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SPECIAL ISSUE

Education for Sustainable Development and the professional curriculum

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Studies of education for sustainable development have tended to overlook the significance of professional accreditation requirements in determining the curriculum in many disciplines. A study of the accreditation criteria for the many professionally recognised degrees at one university reveals a range of levels of engagement with sustainability issues and of responses to these by teaching staff. The legal professions are mostly among those which pay least attention to issues beyond narrow technical competence.

Whatever ambitions staff in Law Schools may have, it is a fact of life that curriculum design will be largely influenced by the requirements of the bodies that control entry to the legal professions. Even though many students may not end up as practising lawyers, there is a strong demand to “keep the door open” to a future as a legal practitioner. Comparatively few undergraduate law students are willing to commit themselves from an early stage to a degree which is not accredited or to a curriculum which will not meet the qualifying criteria, even though eventually more may complete a degree which is not a “qualifying” one, as they gain experience of the law and a better understanding of their future paths. The criteria imposed by the professional bodies thus exert major influence on curriculum design and this must be borne in mind in discussions over the role of Education for Sustainable Development (ESD) in legal education. If the criteria make no reference to sustainability issues, then finding place for such matters in the curriculum is unlikely to be a priority. This issue is not unique to law, but the attitude adopted by the legal professional bodies offers little encouragement for promoting sustainability.

Background and wider experience

Although much has been said and written to promote ESD, very little attention has been paid to the particular challenges faced in the context of externally accredited degrees. The formal requirements of professional, statutory and regulatory bodies (PSRBs) and the expectations of such bodies or of discipline-centred teaching staff, may leave little space in the curriculum for modules or topics outwith the disciplinary core. At the same time the focus on the external requirements may result in the potential to develop sustainability literacy within professional modules being too little recognised or exploited.

Most of the initial work on ESD has been done in the context of academic study in general or of degree structures which readily allow the inclusion of dedicated modules on sustainability issues in a way that is not possible in crowded professional curricula.¹ Earlier studies made reference to the issue of matching ESD with the needs of individual disciplines and there was more substantial work undertaken within the relevant subject centres of the Higher Education Academy (HEA),² but the extent to which these studies link to the

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¹ E.g. A. Ryan, *Education for sustainable development and holistic curriculum change: A review and guide* (HEA, 2012).

² E.g. Roger Penlington and Simon Steiner, *An Introduction to Sustainable Development in the Engineering*

requirements of accreditation varies.³ Previous studies, though, do not explore the specific features of professionally accredited degrees, where the needs to satisfy the formal accreditation requirements, and to meet the perceived expectations of professional bodies and employers, play the dominant role in shaping the learning experience.⁴ The strength of disciplinary loyalties, a particularly notable feature of professionally accredited disciplines, has further been identified as a factor which can obscure, or even hinder, the development of more pervasive ideas such as ESD and an interdisciplinary approach to them.⁵ The more generic studies and reports are far from irrelevant to what can be done in professional programmes, but the limited freedom of action within such degrees, and the cultures they inspire, are significant factors to be taken into account.

Each discipline is different, but working within accreditation criteria, and the actual or perceived constraints that they impose, is a common feature of “professional” subjects and one which plays a major role in the curriculum design and pedagogy adopted. Such considerations provided the background to a study at the University of Dundee in 2011 which considered the position across a large number of professionally accredited disciplines taught at the University.⁶ The subjects covered were as follows (some dealing with more than one PSRB): Accountancy, Architecture, Archives, Computing, Dentistry, Education, Engineering, Environmental Management, Finance, Law, Medicine, Nursing and Midwifery, Psychology, Social Work, Town Planning. By working across disciplines but within the one institution there was access to comparable documentation under the institutional framework for approval, specification and review of programmes and modules and for external accreditation. Furthermore, a concentration on the one institution eliminated the need to account for varying institutional structures and cultures in drawing comparisons. Yet the accreditation criteria are of national application and impose pressures which must be accommodated in every relevant institution.

The project analysed PSRBs’ formal accreditation criteria to identify firstly the extent to which they expressly require coverage of sustainability issues and secondly the place of sustainability within less precise criteria requiring attention to social context or ethical issues. This study identified that the criteria could be classified into four rough categories. Firstly, there were a few bodies that did make strong references to sustainability in their criteria, e.g. in Engineering, Planning and Architecture. At the other extreme, for many bodies, e.g. the

Curriculum (HEA, 2010) <https://www.heacademy.ac.uk/sites/default/files/introduction-to-sustainable-development.pdf> (accessed 30 March 2016)

³ For example, in earlier case-studies, no longer available on the Higher Education Academy website, the study on Information and Computing Studies by Gordon referred to the British Computer Society requirements whereas that by Plant did not (formerly at http://www.ics.heacademy.ac.uk/resources/supp_learning/esd/casestudies.shtml).

