbridge-style teaching”,³⁹ and a third sought to emphasize the symbolic nature of studying in its historic city, noting that it is:

“[a] place where we stand up to kings, do deals with the world and take a wrecking ball to the slave trade. A place where culture stands out and the phone boxes are a different colour. A place where we're free-thinking, independent and proud of it.”⁴⁰

These examples illustrate that it is possible for providers who might not have the same institutional history or reputation to nevertheless enhance the symbolic value of their courses. Perhaps most straightforwardly, one provider included a simple but bold invitation to

³⁴ University College London, ‘Law LLB’ (*University College London*) <<https://www.ucl.ac.uk/prospective-students/undergraduate/degrees/law-llb/>> accessed 8 January 2020; King’s College London, ‘Law LLB’ (*King’s College London*) <<https://www.kcl.ac.uk/study/undergraduate/courses/law-llb>> accessed 8 January 2020.

³⁵ King’s College London, ‘Law LLB’ (*King’s College London*) <<https://www.kcl.ac.uk/study/undergraduate/courses/law-llb>> accessed 8 January 2020

³⁶ Kevin Lane Keller, ‘Building strong brands in a modern marketing communications environment’ (2009) 15 *Journal of Marketing Communications* 139

³⁷ University of Huddersfield, ‘Law LLB (Hons)’ (*University of Huddersfield*) <<https://courses.hud.ac.uk/2020-21/full-time/undergraduate/law-llb-hons>> accessed 29 January 2020.

³⁸ University of Reading, ‘LLB Law M100’ (*University of Reading*) <<http://www.reading.ac.uk/ready-to-study/study/subject-area/law-ug/llb-law.aspx>> accessed 29 January 2020

³⁹ The University of Buckingham, ‘LLB Law (2-year degree)’ (*The University of Buckingham*) <<https://www.buckingham.ac.uk/law/llb/law>> accessed 8 January 2020

⁴⁰ University of Hull, ‘LLB Law’ (*University of Hull*) <<https://www.hull.ac.uk/study/undergraduate/law-llb-hons>> accessed 29 January 2020

“[c]hange your life”;⁴¹ a short and easy to make statement which alludes to the self-formation value that might be delivered by the programme. Although most courses across the sector might legitimately make such a claim, surprisingly only one provider within the sample did so explicitly.

Lifetime

Perhaps even more notable by their relative absence were examples of “lifetime” value, which is derived from the concept of “co-creation” value, that is: value that might continue to be created long after a student’s course has ended, as and when they use the knowledge and skills that they have acquired through their studies.⁴² Given the transformative power of HE to enhance students’ lives both professionally and personally, it seems likely that such value is significant.⁴³ However, less than a third of the providers make explicit reference to the benefits of their programmes beyond immediate graduate employment prospects.

Development of knowledge/understanding (54%) was less commonly referenced than the acquisition of skills (77%), and this is positive because the latter are more likely to maintain currency and utility in the longer-term, creating more sustainable lifetime value.⁴⁴ However, the lifetime benefits of such skills were not significantly highlighted by providers in the sample, and there was almost no mention of the other wider benefits associated with “graduateness” more generally, such as health and happiness.⁴⁵

⁴¹ University of Sunderland, ‘Law LLB (Hons)’ (*University of Sunderland*)

<<https://www.sunderland.ac.uk/study/law/undergraduate-law/>> accessed 8 January 2020.

⁴² Stephen Vargo and Robert Lush, ‘Evolving to a New Dominant Logic for Marketing’ (2004) 68(1) *Journal of Marketing* 1

⁴³ Kate Purcell, Peter Elias, Rhys Davies and Nick Wilton, *The Class of ’99: A study of the early labour market experiences of recent graduates* (HECSU, October 2005)

<https://hecsu.ac.uk/assets/documents/Class_99_Full.pdf> accessed 17 April 2020

⁴⁴ Alex Nicholson, ‘Research-informed teaching: a clinical approach’ (2017) 51 *The Law Teacher* 40

⁴⁵ Kasey Buckles, Andreas Hagemann, Ofer Malamud, Melinda Morrill and Abigail Wozniak, ‘The effect of college education on mortality’ (2016) 50 *Journal of Health Economics* 99; Philip Trostel, *It's not just the*

Once again, the overall word count devoted to lifetime value components was exceptionally low, indicating that even those providers that did reference lifetime value, did so only to a limited extent. Similarly, whilst many providers offered careers support and/or emphasized the potential for a rewarding career after graduation, there were no examples of points of meaningful difference relating to lifetime value which were articulated within the sample pages. This suggests that real opportunities might exist for providers to develop and/or articulate the lifetime value of their courses in order to differentiate themselves within the market.

