

**Institution: University of Surrey**

**Unit of Assessment: UOA 20 Law**

**a. Overview**

Law was established as a stand-alone Department in 2005 within the School of Arts, Communications & Humanities (SoACH). The primary focus at that time was the delivery of undergraduate taught programmes and only a small number of staff were actively engaged in research. In 2007 Law moved from SoACH to the newly created Faculty of Management and Law (FML) and in the process became the School of Law (SoL). In 2011, FML expanded to become the Faculty of Business Economics and Law (FBEL) and today Law is one of four Schools within this Faculty. In RAE2008 Law staff were entered as part of a submission to European Studies.

The rapid expansion of undergraduate student numbers since 2007 reflects the fact that the School continues to be well respected for its high quality teaching provision. However, in 2011 the School took the deliberate decision, with strong support from the Faculty and the University, to develop a research strategy coupled with significant investment in strong researchers that will enable substantial growth of its research base. The School therefore has an emerging research presence and has the aspiration of being a top 20 Law School in the UK by 2020. For REF2014 we are only submitting outputs from 40% of our staff to demonstrate our drive for quality. Contributions to the research environment from other members of staff are captured as and where appropriate in the narrative below.

International Law (broadly defined to include both private and public aspects) and European Law were identified as representing growing research capacity in RAE2008. Since then we have continued to build these areas with further appointments. Within International Law, commercial law, business integrity and corruption (including corporate governance and CSR), and environmental law (specifically in relation to access to water) have emerged as research strands. Within European Law, human rights (specifically the European Court of Human Rights), European governance (especially EU external relations), and competition law have emerged as research strands. These strands are being developed within the School through research clusters with the thematic headings of **International and Environmental Law** and **European Law**. There is also a wider Faculty research cluster on corruption studies to which members of the School contribute.

**b. Research strategy**

Research Strategy is developed under the umbrella of the Faculty Research Committee (FRC), informed by University strategy and the University Research and Enterprise Committee. The FRC is chaired by the Associate Dean for Research (ADR). Each School within the Faculty tailors the overarching principles set by the FRC to define its specific strategic aspirations. In the case of SoL this is achieved through consultations with the Director of Research (DoR), and the Head of School (HoS) has overall responsibility for strategy implementation and monitoring. In the RAE2008, the stated objectives relating to the Law activity submitted to European Studies were expansion into International Law and building on the existing European focus of Law (a result of historical association with European Studies). This has been enacted with appointments in, e.g., International Trade and Commercial Law, Corporate Governance and Business Integrity (see below for further details), which also reflect the School's structural home within FBEL. While much of the research in SoL is doctrinal, it is important to stress that contextual, socio-legal and inter-disciplinary approaches to legal research are actively encouraged and fostered.

***Vitality and sustainability***

The creation of SoL has helped to define a distinct identity and demonstrate credibility externally, which in turn has contributed to being able to recruit staff with clear research ambitions. A distinct identity also enables us to distinguish ourselves against other Schools, which is also important in terms of attracting new staff and retaining existing staff. The gradual expansion of SoL through the recruitment of staff with the ability to produce exceptional research both in terms of contributing to the discipline and delivering impact for the wider community is part of a medium to long-term strategy to become a top 20 Law School in the UK by 2020.

Our strategic objectives for the next four years are:

- To have critical mass of high quality researchers in identified areas;
- To expand and enhance our strengths in these areas through new appointments, staff retention and promotion;
- To strongly encourage and foster staff to disseminate their work in top quality journals and/or to produce research outputs with demonstrably high impact;
- To deliver strong research leadership led by the School's DoR with support from the HoS;
- To enhance collaborations and mentoring for Early Career Researchers (ECRs) and to enable their participation in research networks with global reach;
- To build upon the current postgraduate research community and provide appropriate support to enable them to become high quality researchers.

To realise the above the following operational plans have been adopted:

- To recruit up to 10 staff of high research calibre in international trade law, commercial law, corporate governance and business integrity, and environmental law.
- To invest in our research strengths and to continue to support their development whilst allowing for the development of possible new research streams;
- To provide research active staff with clear output, income and impact objectives and to ensure that the appropriate support and development is in place to enable these to be delivered (see Section c);
- To support staff in playing an active role in international academic communities and to target researchers and Schools where collaboration will drive us to raise our standards;
- To provide PhD scholarships to attract the best students to our programme.

