

INUK and Student Employability

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Innocence Network UK (INUK), July 2014*

Introduction

"Employability":

"...covers very specific skills such as business awareness; communication and literacy; problem solving; self-management; teamworking; numeracy and application of information technology, but underpinning these skills will be a positive attitude: a 'can-do' approach, a readiness to take part and contribute, openness to new ideas and a drive to make these happen. Employers also value entrepreneurial graduates who demonstrate an innovative approach, creative thinking and those who bring fresh knowledge and challenge assumptions" (University of Sheffield Careers Service website: <http://www.shef.ac.uk/law/prospective/ug/employability> Last Accessed 22 July 2014).

Perhaps not surprisingly, employability is a key word in universities today. Competition for students is an increasing fact of life and those universities that can demonstrate that they are committed to enhancing the employment choices and opportunities of their students have a better chance of faring well.

Moreover, employers not only want evidence of strong and consistent academic performance, they are also looking for "value added" skills and experiences on the CV's of the graduates that they are looking to employ, which acts as a further driver of the employability agenda in universities.

The following quotes are from former University of Bristol Innocence Project (UoBIP) students in response to the question: did working with INUK as a student at Bristol have any influence on enhancing your employability.

"There is no question that my experience with INUK has contributed significantly in assisting me to secure a training contract" (Gabe Tan, Trainee Solicitor (2014 intake), White & Case, LLP, London).

"I must say that without a doubt INUK helped me secure a training contract" (Lianne Edwards, Trainee Solicitor (2013 intake), Ashfords LLP, Exeter).

Against this background, this document highlights the innumerable ways in which UoBIP students who get involved with INUK at Bristol, as well as in other universities that set up an innocence project under the auspices of INUK, benefit, both in terms of how it enhances their career opportunities and chances of securing employment and, also, more generally in terms of personal and professional development.

In five parts, the first part gives general information about INUK and UoBIP and the part that INUK has played in establishing a vibrant network of innocence projects in UK universities, and with them a rich environment for thousands of students in the UK to reap the benefits that involvement with an innocence project can deliver.

The second part presents the findings of some very simple research on what universities with an innocence project set up under INUK say about their innocence project and how it specifically links with employability.

The third part goes into more specific details about INUK and employability.

Part four details the kind of opportunities that INUK provides to UoBIP students at Bristol; the different levels of involvement and the ways in which they enrich and enhance the learning experience and employability.

The final part provides some examples of where some of the UoBIP students are now who worked with INUK when they were at Bristol.

1. Innocence Network UK (INUK)

Background

I established Innocence Network UK (INUK) in September 2004 as a practical response to the limitations of the criminal justice system identified in academic research. Put simply, there are many known causes of wrongful convictions to which innocent individuals can fall prey, both intentional and unintentional. However, the criminal appeals system and the Criminal Cases Review Commission (CCRC) cannot guarantee that all innocent victims of wrongful convictions will have their convictions overturned.

INUK is an apparatus with four broad interrelated purposes:

Research

INUK is a vehicle for the circulation of my research on wrongful convictions and the research that I undertakes on wrongful convictions and miscarriages of justice with others under the auspices of INUK. These researches feed into INUK's public engagement and impact aims (see below).

Casework

INUK undertakes independent, objective investigations into claims of factual innocence by alleged victims of wrongful convictions to determine whether they are true or not.

All investigations into alleged wrongful convictions by INUK are undertaken on a *pro bono* basis – free for public good.

INUK's casework is undertaken by University of Bristol Innocence Project students (who also have opportunities to get involved with INUK research and public engagement activities) who have first completed the INUK training on the key causes of wrongful convictions, assessing applications for casework assistance, investigating alleged wrongful convictions and writing applications to the Criminal Cases Review Commission (CCRC) and/or the Scottish Criminal Cases Review Commission (SCCRC).

Public engagement

INUK is a channel to communicate the failings and limitations of the criminal justice system to policy makers, criminal justice system agencies, the legal community and more widely to members of the public.

The focus of INUK's public engagements is on the intentional wrongs and unintentional errors of the criminal justice system that cause wrongful convictions and the inability of the criminal appeals system and the CCRC/SCCRC to overturn wrongful convictions as identified in academic research and case investigations into alleged wrongful convictions.

Impact

INUK was established with the overall aim of improving the criminal justice system. INUK is a medium to influence reforms of the criminal justice system and changes to prison and parole practices from the findings of research and casework so that the innocent can overturn their convictions and/or make progress or achieve release from prison.

See: <http://www.innocencenetwork.org.uk>

UoBIP students get involved with all four of these core activities.

More specifically, INUK educates UoBIP students about the wrongful conviction and imprisonment of the innocent and the deficiencies of the criminal justice system. In so doing, students who participate with INUK gain:

- an insight into "law in action", which can instil a passion for justice and ethical behaviour;
- opportunities to undertake meaningful research into alleged wrongful convictions and more widely that can feed into the public engagement and impact strategies of a leading voice on wrongful convictions in the UK and beyond;
- opportunities to give something back to the community/society; and,
- enhanced CVs and general employability.

This is achieved through:

- the training that students undertake on the causation of wrongful convictions and the limitations of the systems and mechanisms that exist to attempt to overturn wrongful convictions when they occur;
- the work that they undertake on live-client cases of alleged innocent victims of wrongful convictions who meet INUK's casework criteria;
- the research they do with INUK; and,
- the public engagement activities that they get involved with.

In terms of casework, INUK provides "access to justice" for clients convicted of serious criminal offences who claim that they are factually innocent, who have exhausted the available legal aid, and, who do not have legal representation.

It gives students at Bristol an opportunity to work on real cases of alleged wrongful convictions under my close academic supervision and with input from specialist criminal appeals lawyers and forensic scientists where appropriate, who also give their time and expertise on a pro bono basis.

Although yet to assist in overturning an alleged wrongful conviction, students working with INUK at Bristol have been successful in assisting clients to have their cases referred back to the Court of Appeal by the Criminal Cases Review Commission and to the High Court of Justiciary in Scotland by the Scottish Criminal Cases Review Commission.

UoBIP students at also currently have an application for a client who has been in prison maintaining innocence for 18 years under review at the CCRC (can be supplied upon request).

These efforts have been recognised by two Attorney General's Student and Law School Pro Bono Awards and a Bristol Law Society Pro Bono Award.

2. Findings from the research

This part provides some examples of what universities other than Bristol say about how the innocence projects that INUK facilitated and supported for ten years deliver the kinds of employability that universities and employers are both looking for. It is based on very simple research on Google using the search terms - "innocence project and employability".

SHEFFIELD

The University of Sheffield website makes specific reference to its innocence project and how it links with employability as follows:

"You can develop your skill set by getting involved in one of our community engagement projects. The Innocence Project allows our students to research Miscarriages of Justice, and gives them the opportunity to present cases for appeal...Employers really value the skills that our students develop as part of th[is] project, and recognise that these skills help our graduates thrive in their future careers....The skills you develop will look impressive on your CV and will help you thrive in any work environment. You'll be collaborating with your case team, thinking strategically and critically, and working with a wide range of people."

The University of Sheffield Edward Bramley Law Society Employability "Handbook" gives several examples of CV's by ex-Sheffield law graduates, including some from students who volunteered with its innocence project.

It recommends those seeking a career at the bar to get involved with the innocence project. The following is culled from the Sheffield "Employability Handbook":

"The Innocence Project is part of INUK (<http://www.innocencenetwork.org.uk/>), which works on miscarriages of justice...For those with an interest in criminal justice, or for those who have hopes of going to the bar to deal with criminal matters, the Innocence Project is very useful and most beneficial to have on your CV."

Under a specific heading "Top tips for potential Barristers", Sheffield see participation with its innocence project as "very useful":

"Becoming a barrister is a difficult. The market is extremely saturated, more so than even that of potential solicitors; however, Sheffield thankfully has a strong pedigree for producing some phenomenal barristers and judges. If you want to stand out and stand a chance then here are some important tips...Sheffield's Innocence Project...is a very useful project for those with aspirations of going to the bar. It means you will work with barrister in an attempt to aid individuals currently serving custodial sentences. Although aimed towards criminal work, the skills learnt from the Innocence project will serve any future barrister well" (<http://edbram.union.shef.ac.uk/wp-content/uploads/2012/06/Edward-Bramley-Employability-Handbook1.pdf>).

CARDIFF

Julie Price is employed in a Full-time role at Cardiff Law School as the Director of Engagement and Employability. She is the director of the Cardiff Law School Innocence Project that INUK helped to set up.