Instrumental

As noted above, instrumental value relates to the quality of a product/service and/or what it enables the consumer to do/achieve.⁴⁶ Interestingly the only value component across all of the value slices from Table 2 that was articulated by every single provider in the sample, was that the course would help the student to enter the legal profession. One post-92 provider even went so far as to specify the salaries that graduates might achieve if they were to become a paralegal, solicitor, partner, in-house counsel or barrister.⁴⁷ This goes to the heart of the current rhetoric; students are encouraged to study law precisely because of its role in providing access to a lucrative professional career.

Similarly, 87% of providers indicated that their course would also help students to qualify into non-law careers. Such references to alternative careers highlight the flexibility that these courses have to support different objectives, as aspirations and value perceptions change

money: the benefits of college education to individuals and to society (Lumina Foundation 2015)
<<https://www.luminafoundation.org/files/resources/its-not-just-the-money.pdf>> accessed 22 February 2019

⁴⁶ Woodruff (n 29)

⁴⁷ University of Sunderland (n 41).

during the course of a student's studies, and given that many law graduates do not ultimately become lawyers.

The employability focus is unsurprising given that employability enhancement has in recent years been emphasized by students to be of the utmost importance.⁴⁸ However, mass education presents a challenge here. With roughly 50% of young people now going to university,⁴⁹ graduates are simply not all able to secure the top jobs, mathematically speaking. Similarly, my own experience as a lecturer is that – out the outset of their studies at least – most law students aspire to qualification as either a solicitor or a barrister, yet the number of graduating law students in the UK each year is significantly greater than the numbers entering those professions.⁵⁰

Given that all providers appear to be claiming to offer employability value which extends to accessing well-paid professional careers, there is potentially a risk that providers may not be able to deliver on this aspect of their value propositions on a sustained basis. Equally, those providers who do choose to prioritize this aspect of value will need to go further than ever before to ensure that they are delivering significantly more value in this space than their competitors.

Relatedly, 79% of the sample make representations about the quality of aspects of their course and/or its delivery, such as inspirational teachers, high-profile experts and world-

⁴⁸ QS, *International Student Survey* (QS 2019); QS *Domestic Student Survey* (QS 2020).

⁴⁹ Department for Education, *Participation Rates in Higher Education: Academic Years 2006/2007 – 2017/2018 (Provisional)* (Department for Education, 26 September 2019) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843542/Publication_HEIPR1718.pdf> accessed 17 April 2020

⁵⁰ The Law Society, 'Entry trends' (*The Law Society*) <<https://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/entry-trends/>> accessed 12 March 2019; The Bar Standards Board, 'Pupillage statistics' (*The Bar Standards Board*) <<https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar/pupillage.html>> accessed on 9 June 2020

leading research. As with employability, a focus on quality is unsurprising since a poor-quality course is unlikely to be able to deliver on its employability promises. As we see from the way these concepts are used within the TEF, the relationship between product quality and educational outcomes (such as employability) is generally considered to be an inter-related one, albeit one in relation to which causality is often wrongly assumed.⁵¹ On one level, it seems that a focus on “quality” must be a good thing. However, many of the references to quality in the sample pages focused on aspects of quality that have specific and measurable outcomes (e.g. league table rankings, or satisfaction scores); this focus may mean that other equally valuable aspects of quality are being neglected or ignored altogether.⁵²

Perhaps surprisingly, the SQE still features little in online prospectus pages, with only 18% of all providers in the sample mentioning the solicitors’ qualifying exam (or “SQE”) at all on their online prospectus pages, and only 8% specifically claiming that their courses had been designed to take account of these changes.⁵³ This rendered SQE alignment a still relatively unique aspect of value offered by UK legal education providers, and suggests that opportunities do still exist for providers to positively align themselves to the new qualification framework in order to deliver significant employability enhancement for those students specifically aspiring to qualify as solicitors. Such providers however must ensure