We have taken steps towards implementing these strategic objectives since 2011. Whilst appointments between 2008 and 2010 focused principally on enhancing teaching provision in core areas, since 2011 we have concentrated our efforts on bringing in high quality researchers. International Commercial and Trade Law has been identified as a key area for growth and in 2009/10 we appointed 2 lecturers; this has been further strengthened by the appointment in 2102/13 of 3 talented ECRs (Fontanelli, Adodo and Ioannidou). They have published in top international and commercial law journals such as *International and Comparative Law Quarterly*, *Lloyds Maritime and Commercial Quarterly* and *Journal of Business Law*. A further 4 appointments are planned; two at a senior level to mentor and foster these ECRs and enable them to engage in network activities (we have advertised for these posts). Business Integrity is also an area of growing strength in the School as a result of AHRC and British Academy funded research on corruption since 2008. This has been targeted for further expansion in collaboration with the Faculty and there are plans to recruit 2 senior staff jointly with the Business School by 2015. Access to water and sanitation in developing countries in the context of International Law and Environmental Law is a specialism within the School and an appointment at Professorial level for

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2014/15 is planned to further strengthen this activity. There is already close collaboration between SoL (Malcolm) and the University's Centre for Environmental Strategy (CES), evidenced by joint research awards from Leverhulme and the EU. It is worth noting that Surrey University, which has been working for the provision of safe water for 30 years, received the Queen's Anniversary Prize in 2011 for 'in depth research expertise improving access to safe drinking water and sanitation worldwide'. Within European Law we have also recruited 3 talented ECRs (Dzehtsiarou, Sarvarian, Baker) who publish in leading journals such as *European Law Review*, *European Journal of International Law*, and *Common Market Law Review*. A further 4 appointments are planned during 2015/2016 to strengthen the research base; these will relate to EU private law and associated activities which will also interface to International Law (include International Environmental Law). Two of these will be senior appointments to provide research leadership.

The School pro-actively engages in developing networks in the emerging areas through workshops and conferences attracting participants not only from the academic community, but also CSOs and policy makers with a view to achieving wide impact of our research. These are listed under 'Interdisciplinary Research' in Section e.

**c. People, including:****i. Staffing strategy and staff development**

The Law School is currently comprised of 2 Professors, 5 Senior Lecturers, and 13 Lecturers (of whom 6 are ECRs). They are line-managed by the HoS and it is at this level that research objectives and workloads are set and assessed, in line with the School's and University's strategic objectives. As a public body, the University is committed to meeting its legislative responsibilities under the Equality Act 2010 and in recognition of its support for embedding equality across the University an Athena SWAN Bronze was awarded in 2013. Fifty percent of staff in Law are female and staff with European and International nationalities are represented. The HR Excellence in Research Concordat encourages the recruitment and retention of researchers from the widest pool of available talent, including those from diverse backgrounds. The University operates a flexible working policy in order to respond to requests for changed work patterns.

As discussed in Section b, our staffing strategy since 2011 has been to build on the emerging research strands and to that end we have recently appointed talented researchers to further our ambitions. Our intention is to continue with this strategy over the next four years with the recruitment of up to 10 new staff, with some of the posts already advertised.

**Staff Support**

The University has put in place The Concordat to Support the Career Development of Researchers. To implement the Concordat the University of Surrey undertook, in 2011, an institution-wide gap analysis and developed an action plan, on which further investment was based. The Researcher Development Programme (RDP), in addition to its services for PGR training (see below), also offers a growing programme of workshops for ECRs as well as experienced researchers, covering topics such as research project management, publication, funding and impact. Additionally, the Staff Development Service work alongside HR to offer a comprehensive staff development programme and to promote the appraisal system (Staff Development Review).

Locally, research is supported through a workload allocation model, wherein staff are expected to devote 40% of their time to research with the remaining 60% devoted to teaching and administration, and a sabbatical scheme. This scheme is generous and normally delivers one

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semester in seven. Operated by the Faculty it frees staff from teaching and administrative duties to work on research projects such as the writing of monographs, funding applications and to actively promote research collaborations/networks at all levels, i.e. national, the EU and international. So far seven periods of such leave have been awarded to SoL staff since its introduction in 2009. These have resulted in successful (i.e. awarded) funding applications (Malcolm – 3K SAN project funded by the EU and D-Box project funded by the EU, both interdisciplinary projects; Connolly – Employee referral schemes and discrimination law funded by Nuffield; Jago – an interdisciplinary project on Patients as active partners in safety funded by Health Foundation) and conclusion of a co-written interdisciplinary monograph on European Defence Co-operation (Konstadinides).

Conference and workshop presentations are seen as key to showcasing our research externally and the School is proactive in encouraging these. Each member of staff is allocated a generous allowance of £1,000 per annum with scope for further funding. Since 2008, staff have regularly given papers at the SLS Conferences (eg. Adodo, Carr, Dzehtsiarou, Malcolm) and other subject specific conferences organised by bodies such as the IUCN (Malcolm), UACES (Fontanelli, Dzehtsiarou, Konstadinides), ASIL (Baker), ESIL (Sarvarian), and the Midwest Political Science Association (Baker). The School also provides funding for employing student research assistants in response to a clear articulated case for support. The School has access to Faculty 'pump-prime' funding which enables small-scale or pilot projects to be developed for external funding bids (assessed by senior staff using AHRC/ESRC criteria with written feedback to all applicants) and for networking events. The Faculty, through the ADR, typically allocates between £1,000 and £5,000 for this purpose. Preference is given to ECRs in accessing this fund; Dzehtsiarou has been successful in this Faculty wide competition.