In an article as part of her series on the life of a UK innocence project for *The Justice Gap*, Julie writes:

"Without exception, they [students working with the innocence project] would say that their exposure to innocence project casework has positively contributed to their employability. But perhaps more importantly it has given them a lifelong commitment to the pursuit of justice, whatever their ultimate career" (<http://thejusticegap.com/2013/11/diary-uk-innocence-project-6-expecting-unexpected> Last accessed 22 July 2014).

PLYMOUTH

The Plymouth Law Clinic booklet for 2014-2015 links its innocence project that INUK facilitated and employability:

"Plymouth Innocence Project: At Plymouth, the aim of Innocence is that it is student-led as much as possible, to give students the greatest opportunity to undertake relevant legal work and research. Students acquire a range of transferable skills and increase their employability within and outside the legal sector" (<https://www1.plymouth.ac.uk/faculties/business/Documents/Plymouth%20Law%20School%20Law%20Clinic%20brochure%202014%202015.docx> Last accessed 22 July 2014).

Moreover, the following quote is from a Plymouth innocence project student reflecting on volunteering with its innocence project:

"As an Innocence Project Volunteer for the last two years, I have been able to gain practical legal experience that looks great on my CV! The project is unique in the sense that I have been able to work autonomously on a real criminal case, so I have had a great insight into the work of a solicitor. I have had the opportunity to develop teamworking and leadership skills, to communicate regularly with our client as well as a variety of legal and non-legal professionals, and to chair meetings and take minutes, as well as honing my general research skills. In short, you get out as much as you put in and it is by far the most valuable extra-curricular experience that I've had!" (Dani Lowther, LLB graduate <http://www5.plymouth.ac.uk/courses/undergraduate/llb-law/innocence-project> Last accessed 22 July 2014).

KING'S COLLEGE LONDON

The KCL innocence project website states:

"Innocence Project offers an invaluable chance for students to apply what they have learnt in the classroom to real-life cases. Through organising case materials and keeping records systematically, students learn how to manage factual information of cases. The project also stimulates critical thinking and analysis as students, reading complex material, try to find grounds for appeal and solve various problems. Students acquire research skills as the project requires them to make contact with witnesses, obtain evidence from police and contact forensic scientist where appropriate. These qualities and competencies in graduates are highly sought by legal employers and increase employability among our students. But more importantly, this project helps develop a passion for justice and inspire future law students to work on criminal appeal work" (<http://kclprobono.org.uk/about-us/projects/innocence-project> Last accessed 22 July 2014).

LANCASTER

The webpage of the director of the Lancaster innocence project links participation with employability as follows:

"Student education or training is the main focus of the IP and it provides the opportunity for students to gain experience in areas such as critical thinking and analysis, case management, fact finding and other skills such as collaboration, teamwork and presentation (oral and written). These skills are now in demand amongst students and increase employability as well as enhancing/building upon skills learnt on other courses. The IP also provides "unique enterprise opportunities" in the law curriculum. In common with other UK Projects, the Lancaster University Innocence Project has stimulated team working, encouraged students to 'think outside the box', required student liaison with legal professionals, insisted the students deal with one another in a professional manner, demanded problem solving, creativity and strategic thinking, unearthed untapped reserves of motivation, altruism and initiative, developed communication skills and persuaded the students that they can have influence, power and passion" (<http://www.lancaster.ac.uk/fass/law/profiles/georgina-firth> Last accessed 22 July 2014).

BPP

An article by a BPP student on the importance for students and wider community of students working with innocence projects is at: <http://blog.bpp.com/law/innocence-project-fighting-for-victims-of-miscarriage-of-justice>

BANGOR

On the Bangor innocence project website it the following:

"Students partaking in the Innocence Project gain invaluable hands-on experience in criminal law that sees them apply what has been learnt in the classroom to the sort of real-life cases they might deal with in their legal careers. It is an excellent learning tool for students, allowing them to work through case papers, trial transcripts, witness

statements and DNA evidence" (<http://www.bangor.ac.uk/law/innocence.php.en> Last accessed 22 July 2014).

One Team Leader described her work on the innocence project as being:

“...a great experience to take what has been learnt in criminal law and see how it applies in practice.”

A Bangor student caseworker described it as a:

“...helpful hands-on chance to experience the law, and get a taste as to what it is like to practice within the area of criminal law.”

Further examples of university innocence projects that I facilitated under the auspices of INUK who link involvement with careers and employability include **The City Law School, Southampton, Plymouth and Greenwich** (more information can be provided if requested).

3: INUK and employability

The INUK Innocence Project Student Booklet (Appendix 1) details the work of INUK and the kinds of voluntary activities that students at Bristol (Law and SPAIS) can get involved with. It is framed in terms of Personal Development Planning (PDP) and the importance of reflective diaries as part of their on-going learning and personal and professional development (can be supplied on request and examples of student reflections below).

To support this approach, students who are thinking about getting involved with INUK are given dedicated lectures by the Careers Service on PDP, CVs and the important links between volunteering with INUK and employability.

In addition, all INUK student volunteers are strongly encouraged to do the Bristol PLuS Outstanding Award, which was created for students who can demonstrate high level employability skills (for full information of the Bristol PLuS Outstanding Award see: <http://www.bris.ac.uk/careers/plusaward/OA.asp>).

Lianne Edwards completed the Bristol PLuS outstanding Award in 2013. This is what she said about INUK, the Bristol PLuS Award and employability:

“The Bristol PLUS award was really easy to achieve once I had been with INUK for a year. You have to do something like 30 hours volunteering so it was quite easy to rack up that many hours through the Wednesday sessions of INUK. I'm not sure how useful the award is in terms of employability. Burges Salmon was the only sponsor of the award that I interviewed with but as I didn't get past the initial interview day I didn't have a one on one conversation about my application so I can't say how much the award helps. However, I think it is something useful to have on the applications as it does highlight the dedication to INUK and wrongful convictions, especially when you have to explain the hours of work needed to achieve the award. The award is a useful marker for having been dedicated to INUK. I'd imagine it would also be a talking point in an interview; I mentioned briefly in my Ashfords interview when explaining INUK project that I also got the award.”

In practical terms, INUK students who get involved with INUK:

- Attend training conferences to learn about the key causes of wrongful convictions and how they can be overturned.
- They learn to screen cases according to a specified criteria to distinguish cases with claims of factual innocence for which research and investigations can determine whether they are true or not.
- They undertake desktop investigations, going through witness statements, forensic reports, legal research, etc.
- They can experience fieldwork investigations, prison visits, interviewing witnesses, conducting crime scene re-constructions.
- They can experience working with lawyers, forensic scientists and other experts.
- They learn to write legal letters, briefings, applications/submissions to legal bodies, particularly the police, the Crown Prosecution Service.
- They establish and maintain good client relationships.

- They make applications to the Criminal Cases Review Commission, the statutory body that reviews alleged miscarriages of justice and refers them back to the Court of Appeal if it is felt that there is a “real possibility” that the conviction will be overturned.

This requires caseworkers to have the following attributes and skills:

- Excellent organisational skills;
- Excellent written and oral communication skills;
- Inquisitive/curious attitude necessary for the investigation of real cases;
- Able to process and analyse large amounts of information in a meticulous and detailed fashion;
- The ability to work well both independently and within a team framework;
- The ability to work with a wide range of people including representatives from the various criminal justice system agencies (police, prosecutors, prison and parole staff, CCRC), criminal appeal lawyers, forensic science experts, other students, prisoners and their families;
- The capacity to take initiative (be proactive) and think strategically and critically;
- Reliable and willing to commit between 4-6 hours per week, on average over the life of the academic term (approx. 150 hours per academic year);
- Able to travel for prison visits and obtain documents, if required; and,
- Computer literacy, including experience using common office software.

INUK, therefore, enhances the learning experiences of UoBIP students by providing an insight into “law in action”, as opposed to a “dry” and more restricted learning experience from the “law in books”.

Participation rewards students with a range of educational benefits and transferrable skills that can supplement the teaching and learning on the normal law degree curriculum and improve their employability after university including:

- “Lawyering” skills: dealing with clients, acting like a professional and dealing with other professionals.
- Communication skills: written/oral/formal presentation.
- Critical thinking and analysis: Problem solving, creative/lateral thinking,
- Collaboration and teamwork.
- Case management: record keeping/time management, organising and analysing large files, prioritising their workload, dealing with interruptions and unscheduled work.
- Fact-finding: utilising a variety of resources, use of different disciplines outside of law, application of law to the facts.