⁵¹ Lee Harvey, ‘Defining and measuring employability’ (2001) 7 *Quality in Higher Education* 97

⁵² Mark Olssen, ‘Neoliberal competition in higher education today: research, accountability and impact’ (2016) 37 *British Journal of Sociology of Education* 129

⁵³ Nottingham Trent University, ‘LLB (Hons) Law’ (*Nottingham Trent University*)

<<https://www.ntu.ac.uk/study-and-courses/courses/find-your-course/law/ug/2020-21/law-full-time>> accessed 29 January 2020; Bournemouth University, ‘LLB (Hons) Law’ (*Bournemouth University*)

<<https://www.bournemouth.ac.uk/study/courses/llb-hons-law>> accessed 13 January 2020; University of Salford, ‘Law’ (*University of Salford*) <<https://beta.salford.ac.uk/courses/undergraduate/law>> accessed 13 January 2020; University of Greenwich, ‘Law, LLB Hons’ (*University of Greenwich*) <<https://www.gre.ac.uk/undergraduate-courses/ach/m100>> accessed 8 January 2020.

that in this pursuit they do not erode other important aspects of value,⁵⁴ and/or undo any of the positive work that has been completed in recent years on widening participation.⁵⁵

There is little doubt that instrumental value is here to stay as an important value component of all law courses, and UK providers are clearly cognisant of this. In this context, developing points of meaningful difference within this space is challenging.

Nevertheless, examples of unique value were much more common within this value slice than in any other and included: the opportunity to publish in a student law journal;⁵⁶ a genuinely cross-disciplinary programme which would equip students for lawyering in a digital age;⁵⁷ the option for students to graduate with an LLB in Law “with Risk”;⁵⁸ opportunity to take part in a professional mentoring scheme;⁵⁹ differing pathways tailored to differing career aspirations;⁶⁰ support for setting up a business;⁶¹ and accreditation from other international bodies facilitating overseas qualification.⁶² These examples demonstrate that providers are constantly seeking to innovate in this area in order to stay ahead of the curve. However, it is

⁵⁴ Mark Davies, ‘Changes to the training of English and Welsh lawyers: implications for the future of university law schools’ (2018) 52 *The Law Teacher* 100

⁵⁵ Jessica Guth and Kathryn Dutton, ‘SQE-ezed out: SRA, status and stasis’ (2018) 52 *The Law Teacher* 425

⁵⁶ University of Dundee, ‘Law (Eng/NI) LLB (Hons)’ (*University of Dundee*) <<https://www.dundee.ac.uk/undergraduate/law-english-northern-irish>> accessed 8 January 2020

⁵⁷ University of Cumbria, ‘LLB (Hons) Law’ (*University of Cumbria*) <<https://www.cumbria.ac.uk/study/courses/undergraduate/law/>> accessed 21 January 2020

⁵⁸ Glasgow Caledonian University, ‘LLB (Hons) Bachelor of Laws’ (*Glasgow Caledonian University*) <<https://www.gcu.ac.uk/study/courses/details/index.php/P02711>> accessed 10 January 2020.

⁵⁹ University of Liverpool, ‘Law LLB (Hons)’ (*University of Liverpool*) <<https://www.liverpool.ac.uk/study/undergraduate/courses/law-llb-hons/overview/>> accessed 8 January 2020; London Metropolitan University, ‘LLB Law – (Hons)’ (*London Metropolitan University*) <<https://www.londonmet.ac.uk/courses/undergraduate/llb-law---hons/>> accessed 10 January 2020.

⁶⁰ Bournemouth University (n 53); Nottingham Trent University (n 53); Oxford Brookes University, ‘LLB Law (Hons)’ (*Oxford Brookes University*) <<https://www.brookes.ac.uk/courses/undergraduate/law>> accessed 13 January 2020

⁶¹ University of Portsmouth, ‘Law LLB (Hons)’ (*University of Portsmouth*) <<https://www.port.ac.uk/study/courses/llb-hons-law>> accessed 8 January 2020

⁶² Bangor University, ‘Law LLB (Hons)’ (*Bangor University*) <<https://www.bangor.ac.uk/courses/undergraduate/M100-Law>> accessed 10 January 2020; University of Southampton, ‘Law LLB’ (*University of Southampton*) <<https://www.southampton.ac.uk/courses/law-degree-llb>> accessed 8 January 2020; University of Buckingham (n 39); Birmingham City University, ‘Law-LLB (Hons)’ (*Birmingham City University*) <<https://www.bcu.ac.uk/courses/law-llb-2020-21>> accessed 7 January 2020.

not clear whether such claims go far enough to truly differentiate programmes which otherwise appear to be remarkably similar.