⁴ This issue is not specifically addressed in the report of the UK National Commission for UNESCO, *Education for Sustainable Development (ESD) in the UK – Current status, best practice and opportunities for the future* (2013) nor in the QAA and HEA, *Education for sustainable development: Guidance for UK higher education providers* (2014).

⁵ Ryan, A and Brooks, C (2007), *ESD Interdisciplinary Discussion Series*, Higher Education Academy p.14; Blake J, Sterling S and Kagawa, F (2009), *Getting It Together: Interdisciplinarity and Sustainability in the Higher Education Institution* (Occasional Paper 3, Centre for Sustainable Futures, University of Plymouth), p.49

⁶ Colin T. Reid and Nadeem Ali, *ESD and the Professional Curriculum* (HEA, 2011) https://www.heacademy.ac.uk/sites/default/files/resources/professional_curriculum_dundee.pdf (accessed 29 March 2016). This project was supported by funding under the Higher Education Academy’s Small Grant scheme.

Law Society and Bar in England and Wales, there was no reference at all to such issues.⁷ Between these positions, two further groups can be identified. The first did make some reference to the environmental and social context, which can be built on to develop ESD, e.g. in Accounting, whilst the second included some consideration for the wider context within which the discipline sits, e.g. Law Society of Scotland,⁸ which created an opportunity for ESD elements to be incorporated as part of the core coverage, but did not demand this. Ethical issues featured strongly in many criteria but were limited to the narrow issue of professional ethics rather than encompassing the wider ethical questions raised by consideration of issues of sustainability, e.g. responsibilities to future generations.

In part this variety reflects a variety of approaches to the setting of accreditation requirements, which vary greatly in length and detail. In some cases these are limited to basic professional competences, and there is no reference to any wider considerations or attitudes at all (e.g. English legal professions). Others refer to external circumstances but only to the extent that they have a direct impact on the work that qualified professional will be doing (e.g. Dentistry) and only those where there is a direct connection with the physical world seem to make strong explicit reference to environmental concerns (e.g. Architecture, Planning). It is not clear whether for some bodies this is a conscious choice to adopt a narrow focus or a sign of a lack of awareness of the impacts on, and of, their profession and the role it has to play in relation to sustainable development. Anecdotally, the slow pace at which accreditation criteria are revised, and concerns over how far those responsible reflect the needs and wishes of forward-looking practitioners, may be further issues affecting the extent to which new perspectives are incorporated into the requirements.

The example of the Association of Chartered Certified Accountants (ACCA), presented at a conference in Dundee associated with this project,⁹ was interesting. The requirements in their own exam syllabus include some reference to issues such as the ability to “appraise the impact of environmental, social and ethical factors on performance measures” but their other activities have included significant publications on “Ecological Footprinting”, “Sustainability Reporting” and “Carbon Accounting”. This reveals a degree of interest and engagement in sustainability matters well in excess of what is reflected at the qualification stage.

Teachers’ views and practice

Interviews with academic staff at the University of Dundee undertaken as part of the project revealed a similarly varied picture. In terms of including ESD within teaching, the following options emerged, all of which were demonstrated by teaching practice across the University:¹⁰

- Inclusion as a theme within a whole degree programme
- Specialist core module dedicated to sustainable development (at level 1 or 2 of an undergraduate programme)
- Use of sustainable development as a theme in a core module

⁷ Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training by Obtaining an Undergraduate Degree (2002) <http://www.sra.org.uk/students/academic-stage-joint-statement-bsb-law-society.page> (accessed 29 March 2016).

⁸ Law Society of Scotland, *Foundation Programme (Scottish Exempting Degree): Accreditation Guidelines for Applicants* (2010), p.28.

⁹ Held at Dundee University in April 2011.

¹⁰ As summarised by Prof. Andrea Ross (Dundee Law School) at the project conference.

- Use of sustainable development as an example in a core module
- Whole seminar in a core module dedicated to sustainable development
- Whole optional module dedicated to sustainable development.

The interviews confirmed that within the limited space available in the curriculum the need to cover the professionally required elements limits the scope for dedicated modules. There was also a concern that if ESD elements were optional as opposed to being integrated into the core there was a risk of them being perceived as of less significance than the “more professional” elements. Where accreditation criteria do call for sustainable development to be covered it forms an integral part of the curriculum, embedded throughout the programme.

A student perspective¹¹ again showed a variety of attitudes, with some students showing enthusiasm and others indifference, whilst ESD was recognised as being central to some programmes yet irrelevant or marginal to others. The student views also highlighted different preferences relating to whether ESD should be addressed as a generic or discipline-specific issue, as a compulsory or optional element, and as an embedded or stand-alone element. The staff interviews again supported this analysis and range of views, although with a preference for incorporating at least some element of ESD within the core coverage so that it was seen as an integral part of the discipline, not as an optional “add-on”.