For an analysis see: Naughton, M. (2006) ‘Wrongful convictions and innocence projects in the UK: Help, hope and education’, *Web Journal of Current Legal Issues*, Special Edition on Legal Education 3. [Can be supplied on request]

A UoBIP student who left Bristol in 2014 said in an e-mail to me about her time working with INUK:

"Thank you for the past two years on the innocence project...The experience I had was invaluable. It has prompted me to be critical, cynical and deliberative on the legal system and criminal law with a more pragmatic approach. My fortunate acceptance onto the

innocence project has not only satisfied my passion for engaging with the criminal system, but has exposed me to the problems and issues society has cultivated. I found this year to be especially rewarding as the team was smaller, and we had more opportunities to exchange dialogues. Furthermore, your insights into the topic of miscarriage of justice has inspired and provoked me greatly, whether or not I will continue to pursue in criminal law in the future, I will least forget to be constantly inquisitive and critical of the 'facts' laid before me."¹

In addition, wider experiences and exposure that students working with INUK have access to, which also contribute to their personal development and general employability, include:

- Interviews on radio and television
- Articles and book and film reviews
- Presentations at national INUK conferences
- Presentations at third-sector and professional conferences
- Presentations at other universities
- Being featured in public engagement films
- Being featured in the last ever BBC Rough Justice programme
- Winning awards

Lianne Edwards (LLB, 2009-12, now trainee with Ashfords).

Worked with INUK in various roles throughout her three year LLB at Bristol and a further year when she was doing her LPC at UWE as part of her training contract with Ashfords. She undertook the INUK core training; undertook case assessments; helped out at conferences and training events; gave a presentation at a national conference; went on a prison visit; with two others wrote an application to the CCRC for an INUK client. Lianne has no doubt that working with INUK was helpful in her getting her training contract:

“I must say that without a doubt INUK helped me secure a training contract. I mentioned it briefly when I applied for vac schemes as this was after I had only been with INUK for a year. I didn't get any vac schemes or even interviews, however when I applied for training contracts I emphasised my experience with INUK and how it contributes to legal work experience and I got multiple interviews and eventually the training contract with Ashfords. When I got turned down by Burges Salmon for a vac scheme I asked for feedback and they mentioned my lack of legal work experience, so when I re applied for the training contract I used INUK as my legal work experience and I got an interview. I also think INUK is useful for something interesting to talk about in interviews which then made me sound more interesting and appear as someone who gets involved in things - at Ashfords I have certainly found trainees are always asked to get involved so I wouldn't doubt that INUK showed that I was someone who would willingly get involved. Especially when I explained the level of commitment I was happy to keep up with INUK. Most noteworthy I think is the fact that in my Ashfords interview the commercial partner who interviewed me was really interested in INUK; asking what it does, how I was involved and why. This is despite him having only just pointed out that Ashfords doesn't really do criminal work.”

¹ Appendix 2 provides further examples on UoBIP students reflecting on some of the experiences that they have had as part of their learning about wrongful convictions and the wider issues and consequences.

Gabe Tan (LLB, 2005-08; MSc in Socio-Legal Studies, 2008-09; now trainee with White & Case):

Was among the first batch of innocence project students in the first innocence project in the UK – the University of Bristol Innocence Project that I established in January 2005. Gabe went on to take on the role of Executive Director of INUK for almost 6 years. The list of experiences that Gabe had with INUK is too long to list but includes several prison visits, numerous requests and submissions to the police, CPS, CCRC, SCCRC, etc, lots of media interviews, several articles, including two peer-reviewed articles with me, lots of presentations at conferences both in the UK and abroad (US, China). Like Lianne, Gabe was unequivocal that INUK helped her to get her training contract:

“There is no question that my experience with INUK has contributed significantly in assisting me to secure a training contract. In addition to giving me the work and extra-curricular experiences that law firms look for in prospective trainees, INUK has helped me to build my contacts and network with the legal profession, which helped to pave the way towards getting a vacation scheme placement that led to a training contract with White & Case. Surprisingly, the fact that my experience through INUK is mainly in the area of criminal law was not at all questioned during my training contract interview. Quite the contrary, I was able to talk about how the unique set of transferrable skills that I have obtained through INUK, in particular, the ability to understand and manage complicated case matters, communicate effectively with people from different walks of life, cope effectively with challenging situations, are skills that stand me in good stead for a career as a lawyer in the City. Finally, my experience with INUK has also helped me to demonstrate a commitment to pro bono work and a genuine passion for access to justice, which are values that White & Case actively promotes and embraces.”

Mark George QC



Mark George QC, Head of Chambers, Garden Court North.

Garden Court North was formed in 1996. It is considered to be "the only noteworthy civil liberties outfit outside London" (Chambers and Partners 2005 p1626), and "...the only set outside London to specialise in human rights" (Chambers and Partners 2008).

The following is taken from Mark George QC's twitter account that announced on 11 April 2014 that Garden Court North were offering 2 pupillages for 2015. It specifically signalled out

volunteering with INUK (as opposed to more generic references to law clinics or pro bono schemes) as the kind of EVIDENCE that they were looking for from applicants:

"Some good news for pupillage hunters! **@gcnchambers** is offering 2 pupillages in Oct 2015 via Pupillage Gateway. A couple of tips 1) if you...haven't heard of us u probably won't want to work in our areas of law, 2) check out <http://www.gcnchambers.co.uk> before you apply, 3) we want to see EVIDENCE of yr interest and commitment to our areas of work, eg law clinics, INUK, pro bono, wk at advice centre, internships etc." (https://twitter.com/Mark_George_QC).

4. The different levels of involvement with INUK

There are a number of different levels of involvement with INUK at the University of Bristol open to students in the Law School and the School of Sociology, Politics and International Studies (SPAIS).²

This ranges from students who attend (soon to be) certificated training events and conferences to more in-depth casework on alleged wrongful conviction cases.

Whatever level of engagement will contribute to a greater or lesser extent to the participating student enhancing their CV and general employability.

Training



Some of the 70+ Bristol students at the annual INUK conference that was hosted by Norton Rose, London, in 2012.

At a basic level, all students who want to get involved with UoBIP undertake the INUK basic training on the key causes of wrongful convictions, assessing applications for casework assistance, investigating alleged wrongful convictions and writing applications to the Criminal Cases Review Commission (CCRC) and/or the Scottish Criminal Cases Review Commission (SCCRC).

Since 2005, I have organised 20 INUK national training conferences and 10 ad hoc events that UoBIP students have attended to increase their knowledge on wrongful convictions and how they might be overturned, as well as enhancing their CVS.

² The Schools that I am in at Bristol.

Casework

The demand by students to get involved with the work of INUK at the University of Bristol far outstrips the number of places on offer.

Over the years, different models have been tried from a small group of 8 or so students investigating a single case, to an attempt to accommodate all those students at Bristol who wanted to get involved, which say approximately 120 students doing some work with INUK in 2012-13.

We have also tried various models in-between but have found that the students need to be closely supervised and supported in their activities with INUK rather than being left to their own devices.

For one thing, they possess neither the maturity nor the experience to take on the responsibility of investigating an alleged wrongful conviction case that has already failed in an appeal or in an application to the CCRC on their own - they are simply out of their depth. It really is not a coincidence that other innocence projects around the country that are "student-led" make little, if any progress with their case investigation.

The UoBIP, on the other hand, is an effective innocence project law clinic that can list real casework results. This includes the first successful referral of a case (for murder) back to the Court of Appeal by the CCRC in a case assisted by an innocence project (R v Hall) and the first case (armed robbery) by an innocence project to be referred back to the High Court of Justiciary by the SCCRC (R v Beck).



Ryan Jendoubi (MA in Law, now at KPMG as a forensic analyst) and Mark Allum (LLM, prospective BPTC students) outside the Scottish Criminal Cases Review Commission before the meeting with the Chair, Gerald Sinclair, about R v Beck.

In the case of R v Nunn, which was worked on by UoBIP students, INUK was granted permission to intervene at the Supreme Court. The following picture shows UoBIP students outside the Supreme Court.



Front Row: Joseph Lum (LLB); Sopia Pattison (BSc); Becky Hill (LLB), Naomi McKay (BSc); Jocelyn Lau (MA); Gabe Tan (LLB, MSc, Trainee, White & Case). Back Row: Robert Wheal (Partner, White & Case); Mark Allum (LLM); Dr Michael Naughton

It is equally true that students who undertake casework and research need to be academically able to produce high quality work. As such, casework and research students are chosen from applicants who can demonstrate a consistent high level of academic ability and achievement - 65% or over on all of their units in their previous year.³

This has a number of effects. Students who want to do casework or research with INUK will try to do the best that they can so that they are selected. At the same time, those who are not able to achieve 65% or over on all of their units in the previous year can focus on getting the best degree that they can get rather than having to spend 4-6 hours a week on casework and/or research - UoBIP is supposed to supplement not detrimental effect the students' degrees.