Community value

Community value relates to the benefits that a student's studies might have for her own communities.⁶³ As Table 1 illustrates, very little word count was devoted to such aspects of value within the online prospectus pages, which might reflect the fact that HE is now often perceived as a private good rather than a public good. There was for example no mention at all in the sample of the positive impact that attending university might have for students' own families.⁶⁴

Whilst it is not uncommon for providers to emphasize students' potential for "making a difference" to their local and global communities, few go further than this and identify genuine unique value propositions of this nature. Similarly, whilst one top-10 provider claims to produce "[w]orld [c]hangers", there is little explanation or evidence to help substantiate this bold claim.⁶⁵

Where differentiated claims do exist is in relation to the *extent* of impact that their current students have had on communities, with one provider claiming that its students have recovered "£2.5 million for welfare claimants wrongly denied payments",⁶⁶ another claiming

⁶³ Nicholson (n 15) 1

⁶⁴ Emma Wainwright and Mike Watts, 'Social mobility in the slipstream: first-generation students' narratives of university participation and family' (published online: 10 February 2019) Educational Review, DOI: 10.1080/00131911.2019.1566209

⁶⁵ University of Glasgow, 'Common Law LLB' (*University of Glasgow*) <<https://www.gla.ac.uk/undergraduate/degrees/commonlaw/>> accessed 21 January 2020

⁶⁶ University of East Anglia, 'LLB Law' (*University of East Anglia*) <https://www2.uea.ac.uk/study/undergraduate/degree/detail/llb-law?_ga=2.235784449.1842422146.1586762209-816473226.1586762209> accessed 8 January 2020

that its students contributed to a Supreme Court decision which changed the law,⁶⁷ and a third contending that its pro bono programme is “one of the largest in the country”.⁶⁸ There may therefore be more that providers in general can do to emphasize the nature and extent of the potential difference that students might be able to make to those around them by choosing to study a particular course.

Experiential value

Experiential value relates to how the students’ experience of studying the course makes them feel.⁶⁹ Tables 1 and 2 both indicate that this is another key area of emphasis within the online prospectus pages, perhaps also tied to the fact that HE has become a consumer market.

Providers commonly articulate a wide range of experiential value components, most commonly work placements, study abroad opportunities and high-quality learning spaces.

Similarly, providers have sought to differentiate themselves with a range of unique activities/features designed to support the student experience. In the present sample, points of meaningful difference included: an attractive location/surroundings;⁷⁰ the opportunity to study in Welsh;⁷¹ the diversity of the student base;⁷² incorporating study in areas beyond the discipline;⁷³ social activities;⁷⁴ and a mock police station used for simulating crime scenes.⁷⁵

Much like with instrumental value, this is clearly an existing area of emphasis for UK legal

⁶⁷ University of Southampton (n 62)

⁶⁸ University of Reading (n 38)

⁶⁹ Holbrook (n 11)

⁷⁰ University of Cumbria (n 57); University of Dundee (n 56)

⁷¹ Bangor University (n 62)

⁷² University of Southampton (n 62); Leeds Beckett University, ‘Law’ (*Leeds Beckett University*) <https://courses.leedsbeckett.ac.uk/law_llb/> accessed 8 January 2020.

⁷³ University of Buckingham (n 39); University of Reading (n 38)

⁷⁴ King’s College London (n 34); University of Sunderland (n 41)

⁷⁵ Edge Hill University, ‘LLB (Hons) Law’ (*Edge Hill University*) <<https://www.edgehill.ac.uk/courses/law/>> accessed 8 January 2020

education providers in relation to which continuous innovation is needed in order to sustain the uniqueness of the value offered.

In that context particularly it is perhaps surprising that more providers do not appear to emphasize the epistemic (or “interest”) value of their courses’ subject matter.⁷⁶ Despite shifts towards vocational motivations, research into the reasons why students choose to study law has indicated interest in the subject as a key factor in influencing student choices about what and where to study.⁷⁷ It may be therefore that this also represents a surprisingly under-utilized value component that providers could benefit from enhancing.