The accreditation criteria were universally acknowledged as the main driver for what was covered in the curriculum, so that the inclusion or absence of ESD in those criteria is of vital significance. Staff reported no strong student demand for coverage of sustainability issues in areas where these are not included in the accreditation criteria. In many disciplines there was equally no sense that sustainability literacy was an attribute that was regarded as desirable (or even thought about at all) by most employers, although where sustainability issues have a higher profile in accreditation criteria the perception was that employers likewise placed higher value on this.

A further point raised during the interviews was confusion and uncertainty over what is meant by sustainable development, with students and employers sometimes seeing only one narrow perspective, e.g. renewable energy, rather than appreciating the many-faceted nature of the issue. Even staff with an interest in the area were not sure of what might be included within this concept. There was a tendency within disciplines to focus only on some aspects of the subject and particularly on those which have a direct impact on the specific profession, e.g. the significance of environmental and social factors for public health, rather than wider concern for the many ways in which a profession’s activities both affect and are affected by the different branches of sustainability. In some disciplines “Environmental Accounting/Law /etc.” is perceived as a distinct subject, which may or may not be offered as an option at an individual institution, rather than as a dimension of the standard treatment.

Legal education

As mentioned in passing above, the positions of the legal professional bodies are among the least supportive of ESD. In Scotland, the criteria set by the Law Society of Scotland make no explicit reference to sustainability, but there is scope to include this as part of addressing the requirements to: “Display informed knowledge and understanding of the social, economic, moral and ethical contexts in which law operates” (including “demonstrating legal knowledge in association with related policy, underlying social conditions, professional ethical issues

¹¹ As presented at the conference by Ewan McTurk (Engineering).

and moral issues”) and to “display critical thinking about laws and their place in society”.¹² This is the high water mark across the professions. A similar position, merely calling for consideration of the wider social context, is adopted in the QAA’s draft benchmarks for Law released for consultation in March 2015.¹³

In England and Wales, the current requirements for a qualifying degree require legal knowledge based on a number of foundation subjects and general transferable skills, but nothing beyond that.¹⁴ Meanwhile the proposals from the Solicitors Regulation Authority for a more thorough Competence Statement similarly maintain a very narrow focus on legal issues, with ethical and moral issues being mentioned only in the context of legal practice.¹⁵ In Northern Ireland similarly, the current and proposed criteria make no mention of considerations beyond the legal world.¹⁶ Throughout the UK, therefore, the one single most important driver in shaping the legal curriculum is silent about sustainability and if anything steers away from consideration of such issues.

Nevertheless, as the other contributions in this issue show, that does not mean that there is no place for ESD in legal education and there are lots of ways in which such considerations can be incorporated into the curriculum, whether embedded in legal subjects, as the focus of a specific legal module or by allowing access to (or requiring attendance at) relevant offerings outwith the core legal curriculum. Law degrees should offer more than just the essentials to satisfy the professional criteria and even to those who have always had their eyes focused on the narrow track to professional qualification it would be doing a disservice to allow them to emerge without having had their eyes opened to wider issues affecting the context within which the law must operate.

Conclusion

The accreditation criteria exercise a dominant influence over the shape of legal curricula, and hence the expectations of many staff and students. Therefore the single most effective way to ensure attention to sustainability issues would be for these to be included as part of the requirements for a professionally recognised degree. At present this is far from the case, with only Scotland making any departure from a set of requirements which are narrowly focused on purely legal knowledge and skills, without heed for the wider ethical and social environment. Persuading the professional bodies to take a broader approach may seem a long way off, but undoubtedly would have a transformational effect. The legal profession could steal a march on other professions and show its concern for the wider world.

¹² The Law Society of Scotland, *Foundation Programme (Scottish Exempting Degree): Accreditation Guidelines for Applicants* (2010) p.28; <http://www.lawscot.org.uk/media/295010/foundation-programme-guidelines.pdf> (accessed 30 March 2016).

¹³ Law graduates are expected to demonstrate “knowledge and understanding of theories, concepts, values, principles and rules of public and private laws within an institutional, social, national and global context” which opens up scope for sustainability issues to be discussed; QAA, *Subject Benchmark Statement: Law* (2015) p.7; <http://www.qaa.ac.uk/en/Publications/Documents/SBS-Law-15.pdf> (accessed 30 March 2016).

¹⁴ Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training by Obtaining an Undergraduate Degree <http://www.sra.org.uk/students/academic-stage-joint-statement-bsb-law-society.page> (accessed 29 March 2016).

¹⁵ Solicitors Regulation Authority, *Training for Tomorrow: A Competence Statement for Solicitors* (2014), p.14; see www.sra.org.uk/competence (accessed 30 March 2016).

¹⁶ Law Society of Northern Ireland, *Shaping the Future of Legal Education 2: Findings of the Education Review Working Group (ERWG)* (2009); see <http://www.lawsoc-ni.org/joining-the-legal-profession/education-review/> (accessed 30 March 2016).