Research

UoBIP students undertake a range of research relating to the cases that they work on. This has ranged from research on the causes of wrongful convictions, the criminal appeals system and the CCRC in the academic literature and with reference to statutes and case law to the reliability or otherwise of specific forms of evidence at the centre of the cases that they are investigating - DNA testing techniques, fingerprints, fibres, moulds, eyewitness identifications, confessions, etc.

The UoBIP students also did a sizable amount of the work for the Joseph Rowntree Reform Trust (JRRT) funded INUK project on the reform of the CCRC. This took the form of the Dossier of Cases of alleged innocent victims of wrongful convictions who have been turned down by the CCRC at least once but who, nonetheless, may be innocent. For details of the

³ This was instituted following discussions with the then Director of Teaching and Learning in the Law School on the grounds that it is transparent and equitable.

project and access to the Dossier of Cases see:
<http://www.innocencenetwork.org.uk/ccrcreform>

Public engagement

The following are some examples of public engagement opportunities that working with INUK gives to UoBIP students:

1. **The Innocence Project.** A short film made by the public engagement team at Bristol.

<https://www.youtube.com/watch?v=dr6sCen2DRU>

2. **The Innocents' Brief.** The last ever BBC Rough Justice programme. It featured five Bristol Law students investigating an alleged wrongful conviction.

<http://www.bbc.co.uk/programmes/b007clnc>

3. **The Innocence Project.** An 8-part drama series on BBC 1, for which the work of the UoBIP provided the domestic relevance. See:

http://www.bbc.co.uk/pressoffice/pressreleases/stories/2006/10_october/05/innocence.shtml

3. **Interviews in the media.** For instance see:

<http://news.bbc.co.uk/1/hi/england/bristol/6127630.stm>

<https://login.thetimes.co.uk/?gotoUrl=http%3A%2F%2Fwww.thetimes.co.uk%2Fto%2Feducation%2Fstudent%2F>

Other opportunities

Other opportunities that UoBIP students can experience through their work with INUK include:

1. **Talks at INUK national conferences** as in the following two examples:



Ryan Jendoubi (now a forensic analyst with KPMG) and Lianne Edwards (now a trainee at Ashfords) and Vaughan Caines (now a barrister in Bermuda) giving presentations at INUK national training conferences.

2. Talks at other professional and third sector conferences. For instance, Gabe Tan and Joe Oppenheimer. Following their appearance in the BBC Rough Justice documentary, Gabe and Joe gave various public talks including at an annual United Against Injustice conference (first picture), a talk at the Society of Expert Witnesses annual conference and at the INUK symposium on the need to reform the Criminal Cases Review Commission (second picture below). Also in the second photo are Paddy Joe Hill (Birmingham Six case), Mike O' Brien (Cardiff Newsagent Three case) and Paul Blackburn who spent 25 years in prison for an alleged sexual assault). Joe is now a barrister at Bretton Woods Law. Gabe is a trainee at White & Case.



First picture: Gabe and Joe giving a talk at an annual United Against Injustice conference. Second picture: Gabe and Joe giving a talk at the INUK symposium on the reform of the CCRC.

3. Winning awards as in the cases of the following students who won an Attorney General's Pro Bono Award (first picture) and a Bristol Law Society Award (second picture) for their achievements in getting cases referred back to the appeal courts by the CCRC and the SCCRC.



First picture: Jess Wood – now a barrister at St John’s Chambers, Bristol; Madeline Williams – training contract with Eversheds in Cardiff; Amanda Bell – now a solicitor with Withers; Gabe Tan – training contract with White & Case; Steve Chang – associate with DLA Piper, Hong Kong; Lindsey Bell – Phd student at Bristol.

Second picture: Mark Allum prospective BPTC student and Ryan Jendoubi now a forensic analyst with KPMG.

5. Where did they go/are they now?

The following is a snapshot of where some of the notable University of Bristol Innocence Project alumni went to after Bristol and/or where they are now. Rather than cull from all students who have done some work with INUK or attended an INUK conference or training event, it includes only those former students who took on leadership roles and/or who undertook more in-depth roles in terms of casework and/or research with INUK when they were at Bristol.

It is structured into two broad parts, first giving some examples of UoBIP students who did voluntary work with INUK who went into a legal career and, then, some examples of ex Bristol innocence project students who went into an academic career.⁴

Some examples of UoBIP students who went into a legal career



Lindsey Kenalty

Partner, Kenalty Winn Barristers, Solicitors & Notaries Public, Ontario, Canada
<http://ca.linkedin.com/pub/lindsay-kenalty/6/31b/a3>

Lindsey worked on the case of a man serving a life sentence for murder.



Jessica Wood

Barrister, St John's Chambers, Bristol.

⁴ This is mainly from my memory. In future years, all students who work with INUK on casework or research projects will be required to complete an exist questionnaire relating to employability and whether INUK helped with training contracts, PHD studentships, etc. We will also keep a database of INUK Alumni and track their careers and keep in contact with them.

<http://www.stjohnschambers.co.uk/profile/jessica-wood>

Jess was one of the students who worked on R v Hall and who were featured in a BBC Rough Justice television programme. I also entered Jess for *The Guardian's* 'Next Big Thing' completion, which she won. See: <http://www.theguardian.com/money/2008/may/10/graduates.workandcareers2>



James Hughes
Barrister, St John's Chambers, Bristol.
<http://www.stjohnschambers.co.uk/profile/james-hughes>

James mainly worked on research for INUK's campaign to reform the CCRC.



Vaughan Caines
Barrister, Charter Chambers Bermuda
<http://www.linkedin.com/pub/vaughan-caines-msc-ma-in-law-uk/79/22b/264?trk=pub-pbmap>

Vaughan worked on the case of a man who has been in prison for 34 years (as of July 2014) maintaining innocence of a joint enterprise murder.



Rupert Wheeler
Barrister, 1 Pump Court.
<http://1pumpcourt.co.uk/who-are-we/members/column-3/alias-14>

Rupert worked on the case of a man who had been maintaining innocence in prison for over 20 years for murder.



Joe Oppenheimer
Barrister, Bretton Woods Law
<http://www.brettonwoodslaw.com/staff/joseph-oppenheimer>

Joe worked on the case of R v Hall and was featured in the last ever BBC Rough Justice programme with four others investigating Mr Hall's case.



Katie French
Solicitor, Coffin Mew LLP
<http://uk.linkedin.com/in/katiefrench1>

Katie was in the first cohort of UoBIP students who helped to put the structures and foundations in place.



Amanda Bell
Solicitor, Withers LLP
<http://uk.linkedin.com/pub/amanda-bell/33/447/570>

Amanda worked on the case of R v Hall and was featured in the last ever BBC Rough Justice programme with four others investigating Mr Hall's case.



Steve Cheng
Associate, DLA Piper, Hong Kong
<http://hk.linkedin.com/in/chengsteve>

Steve was INUK's webmaster and general IT expert. He also acted as a team leader with Ruth Chang of a team of 8 students working on the case of a man convicted for murder who had been in prison for 14 years.



Ruth Chang
Trainee Solicitor, Brown JSM, Hong Kong
<http://www.mayerbrown.com/files/uploads/Careers/Asia/Recruitment-Brochure-thrive.pdf>

Ruth was team leader with Steve Chang. She and their team worked on the case of a man convicted for murder who had been in prison for 14 years.



Gabriella Polledri
Solicitor, Herbert Smith Freehills

Gabriella worked on the case of a man convicted for murder who has just passed his 18th year in prison. The work was continued by Gabe Tan (below), Lianne Edwards (below) and others who drafted an application to the CCRC that was submitted on behalf of the 'client' in September 2013 (CCRC review on-going).



Lianne Edwards
Trainee Solicitor, Ashfords LLP

Lianne worked on various cases in her first and second year. With another student and a volunteer solicitor, she drafted an application to the CCRC for an INUK applicant who has been in prison for 18 years for murder. The case is under review at the CCRC.



Gabe Tan
Trainee Solicitor, White & Case, LLP

Gabe was one of the students who set up the UoBIP. After graduation, she worked as INUK Executive Director for almost 6 years until December 2013. During this time, she took over the day-day running of INUK, wrote successful grant applications, organised conferences and shared her methodology for investigating alleged wrongful convictions in the Claims of Innocence book. Gabe also supervised student investigations at Bristol and made numerous submissions to the CCRC, police, prosecution, etc, and obtained forensic reports to challenge the evidence in alleged wrongful conviction cases. Gabe also played a key role in referrals by the CCRC to the Court of Appeal (R v Hall) and the SCCRC to the High Court of Justiciary in Scotland (R v Beck). And, she drafted the submission for INUK's intervention at the Supreme Court in Nunn v Chief Constable of Suffolk Constabulary.