It is also surprising that providers in general do not yet appear to be offering a more digital experience. It is true that in recent years many individual law academics have experimented with new digital technology as an enabler in enhancing their teaching practice. Much research has already emerged which evidences the pedagogical benefits of a wide range of digital technologies in the classroom.⁷⁸ However this represents, at best, some ad hoc and limited success achieved by a relatively small number of so-called “innovators” or “early adopters”, who are enthusiastic about the enabling potential of digital technology for enhancing their teaching practice and are willing to take on the risks associated with exploring this.⁷⁹ There is little evidence to suggest that the sector is anywhere close to fully exploiting the potential of

⁷⁶ Sheth, Newman and Gross (n 12)

⁷⁷ Melissa Hardee, *Career Expectations of Students on Qualifying Law Degrees in England and Wales* (The Higher Education Academy, April 2012). <https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/hea/private/resources/hardee-report-2012_1568037246.pdf> accessed 15 April 2020

⁷⁸ See for example: Dawn Watkins, ‘Podcasting: a lawyer’s tale’ (2010) 44 *The Law Teacher* 169; Natalie Skead, ‘Uncle Jack, Jaycee and the equitable doctrine of estoppel: using Second Life to support the development of advanced oral communication skills in law students’ (2016) 50 *The Law Teacher* 230; Craig Newbery-Jones, ‘Ethical experiments with the D-pad: exploring the potential of video games as a phenomenological tool for experiential legal education’ (2016) 50 *The Law Teacher* 61; Stephen Colbran, Anthony Gilding and Samuel Colbran, ‘Animation and multiple-choice questions as a formative feedback tool for legal education’ (2017) 51 *The Law Teacher* 249

⁷⁹ Everett M Rogers, *Diffusion of Innovations* (5th edn, Simon & Schuster 2003)

digital technologies at a course or departmental level, let alone more widely.⁸⁰ In the sample pages, few claims were made that demonstrated any genuinely unique use of technology to enhance the student experience and this might therefore also be an area that provides potential for significant and unique value creation.

Sacrifice value

Finally, sacrifice value is about the difference, quantitatively speaking, between what a consumer must give in order to receive the benefits of the product/service, and those benefits.⁸¹ The sacrifice value of a course might be enhanced either by reducing what a student must give, or by increasing what they will receive.

In this regard, most providers did appear to acknowledge that studying for a degree represented a significant risk (e.g. of failure) and that there was therefore value in mitigating that risk.⁸² Most commonly providers did this by emphasising the pastoral, academic and/or careers support that would be available from its staff, though the safety of the assessment package (e.g. typically through significant coursework components) was also a commonly articulated value component. Similarly, 46% of providers in the sample made particular effort to highlight the ease of the admission process and reassure prospective applicants they would be likely to secure a place; this has the similar effect of reducing the risk that applicants might invest time and energy into making an application which might then be unsuccessful.

Also noteworthy was that a significant proportion of providers did also articulate additional costs in terms of book purchases, field trip fees and/or the time/energy cost of investing in

⁸⁰ Dan Jackson, 'Human-centered legal tech: integrating design in legal education' (2016) 50 *The Law Teacher* 82

⁸¹ Zeithaml (n 24)

⁸² Julian C Sweeney, Geoffrey N Soutar and Lester W Johnson, 'The role of perceived risk in the quality-value relationship: A study in a retail environment' (1999) 75 *Journal of Retailing* 77

private study as part of the programme. These are important aspects to emphasize, but it should be noted that their inclusion does potentially decrease the cost/benefit equation for the student, rather than enhance it.

Additionally, several providers did also make genuinely unique claims within this category.