Some examples of UoBIP students who went into an academic career



Dr Bharat Malkani, Lecturer
Birmingham Law School
Co-ordinator of Birmingham Law School's Pro Bono Group, which he established in 2009
<http://www.birmingham.ac.uk/schools/law/staff/profile.aspx?ReferenceId=3814>

Bharat helped to set up the UoBIP when he was a PhD student.



Dr Lynne Copson, Early Career Development Fellow
School of Law, University of Edinburgh
<http://www.law.ed.ac.uk/people/lynnecopson>

Lynne worked with Dan Newman (below) and others on dealing with incoming mail and case assessments when he was a 3rd year undergraduate and PhD student in sociology. Lynne also gave a presentation at an INUK training conference on data protection and innocence project work.



Dr Dan Newman
Research Assistant, Sustainable Places Research Institute
Cardiff University
<http://www.cardiff.ac.uk/research/sustainable-places/contacts-and-people/staff/dr-daniel-newman>

Dan worked with Lynne Copson (above) on dealing with incoming mail and case assessments when he was a 3rd year undergraduate in sociology and a MSc in Socio-Legal Studies student in law.



Dr Abenaa Owusu-Bempah. Lecturer in Law, University of Sussex
<http://www.sussex.ac.uk/law/people/peoplelists/person/328631>

Abenna was in the first group of students who set the UoBIP up.



Dr Tanya Palmer
Lecturer in Law, University of Sussex
<http://www.sussex.ac.uk/law/people/peoplelists/person/278428>

Tanya undertook research for the UoBIP when she was a MSc in Socio-Legal Studies student.

APPENDIX 1

INUK Innocence Projects Handbook



‘Educating to overturn and prevent the wrongful conviction of innocent people.’

Innocence Project Student Handbook

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PART I - OVERVIEW OF INNOCENCE NETWORK UK

ABOUT INUK

Innocence Network UK (INUK) was established by Dr Michael Naughton in September 2004 as a practical response to the limitations of the criminal justice system identified in academic research. Put simply, there are many known causes of wrongful convictions to which innocent individuals can fall prey, both intentional and unintentional. However, the criminal appeals system and the Criminal Cases Review Commission (CCRC) cannot guarantee that all innocent victims of wrongful convictions will have their convictions overturned.

INUK is an apparatus with four broad interrelated purposes:

Research

INUK is a vehicle for the circulation of my research on wrongful convictions and the research that I undertakes on wrongful convictions and miscarriages of justice with others under the auspices of INUK. These researches feed into INUK's public engagement and impact aims (see below).

Casework

INUK undertakes independent, objective investigations into claims of factual innocence by alleged victims of wrongful convictions to determine whether they are true or not.

All investigations into alleged wrongful convictions by INUK are undertaken on a *pro bono* basis – free for public good.

INUK's casework is undertaken by University of Bristol Innocence Project students (who also have opportunities to get involved with INUK research and public engagement activities) who have first completed the INUK training on the key causes of wrongful convictions, assessing applications for casework assistance, investigating alleged wrongful convictions and writing applications to the Criminal Cases Review Commission (CCRC) and/or the Scottish Criminal Cases Review Commission (SCCRC).

Public engagement

INUK is a channel to communicate the failings and limitations of the criminal justice system to policy makers, criminal justice system agencies, the legal community and more widely to members of the public. The focus of INUK's public engagements is on the intentional wrongs and unintentional errors of the criminal justice system that cause wrongful convictions and the inability of the criminal appeals system and the CCRC/SCCRC to overturn wrongful convictions as identified in academic research and case investigations into alleged wrongful convictions.

Impact

INUK was established with the overall aim of improving the criminal justice system. INUK is a medium to influence reforms of the criminal justice system and changes to prison and parole practices from the findings of research and casework so that the innocent can overturn their convictions and/or make progress or achieve release from prison.

WHY WAS INUK ESTABLISHED?

1. PROBLEMS WITH THE SYSTEM

Despite the creation of the Criminal Cases Review Commission (CCRC) and the Scottish Criminal Cases Review Commission (SCCRC) in Scotland, factually innocent victims of wrongful convictions still find it difficult, sometimes impossible, to have their cases referred back to the appeal courts and overturned.

2. VICTIMS

The wrongful conviction of factually innocent people inevitably results in serious financial and emotional damage far beyond harm to the prisoner only. It extends to family, friends and society itself, because the real perpetrator is still at large and justice has not been done.

3. PROGRESSING PRISONERS MAINTAINING INNOCENCE

Life sentenced prisoners maintaining factual innocence are, generally, unable to progress through the prison system, with a view to consideration for parole, as they refuse to acknowledge their crimes (because they maintain innocence), which the system considers an essential pre-requisite for rehabilitation. So they are faced with the impossible decision of admitting to the crime, in the hope of release, or continuing to maintain factual innocence, knowing that they may never come out of prison as a result.

4. NO ALTERNATIVE ORGANISATION

INUK was established because there was no other organisation at the time to address these problems in the same way. In particular, the organisation JUSTICE ceased its work on alleged miscarriages of justice when the CCRC was set up on the misconception that it was the panacea for the wrongful conviction of the innocent. As an independent project, with a firm educational base, INUK provides a strong voice in a unique way.

See: <http://www.innocencenetwork.org.uk>

PART II- OVERVIEW OF INUK CASEWORK

INUK's casework is undertaken by University of Bristol Innocence Project students (who also have opportunities to get involved with INUK research and public engagement activities) who have first completed the INUK training on the key causes of wrongful convictions, assessing applications for casework assistance, investigating alleged wrongful convictions and writing applications to the Criminal Cases Review Commission (CCRC) and/or the Scottish Criminal Cases Review Commission (SCCRC).

Please note: All INUK casework is conducted on a pro bono (free for public good) basis.

WHAT IS INUK CASEWORK?

INUK casework is focused on investigating the case of a convicted person maintaining factual innocence who has exhausted the initial appeals process.

Students work under the academic supervision of INUK director, Dr Naughton, and with pro bono legal assistance from a practising lawyer where appropriate.

INUK casework conducts thorough, objective and independent investigations of claims of factual innocence by alleged victims of wrongful conviction. If evidence of factual innocence is found or the evidence that led to the conviction is discredited, innocence projects will assist in making an application to the CCRC or the SCCRC for that person's case to be reviewed for referral back to the appeal courts.

It is also possible that INUK may make applications for a Free Pardon under the exercise of the Royal Prerogative of Mercy in applications to the Secretary of State if strong evidence of factual innocence exist that does not provide legal grounds for appeal in the eyes of the CCRC and/or the SCCRC.

There are no definitive criteria for INUK casework, other than that they are concerned with allegations of factual/actual innocence as opposed to allegations of technical miscarriages of justice.

INUK does not consider claims that murder convictions should have been convictions for manslaughter, for instance.

INUK is not a replacement for legal aid.

WHY DO WE NEED INUK CASEWORK?

The structures of the existing criminal appeal system cannot guarantee that all innocent victims of wrongful conviction will overturn their convictions. Instead, the appeal courts attempt to determine whether criminal convictions are 'unsafe' in terms of whether the trial was 'fair', understood as compliance with the prevailing rules, as opposed to fair in terms of a just outcome from a lay social justice perspective where a factually guilty person is convicted in a criminal trial and a factually innocent person acquitted.

In addition, legal aid is not always available to persons maintaining their innocence wishing to appeal, so finances are often a huge problem. Also, much has been written about the reducing number of criminal legal aid lawyers, so access to appropriate legal advice is not always easy.

WHAT DOES INUK CASEWORK DO?

INUK investigations generally consist of the following:

- obtaining and analyzing all available used and unused evidence
- requesting for retention of evidence
- conducting prison visits to alleged innocent victims of wrongful conviction
- tracing and interviewing witnesses
- conducting comprehensive research on forms of evidence
- exploring new methods (e.g. DNA testing or other forensic science techniques) that could establish the validity of a claim of innocence
- consulting with forensic science experts
- making submissions to the appropriate public/ legal bodies, particularly the Criminal Cases Review Commission or the Scottish Criminal Cases Review Commission

INUK investigations are independent from the structures of the adversarial system and are neither defence nor prosecutorial oriented.

Rather, INUK investigations are geared towards truth seeking or testing the credibility of the claim of innocence, critically interrogating existing evidence or utilising new methods or techniques to prove or disprove the claim of innocence of an alleged victim of a wrongful conviction.