One notable example includes a non-graduate entry, accelerated programme that can be completed in just two years.⁸³ This course is marginally cheaper overall in terms of tuition fees than the other LLBs in the market, which in theory represents enhanced sacrifice value for students. Any price reduction carries with it a risk that perceptions of quality may decrease commensurately.⁸⁴ However, a recent survey of the domestic market does show that two year degrees are likely to be of interest to the student market, which may indicate that this is less of an issue in this context than it might be in other markets.⁸⁵

Other points of meaningful difference included: the opportunity to study abroad as an integrated part of the degree which does not extend the length of the programme;⁸⁶ an online calculator that students can use to determine whether a student is likely to receive an offer;⁸⁷ unconditional offers;⁸⁸ a final year assessed entirely by coursework;⁸⁹ the opportunity to start in January, rather than having to wait until September;⁹⁰ field trips included within the tuition fee;⁹¹ the opportunity to gain qualifying work experience which would count towards

⁸³ University of Buckingham (n 39)

⁸⁴ F Völckner and J Hofmann, 'The price-perceived quality relationship: a meta-analytic review and assessment of its determinants' (2007) 18 Marketing Letters 181

⁸⁵ QS (2020) (n 48)

⁸⁶ University of Glasgow (n 65)

⁸⁷ University of Birmingham, 'LLB Law' (*University of Birmingham*)

<<https://www.birmingham.ac.uk/undergraduate/courses/law/law-llb.aspx>> accessed 29 January 2020

⁸⁸ Oxford Brookes University (n 60)

⁸⁹ Manchester Metropolitan University, 'LLB (Hons)' (*Manchester Metropolitan University*)

<<https://www2.mmu.ac.uk/study/undergraduate/course/llb-hons/>> accessed 29 January 2020

⁹⁰ London Metropolitan University (n 59)

⁹¹ University of Derby, 'Law LLB (Hons) including specialist pathways' (*University of Derby*)

<<https://www.derby.ac.uk/undergraduate/law-courses/llb/>> accessed 21 January 2020

solicitor qualification requirements;⁹² an offer of “the lowest cost student accommodation in the North West”;⁹³ and the wide-ranging claim that: “[f]rom bills, to meals, to pints – you’ll find that your money goes a lot further...”.⁹⁴ Sacrifice value is therefore an aspect of value that UK legal education providers do appear to be alert to, and are beginning to invest in value enhancement activities in much the same way as they are doing for instrumental and experiential value components.

Conclusions and recommendations

The foregoing analysis indicates a conception of “value” that is alarmingly consistent amongst providers of legal education in the UK. Given the nature of the data, it is not possible to say whether this conception relates to providers’ perceptions of: (1) what is in fact valuable about their programmes; (2) what prospective students might value about their programmes; or (3) a mixture of the two. Either way - as key players in the development of the legal education market - understanding this perspective, and its consistency, is useful in predicting future trends and identifying opportunities for value creation and market reform.

Overwhelmingly, providers appear to attach most weight to instrumental aspects of value – and specifically employability enhancement – with experiential and sacrifice value components also having an important role to play. In the context of a growing societal rhetoric which questions the value of HE, and with such value increasingly being evaluated in economic terms, it is perhaps unsurprising that providers appear to be converging around these themes, and developing very similar course and marketing initiatives. However, the consequence is a “red ocean” market where there would appear to be little difference between the value propositions that providers present to the market.

⁹² Bournemouth University (n 53)

⁹³ University of Cumbria (n 57)

⁹⁴ University of Hull (n 40)

Some claims of meaningful difference do exist across the market in relation to each of these three main value slices, but whether these are enough in each case to constitute genuinely resonating value propositions that sufficiently differentiate otherwise very similar programmes is far from clear. Further empirical data in this respect is needed.

What is clear, is that where providers do elect to invest time and money in the development of initiatives within these core value slices, significant and continuous innovation is needed to develop “augmented deliverables”,⁹⁵ since the vast majority of value components that providers are articulating in these areas are in fact common across the sector. Sustainable competitive advantage in these areas is most likely to be achieved by those who are able to build on existing areas of competence in order to create something truly unique.⁹⁶ This challenge is not to be underestimated.

Two areas that do appear to currently offer potential for significant and differentiated value creation include genuine SQE alignment (for enhanced instrumental value) and technological innovation (for enhanced experiential value). In some respects, it is remarkable that providers do not yet appear to be taking advantage of the potential for value creation that these opportunities present, but it seems likely that it is only a matter of time. At the time of writing, the COVID-19 global pandemic is to some extent forcing law schools to evaluate the availability and quality of their technological artillery, which may well act as a catalyst for development in this area.