THE PRACTICAL LIMITATIONS OF INUK CASEWORK

INUK investigations into alleged wrongful convictions can help to meet the unmet legal needs of alleged victims of wrongful conviction whose cases have exhausted the appeals process and fall outside the scope of legal aid. However, we continually grapple with a whole host of problems which limit the casework assistance that we can provide to those that we seek to help.

1. INUK is limited in its resources and capacity.
2. As such, INUK cannot guarantee that all applications that are deemed to be eligible will be able to have their claims of innocence investigated immediately. There is a waiting list but eligible applicants will be updated regularly about when their case will be investigated.
3. Another major limitation is that we do not have the powers of investigation that statutory bodies such as the CCRC possess. As a result, INUK investigations are often unable to access and/or obtain confidential or sensitive information such as medical records, police log books and diaries and information contained in the police's HOLMES database.

4. At present, INUK does not have the financial resources to commission forensic testing or analysis, although INUK does have forensic scientists who can offer preliminary review and advice on a pro bono basis.

5. As such, whilst INUK can assist with identifying lines of investigation and conducting research on the forms of forensic science technology that can help to establish a claim of innocence, the actual tests and analyses can usually only be carried out if the CCRC commissions it. In such circumstances, INUK will make an application to the CCRC requesting for the required tests to be commissioned.

THE EDUCATIONAL BENEFITS OF INUK

There are considerable educational benefits associated with the study and/or investigation of alleged claims of wrongful conviction, adding valuable insight and experience into the curriculum of law and society. Students gain work experience and a broad range of transferrable skills , including:

- Research techniques
- Analytical skills and creative thinking
- Communication and presentation skills
- Management and organisational skills
- Advocacy
- Drafting

Those teaching potential future lawyers can observe the educational benefits of innovative programmes involving real-client work, whilst ensuring that future practitioners develop a passion for justice, ethical practice, and pro bono work.

PART III- CASEWORK

INUK CASEWROK PROTOCOLS

INUK's Casework Protocols set out minimum standards that INUK casework investigations will work to.

They have been adapted from the model standards for live-client work that govern associates of the Clinical Legal Education Organisation (CLEO) and are in line with the Attorney General's Pro Bono Protocols.

In summary, INUK believes that pro bono investigations into alleged wrongful convictions by student caseworkers in universities should work to agreed minimum standards.

This includes minimum standards for 'client' care that keeps in mind at all times the need to inform alleged innocent victims of wrongful conviction of the progress of their case.

At a very basic level, this involves regular letters to 'clients' to update them on the progress of the investigation into their claim of innocence.

We further recommend that student investigators follow some basic guidelines, including:

1. As a precursor to case work, investigators should first **familiarise themselves with all of the materials that are available in the public domain** on the basis that lack of knowledge of case facts will tend to induce lack of trust and credibility.
2. They should **produce a timeline for the case** – a detailed chronology of the incident, followed by significant events (hearings etc.). The timeline can be used as a tool to identify discrepancies or find problems with the case.
3. They should early on **produce a list of key characters** and the names and contact details of anyone who is involved in the case in any way.
4. **All casework should be recorded in some form of case management system**, listing all the documents on the case, where they are and what they contain.
5. Before any approach is made to potential witnesses, caseworkers in universities must **seek consent from the 'client'** and students must always be supervised by their staff director.

INUK Casework Protocols will be given to UoBIP students at the INUK basic training.

CASEWORK PROCESS

INUK's casework process consists of three distinct stages as set out below

Stage 1: Eligibility assessment

The first stage of the Casework Process is a letter from a convicted person maintaining innocence asking the Innocence Network UK (INUK) for assistance. An Introductory Letter and a Preliminary Questionnaire is sent out by the INUK. The Preliminary Questionnaire asks straight forward questions about the case.

- Personal details;
- Details of conviction including the offence(s) s/he is convicted of, location of crime, length of sentence received, date of conviction and so on;
- A brief description of the prosecution's case, including any evidence produced at trial in support of the prosecution's case;
- Argument put forward by the defence, including evidence produced at trial;
- Details of previous lawyers, at trial, appeal and/or an application to the CCRC/SCCRC;
- Full appeal history, giving reasons cited for failed appeals, and CCRC/SCCRC decision if applicable.
- Most crucially, the Preliminary questionnaire then asks more specific questions about the claim of innocence and how an innocence project affiliated with the INUK may assist the prisoner maintaining innocence:
 - Why do you think you were wrongly convicted of the crime?;
 - Do you have an alibi that proves that you could not have committed the crime that you have been convicted of? If so, please provide details;
 - Is there any physical evidence (DNA, fingerprints etc) that proves that you could not have committed the crime?;
 - How do you think an Innocence Project can help you prove your innocence? In other words, point us in the right direction; and,
 - Is there any fresh evidence to now indicate that you are innocent that was not put before the jury at your trial?
- When the completed Preliminary Questionnaire is returned INUK will assess whether the case is eligible. A case is deemed 'eligible' if:
 - the applicant is maintaining factual/actual innocence of a conviction;
 - the applicant has exhausted the normal appeals process, including those who have been advised that no grounds of appeal can be found;
 - the applicant's case is not in the process of a review by the CCRC/SCCRC; and,
 - if the applicant has a solicitor acting on his/her behalf for a possible appeal, the solicitor is willing to be assisted the innocence projects.

Cases meeting the INUK's criteria are deemed 'eligible' and added to our waiting list to be investigated.

Alternatively, cases which do not meet the required criteria are deemed 'ineligible' for further investigation, but are kept on record for future research potential.

Stage 2: Investigation

When cases deemed to be eligible are investigated, more specific questions that arise from the completed Preliminary Questionnaire are put to the alleged innocent victim of wrongful conviction. For instance, clarification may be sought about any potential evidence that was mentioned. This may include the names and addresses of potential alibi witnesses; guidance about obtaining fresh evidence; allegations put forward by the 'client' as evidence of their

innocence that student caseworkers may wish to further explore and/or confirm. In essence, this stage of the casework process is a rigorous 'test' of the information provided in the Preliminary Questionnaire. Anything that you may be unsure of is made sure of at this stage.

Caseworkers will try to obtain a full set of case documents from previous solicitors utilising an 'Authority of Release Letter' which is signed by the 'client'. This can involve many boxes of case materials – trial summing up; Court of Appeal judgment; applications to the CCRC/SCCRC; witness statements; photographs and other exhibits, and so on. This will often arrive in a highly disorganised state and requires a methodical and meticulous approach to putting the case files back into chronological order.

Once the case documents are organised, caseworkers will identify any discrepancies that need to be verified or lines of inquiry that needs further investigation. This may include making contact with witnesses, obtaining evidence from police and other public bodies, and contacting forensic scientists for their services and/or expert opinion where appropriate.

As already indicated, all casework is properly supervised with support where appropriate from practicing criminal solicitors working on a pro bono basis with INUK.

Stage 3: Application to the CCRC/SCCRC or an application to the Secretary of State for a Royal Prerogative of Mercy

If a full investigation turns up grounds for appeal, INUK will make a formal application to the CCRC/SCCRC and, if the case is referred, lawyers will prepare the case for an appeal hearing.

It is also possible (although this is yet to occur) that INUK may make applications for a Free Pardon under the exercise of the Royal Prerogative of Mercy in applications to the Secretary of State if evidence of innocence does not provide grounds for an application to the CCRC and/or the SCCRC.

Alternatively, if during the course of an investigation, new evidence emerges which proves that the client is, in fact, not innocent, INUK will notify the applicant and close the case.

PART IV- CRITICAL REFLECTIVE DIARIES

In line with the clinical educational aims of innocence projects, Bristol innocence project students are encouraged to keep 'Critical Reflective Diaries' in which they write critical reflections of their various experiences with the Project – visits to the Project from guest speakers, trips to police stations with the Project's solicitors, visits to prison, to court, to the Court of Appeal, workshops on the causes of wrongful convictions and conferences, and, when they are working on cases, report their experiences and thoughts about the investigation process and the issues that arise along the way. The following sections provide brief general guidance on aims and methods of reflective learning.

WHAT IS REFLECTION?

It is important that you regularly write down the experiences you have with the innocence project so that you can refine and develop your skills in line with professional standards. Your reflection will also form the basis of discussions about your progress and learning outcomes.

Reflection is a means of working on what we already know and it generates new knowledge. Most of us reflect in some way or another, often just in our heads as we go from one activity to another and try to solve problems that we encounter: "Maybe I should have spent longer on that essay..." or "I should have left the house earlier to beat the traffic; I'll set the alarm for 7 instead of 7.30 tomorrow..." Rather than leave these thoughts in your head, you can improve your self-management and develop your workplace skills if you regularly record and reflect on what you experience on a day-to-day basis.

Reflection is not just an 'add-on extra' to academic work, but an essential component of good quality learning and the representation of that learning. It can be difficult to 'measure' your progression to professional standards. Reflecting on your learning experiences and recording that learning in your critical reflective diary provides crucial evidence of your progression. You will encounter practical situations that you may want to relate to a theory you have already studied and compare different approaches. You may also have to manage a heavy workload, challenging behaviour in clients or even in your colleagues. Your learning diary is the place to write down how you coped, and how you will cope again with a similar situation in the future. You will develop increased self-awareness, makes links between different aspects of your experiences on the Project, become more independent as a learner and become more pro-active in your approach to work and study, therefore making the most of your time spent in practice.

WHY REFLECT?

Effective learners are able to process what they experience in order to learn from it, and this is a highly-valued skill in the world of employment. Developing independence and autonomy in your learning, and fostering professional standards in clinical practice are important aspects of your degree; these are highly-prized graduate attributes. Your learning diary should be an honest reflection of your experience in practice, demonstrating *critical analysis* and not consisting of straight reporting or description of events.

- This activity is designed to help you write about your experience in clinical legal practice, so that you will have an ongoing record of what you achieve, learn and

understand. You will probably be asked to maintain some kind of portfolio of your continuing professional development during future employment, so this is good way of getting used to thinking about *how* you learn and develop.

- When you record what you did or felt, you can begin to think about how you did it, how you might develop, and what you might do next time.
- You can identify your skills, knowledge, and understanding, and work towards developing them.
- Importantly, your completed record will be useful for your CV, job application forms, and also during interviews when you will be asked to give examples of skills and how you attained them.
- The diary demonstrates your understanding of the process of lifelong learning and self-awareness, an important key skill in today's graduate employment market.
- Research also suggests that people who record their goals and who reflect on their progress are far more likely to achieve those goals than people who do not actively reflect on their achievements.

HOW DO YOU REFLECT?

What we are asking you to do is look back on an experience and make sense of it to identify what to do in the future. This means that you can understand why something worked well for you, as well as learning from any mistakes.

Indicators of 'good' critical reflection

- What you did, what happened and what your part in it was;
- What you thought went well, why, and what you achieved;
- What could have been done differently;
- Honesty and some objective critical analysis of a situation. Identifying what went wrong and what you could do differently indicates that you have learned something, not simply that you made a mistake; and,
- What you will do in the future and how you will measure or evaluate your success.

Indicators of 'poor' reflection

- A straight description of what you did, with no analysis or insight;
- A lack of honesty, making everything sound fine or awful (there are few situations where everything goes smoothly, or where nothing positive happens); and,
- Excuses or blaming others. Acknowledge your responsibilities.

Questions to prompt yourself

- What happened? How did it feel? How did other people react? What were your strengths/limitations? What choices did you make and what effect did they have? What have you learned for the future?

Setting goals and objectives

One way to provide structure for reflection is to set weekly and daily goals for yourself, and then to revisit those goals and think about how you met them: did they have to change, or were there things you did that stopped you achieving them?

The key to setting any goals is to make them **SMART** ones:

- **Specific:** what exactly is the goal? The less vague the better.
- **Measurable:** how will you measure your success?
- **Achievable:** is it realistic and possible?
- **Resourced:** have you got the time or other resources to do it?
- **Timed:** by when will you have done it?

PART V- PERSONAL DEVELOPMENT PLANNING (PDP)

WHAT IS PDP?

“**Personal Development Planning** is 'a structured and supported process undertaken by an individual to reflect upon their own learning, performance and / or achievement and to plan for their personal, educational, and career development.'

The primary objective for personal development planning is to improve the capacity of individuals to understand what and how they are learning and to review, plan and take responsibility for their own learning.

It is intended to help students:

- become more effective, independent and confident self-directed learners;
- understand how they are learning and relate their learning to a wider context;
- improve their general skills for study and career management;
- articulate their personal goals and evaluate progress towards their achievement; and
- encourage a positive attitude to learning throughout life.
- The ideas that underpin these conceptions mean that PDP is:
 - a structured process that is integral to higher level learning;
 - concerned with learning in an holistic sense (both academic and non-academic);
 - something that an individual does with guidance and support: the latter perhaps decreasing as personal capability is developed so that it becomes self-sustaining;
 - a process that involves self-reflection, the creation of personal records, planning and monitoring progress towards the achievement of personal objectives;
 - intended to improve the capacity of individuals to communicate their learning to others who are interested in it (e.g. academic staff and employers).

The reflective and planning skills on which idea of PDP is based are integral to knowing how to learn in different contexts and to the ability to transfer learning.

What results from the PDP process?

PDP results in two main outcomes. The first is enhanced self-awareness of strengths and weaknesses and directions for change. The process is intended to help individuals understand the value added through learning that is above and beyond attainment in the subjects they have studied. Crucially, it relates to their development as a whole person. The second outcome is a record of learning experiences and achievement, personal reflections and plans for self-improvement (Personal Records), that provide a unique resource to each individual. The information in such records is owned by the learner and their maintenance, authenticity and use is the responsibility of the individual” **(from the website of the Quality Assurance Agency for Higher Education).**

In summary, PDP is a structured and supported process that will help you to critically review your learning experiences, set personal and academic goals and evaluate your progress towards these goals.

PDP is designed to assist you to further develop as an independent learner and will be of benefit not only during your time at university but throughout your career.

As earlier sections emphasised, spending some time recording what you are doing, what results you're getting and then planning ahead is a process of critical reflection. If you take on board the fact that employers cite self-awareness as a crucial graduate skill, you can see how important this process is to your future prospects, as well as helping you to improve your academic learning right now!

UNIVERSITIES AND PDP

All universities vary in how they will offer you PDP opportunities. Sometimes these opportunities will be built into your degree course (study skills help, a work placement, regular sessions with a personal tutor), or you may be able to attend extra workshops such as those offered by your Students' Union or Careers Service. They allow dedicated undergraduate students thinking seriously about their careers to make the most of university, and help you plan ahead for future employment success.

INNOCENCE PROJECTS AND PDP

Innocence projects arguably tick all of the required PDP boxes for students and for universities, as they offer themselves as perfect vehicles for obtaining Personal Development Planning (PDP) experiences.

INUK recognises the value to students of PDP and is committed to universities supporting these aspects of its innocence project work.

PART VI- ASSESSMENT

The innocence projects at Bristol is currently extra-curricular clinical venture. As such, INUK does not oblige its students to be assessed.

However, having some form of assessment is good practice, both to measure the student members' clinical learning experiences and for the students themselves to deliver on the aims of PDP and critical reflection generally. It is recommended, therefore, that students at least keep reflective diaries, compiling what might be termed a 'portfolio of critical reflections' that will chart their development.

APPENDIX 2

Some examples student reflections on talks organised by INUK at Bristol

Mike' O' Brien, victim of a miscarriage of justice; spent 11 years in prison as one of the *Cardiff Newsagent Three* convicted for the murder of Philip Saunders

Mike O' Brien – Student One

“I found the account given by Mike O'Brien to be incredibly inspiring. It is almost unbelievable to think about what actually happened to him, and that it happened so recently. It is even more astounding that other innocent prisoners are almost certainly receiving very similar treatment today. I was flabbergasted when hearing that the police had breached a single Act 115 times in Mike's case, and discovering the ways in which Mike and his fellow victims were inhumanely treated really was rather upsetting. Then to discover that the Home Office were quite aware and have been for some time that there are certain members of the police who regularly fabricate evidence was utterly shocking and certainly shatters my impression of an honest, civilised western government and indeed society. I was utterly impressed by his very extensive legal knowledge and his enthusiasm to learn and further his academic horizons. It is truly amazing that these experiences have motivated him to fight for others rather than standing back, which would be a totally understandable option to choose. However, his frustration with this seemingly corrupt system has transformed into perseverance in fighting against it. This is incredible considering what life has thrown at him. It is also fascinating to think that other miscarriage of justice victims (eg Paddy Hill) helped Mike when he was in prison and that Mike has and is helping many more, it would be wonderful to support this tremendous work that Mike is leading.”