⁹⁵ Levitt (n 4)

⁹⁶ C K Prahalad and Gary Hamel, 'The core competence of the organisation' (1990) 68(3) Harvard Business Review 79

Furthermore, in relative terms, the personal meaning that might be attached to HE for individual students, the lifetime benefits of study for those students, and the opportunity it presents for students to make a difference to their own communities, currently feature far less often in the value propositions that are articulated by providers. As such, providers who elect to prioritize value creation in these areas may well find it much easier to differentiate their courses and carve out their own space within the market.

In Part 1, theory from the marketing discipline was used to develop a theoretical model that higher education providers could use to identify, preserve, develop, and articulate the unique value of their courses, in the face of rising competition and a societal rhetoric which increasingly seems to focus only on graduate outcomes. In Part 2, a review of current online prospectus pages for UK law schools has added empirical weight to the suggestion that such providers are operating in a “red ocean” market. As the forthcoming regulatory changes unfold, and the longer-term impact of COVID-19 becomes known, the scene is set for a new wave of competition within the UK legal education market in which “blue ocean” value creation strategies and unique value propositions will almost certainly be needed to ensure growth and/or survival.

Table(s) with caption(s)

Value Slice	Online Prospectus Page Word Count		
	Overall	Mean	Median
Symbolic	1.23%	1.40%	0.00%
Lifetime	0.72%	0.86%	0.00%
Instrumental	46.61%	48.88%	47.57%
Community	3.36%	3.08%	1.32%
Experiential	26.50%	24.94%	25.01%
Sacrifice	21.58%	20.84%	18.14%

Table 1. Online prospectus word counts devoted to content that articulates value within each value slice

Value Slice	Value Component	Coding Criteria	Articulated by (%)
Symbolic	History	Provider has a long history	13
	Ranking / reputation	Provider has an established reputation / is highly ranked	31
Lifetime		Course delivers longer-term value throughout a graduate's life	27
Instrumental	Attributes	Students will develop essential attributes / character traits, such as confidence	27
	Intrinsic reward / fulfilment	Students will find fulfilment in studying the course of itself	13
	Knowledge / understanding	Students will acquire knowledge / understanding by studying the course	54
	Qualification as lawyer	The course will help graduates to qualify into the legal profession	100
	Qualification in other fields	The course will help graduates to succeed in non-law careers	87
	Quality of product	The institution / provider / course / staff are high quality	79
	Skills	Students will develop skills by studying the course	77
	Work experience/ placement as employability	The course incorporates work experience / placement opportunities which enhance employability	63
Community	Making a difference	Students studying this course have opportunities to make a difference to communities that matter to them	35
	Volunteer / pro-bono opportunities	Students studying this course have opportunities to volunteer / engage in pro-bono activities	56
Experiential	Assessment package	The assessment package is diverse to enhance the student experience	42
	Atmosphere / culture	The atmosphere / culture within the provider organisation is positive	25
	Enjoyment	Students will enjoy their experience on the course	12
	Friends / socialising	Students will have opportunity to make friends and/or socialize whilst on the course	31
	Independence	Studying the course provides an opportunity for students to gain their independence	4
	Interactivity / student-centred	Teaching methods are interactive and/or student/centred	31
	Interest	Students will be interested in the course content and/or can tailor their experience accordingly	42
	International perspectives	Students will consider course content from a range of international perspectives	17
	Learning spaces / facilities	Students on the course enjoy high quality learning spaces and/or facilities	56
	Location	The institution is in a desirable location / city	31
	Study abroad opportunities	Students on the course have opportunities to study abroad	60
	Work experience / placement as experience	Students on the course have opportunities to enhance their experience through work-related learning and/or placements	58
Sacrifice	Additional awards	Students may receive awards / recognition in addition to their degree award	17
	Ease of admission	Applicants are more likely to be offered a place at this institution due to the nature and/or clarity of admission rules / procedures	46
	Open day opportunities	Applicants are positively encouraged to attend an open day	19
	Pastoral / academic / careers	Students on the course receive high quality support from staff	75

	support		
	Safety of assessment package	The assessment package is designed to help students perform well	21
	Scholarships / funding	Scholarships and/or funding may be available to students on this course	62

Table 2. Value components articulated by providers in the sample

Figure caption(s)

Figure 1. Value Slices Model of the value articulated by UK legal education providers on their online prospectus pages

Figure 2. Word cloud of UK LLB online prospectus pages