Mike O' Brien – Student Two

“The talk from Mike O'Brien was so engaging and made such an impact on my thoughts towards the wrongful conviction of the innocent and further reinforcing my dedication to the project. I left the session with a mind full of thoughts that took some time to reconcile afterwards as I considered the aspects of Mike O'Brien's case and his passionate opinions in regard to it. He brought to question my own views on the treatment of prisoners with an angle that is very rarely heard in the media or by common social thought, for example where prisoners are beaten or intimidated, which although exposed by the media occasionally, is not always condemned due to a view of perhaps 'just' retribution. The personal perspective of Mike O'Brien makes this very hard to justify. Furthermore the session made me consider how easily the wrongful conviction of the innocent can happen, or arguably in Mike O'Brien's case, be made to happen. His exposure of the corrupt nature of some members of the police force and prison service made me question my attitude towards these bodies which I had always held in high esteem **and indeed hope one day to be a part of**. Although I initially questioned

such a move into what appears to be such a seemingly corrupt force, it also made me realise how participation through such a body as the Innocence Project and in the future, perhaps within the police force or in at least a part of criminal law, a strong social conscience and a belief in avoiding/disputing/quashing miscarriages of justice, is very exciting due to the prospect of change or at least awareness of these issues.”

Mike O’ Brien – Student Three

“Some of the stories he told was (sic) unbelievable, for example the fact that he was handcuffed to the radiator... and criminals were used as witnesses. He also talked about family tragedy, which gave a picture of wider harms of miscarriages of justice. The talk showed the...effect it has on the victim of miscarriage of justice. This will, no doubt, be useful when talking to other victims of miscarriages of justice, as I would already have an idea of what they had to go through (more or less).”

Mike O’ Brien – Student Four

“I found his talk to be incredibly moving and enlightening. It really brought home all of the things that I’ve heard others in his situation say and opened my eyes to things that I had not previously been aware of. I had been aware of the fact that police use force and coercion to get false confessions out of people, but listening to Mike talk about his experience really affected me. I was very angered at the fact that this was allowed to go on and that there is only one case in Britain where police have gone to prison for fabricating evidence. I was especially moved when he spoke about the effect his wrongful incarceration had on his entire family and social network...The real focus of my attention had always been on the wrongfully convicted person, not those affected by the wider social harms of miscarriages of justice. I feel that it is particularly important that all law students be exposed to a talk by someone who has been wrongfully convicted because it really brings home the consequences of the job they will be doing for the rest of their working careers. In fact, I think that it would be incredibly beneficial if everyone in society listened to this kind of talk first hand, especially those in the law enforcement industry. I wonder if it would have any effect in reducing the rate at which wrongful convictions and miscarriages of justice occur if those who were responsible for their occurrence really understood the effect it had on those personally involved?”

Mike O’ Brien – Student Five

“Mike’s talk was extremely powerful. I feel privileged to have been able to hear from a miscarriage of justice victim first hand. I am beginning to realise just how naïve I am/was about our ‘justice’ system. I told many of the people I talked to following Mike’s talk about what I had learnt. I really admire Mike’s determination to publicise his experience. The educational element of UoBIP is incredibly important.”

Mike O’ Brien – Student Six

“It is disgusting how people are treated in police custody, jail and even after their release. I don’t think this is confined to innocent people, I don’t think anyone should have to go through such an ordeal. I was surprised by the fact that Mike seemed to condone the workings of the criminal justice system as it relates to guilty people but having spent years locked up with hardened criminals I am sure he has a different

perspective than I. He spoke about how the police should be accountable for their actions. I think this is very true, it makes no sense that a civilian can be locked up for breaking the law whilst someone in uniform is untouchable. Mike brought a very human element into how I perceive miscarriages of justice.”

Mike O’ Brien - Student Seven

“Very often, the presumption of innocence is not returned when convictions are quashed, it took the judge 3 minutes to reach a verdict that his conviction was ‘unsafe’ – there was no mention of innocence. The implication of this is that people like Mike, despite having their convictions quashed, remains an ‘acquitted murderer’ in the public’s perspective. The stigma of being a ‘murderer’...continues to marginalise him, resulting in a social separation that causes the underlying moral indifference towards the injustice, harm and irreversible damage that has been suffered.”

Brian Grady – Grandfather/campaigner for an alleged victim of a miscarriage of justice

Brian Grady – Student Two

“The talk from Brain Grady’s family was an extremely important experience. The significance of the meeting, for me personally, was not the facts of his claimed miscarriage of justice but the impact that the miscarriage of justice had taken upon his family...once the meeting was finished, during my walk home, it lingered with me just how much this had taken over their lives and to be honest it frightened me as to how much a miscarriage of justice had affected them as a family unit. At this point my reflection upon the meeting became more general. The expansive impact of the miscarriage of justice struck me, underlining the need for groups like ours and other organisations to help such families in achieving their aim of justice. However, despite the meeting highlighting such issues of the impact of miscarriages of justice both inside and outside of the prison walls, I think the Innocence Project came to the right decision in not taking Brain Grady’s case. Although his case appeared to hold many disparities that would have been interesting to investigate, the question of his innocence bothered me due to the level of his involvement.”

Brian Grady – Student Seven

“Mike O’ Brien spoke about how the working class has a second-rate justice system...the criminal justice system is only a part of a larger power structure which only aims to protect the ‘idea’ citizen – the good, the educated and the law abiding - against the ‘criminal class’, i.e. people like Brian Grady. Perhaps ‘crime’ is nothing but a legitimate way to institutionalise the lower-working class who are unable to go through the mainstream methods of discipline – education and employment. The net has to be cast wider to reform and shape ‘hardened’ lower-working class into ‘docile bodies’. The criminal justice system is perhaps an extension of this net.”

Ian Kelcey, Partner, Kelcey and Hall, Bristol

Ian Kelcey - Student One

“In my opinion this session really gave us a glimpse of what life as a criminal law solicitor is like. It was so interesting to hear what a day in Ian Kelcey’s life is like, although this did not come across as that appealing, the hours seem incredibly long and quite anti-social, but the excitement and satisfaction that was portrayed was enticing. Ian clearly conveyed the hard work that must be done in order to get anywhere with these cases. It was insightful to explain to us as a group that, we as the innocence project are the last resort for these prisoners, they have tried every other avenue to no avail and therefore the case is not going to be straightforward or simple to resolve – this demands serious perseverance and time-consuming hard work. At this point I felt it necessary to take a step back just to reconsider what I was letting myself in for and just to re-evaluate whether I wanted to be involved, it did not take long for me to come to a firm conclusion that I felt more passionate about this cause than ever and that I really wanted to put time and energy into this project which is really practically fighting against injustice in so many ways.”

Ian Kelcey - Student Five

“Ian’s experience with criminal law is very useful to us. It was very exciting to be working with a solicitor on our cases. I was not aware of the extent of the bureaucracy regarding each case. Ian’s session gave me a sense of realism. It emphasised to me the enormity of our case work and the time-scale on which we are working.”

Criminal Cases Review Commission – presentation by a Commissioner and a Case Review Manager

CCRC – Student One

“I found it very encouraging that the CCRC are so supportive of the Innocence Project.... It does seem unjust that they do not want to determine whether the victim is innocent but rather see their duty as ensuring due process. It also seems strange that there are ex-policemen investigating other police forces, perhaps I am a little too sceptical about this issue.”

CCRC – Student Two

“The need for a fresh argument came through as the main focus of what IP have to establish in a case in order to gain a successful application. However what was most striking for me personally about the meeting was not so much the tips to making a successful application but just how much of a challenge getting any where near doing so would be!”

CCRC – Student Two

“At first this was daunting but at the question and answer section at the end of the meeting it became clear that such an achievement is possible. The information gained during the ‘how to run a case’ section of the presentation also held a lot of useful tips. The most significant factors from all the information given was organisation and clarity

of information. These were pointed out as qualities essential for a successful case- and two qualities I will definitely keep in mind.”

CCRC – Student Four

“This talk left me feeling frustrated. I felt like although the CCRC is supposed to be there to help that in fact it makes things harder. The process in which to get a conviction overturned seems unnecessarily complex and frustrating. The ‘real possibilities test’ seems to me to require way more than what should be necessary to get a case back to the Court of Appeal. The idea that a case can be reviewed in less than five days also seems preposterous. How can you review a case thoroughly and fairly in that amount of time? The criteria that must be fulfilled in order to secure an unsafe conviction finding also seems ridiculously hard to fulfill.”

CCRC - Student Five

“To an extent, this workshop actually disheartened me. It seemed that our role in the case work is limited. The speakers suggested that the investigative work was to be done by the CCRC, rather than us. They seemed to suggest that we were simply to pass on cases to them. On reflection, that ‘passing on’ process is not that simple. The more I learn about case work, the more I believe that the most important objective of the IP is the educational element. Through educating as many people as possible about the unjust ‘justice’ system, that system is more likely to be changed. Obviously case work is important (and certainly educative in itself). It highlights the importance of what we are trying to achieve. I believe we, in small way, are accumulating pressure for change in the (very) long term.”