***Early Career Researchers***

The ECRs in the School are supported by a senior colleague who, amongst other things, acts as a research 'consultant' offering support and advice concerning strategic direction, guidance on submission of outputs to journals and appropriate funding outlets and helping with the preparation of research bids. Through scheduled meetings the DoR also plays a key role in advising ECRs as to how to develop their research plans over the next five years. This helps to identify needs and also to allocate resources for the development of common research strands within the School and facilitation of wider networks. In addition to mentoring research bid strategy and preparation, all research bids from ECRs are peer-reviewed by at least two colleagues, one from within the School and one from the wider Faculty. This is to introduce an 'outsider's' perspective from one of the cognate disciplines thereby echoing the Research Council's and other funder's review mechanisms. ECRs are also required to attend various events organized by the RDP (see above).

The School also invests in the development of ECRs by encouraging them to attend prestigious conferences and network events at both national and international level. Over and above the £1,000 conference funding, extra funding (normally £1,000 - £2,000) is provided on case-by-case basis. This funding is allocated by the DoR in consultation with the HoS. ECRs have a carefully chosen balance of teaching and administration enabling them to participate in research activities appropriate to their interests. They are encouraged to play a role in the management and direction of the research thus fostering cohesion and collegiality and to develop their leadership skills.

***Facilitating dissemination of research through Open Access***

The Library provides proactive, dedicated support in respect of changes to RCUK publication policy. Surrey Research Insight (SRI) is the University's Open Access Repository, incorporating an internal publications database and an externally visible institutional repository. By such means the

Research Insight Team helps raise the visibility and impact of research publications, as well as offering training and development with regards to publishing in the open access arena.

### **Visiting Fellows**

The School also supports a Visiting Fellow programme. Visitors contribute to, or facilitate, research projects and since 2010/11 we have hosted two researchers from Spain (Juan J Garcia Blesa (International Law) and Abraham Castro Morena (corruption)). Morena's visit was instrumental in networking researchers in corruption from several EU member states resulting in the submission of a research proposal to the EU under FP7. While the proposal narrowly missed being awarded funding, it helped towards networking with researchers and policymakers from different jurisdictions. In 2014, SoL will be hosting a Visiting Fellow from Thomas M Cooley School of Law (US) to collaborate on corruption and integrity research.

### **Research Seminars**

School-wide research seminars with high calibre external speakers consisting of both practitioners and academics (e.g. Hugh Mercer, QC; Ivan Smyth and Cathy Adams, FCO; Judge Dean Spielmann, ECHR; Bertrand de Speville, former Commissioner of ICAC Hong Kong; Ariranga Pillay, UN Committee on Economic, Social & Cultural Rights; Joanne Scott, UCL; and Douglas Guilfoyle, UCL) are an integral part of the research centred activities within the School.

#### **ii. Research students**

Eight students have graduated from the School with a PhD since 2008. Although this is a modest number, 7 of these graduated in the last year and, in line with our stated research strategy, the number of registered PhD students has grown substantially to currently stand at 25. The School is allocated two Faculty funded studentships annually. Every student is allocated dedicated work space in modern shared rooms with individual ICT provision, common-room and refreshment facilities. They are encouraged to participate fully in the School's academic life by attending research seminars and also workshops and conferences organised by the School. Where appropriate, and with University-provided training, students have opportunities to undertake limited and carefully monitored teaching duties.

Currently, 80% of SoL staff are involved in the supervision of research students and all students have two supervisors, one of whom is an experienced supervisor. Both supervisors hold joint supervision sessions thus ensuring consistency and continuity. The supervision of research students is built into the workload model of staff and students see their supervisors regularly. Support for PGRs based off campus makes use of online resources; Skills Portal links to open educational resources (OERs) and social/digital media such as Skype to keep in contact. Progress is monitored by formal 6 monthly reports and interviews at which targets are set. After 12 months students present a confirmation report which includes two chapters consisting of the Introduction with a section on methodology and a substantive chapter. Where the student is engaged in empirical work, a draft questionnaire is also included. Their written work is evaluated by two independent academics, one internal and one external to the University, and based on this the decision is taken to confirm or otherwise. Where empirical methodologies such as surveys are used these are subject to scrutiny by the University Ethics Committee. Staff-student seminars are run to help research students hone their presentation skills and to foster confidence.

At University level, PGRs are also supported by the Researcher Developer Programme (RDP). The RDP is delivered by a specialist team (5 FTE) working with input from the Careers Service, Staff Development, Research and Enterprise Services, Languages Centre and the Department for Higher Education. The RDP offers c. 200 workshops a year; core compulsory components include

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an introduction course, which includes an online training needs analysis ('Surrey Action Planner'), and further courses related to preparation for the PhD confirmation and the Viva. PGRs are required to attend law-specific methodology classes in their first year and research ethics is part of the methodology training.

PGRs interact with their peers at the annual University-wide PGR Conference which specifically focuses on knowledge-transfer to broad audiences. There is also a Faculty-wide PGR Conference held annually. Those who have taken part in these have invariably found the feedback they receive extremely useful. Many of our PGRs have also published papers in journals such as the *Nordic Journal of Commercial Law*, *European Intellectual Property Review*, *Journal of Sport and Law*, *The Police Journal* and the *Journal of International Arbitration* during the course of their studies.

**d. Income, infrastructure and facilities**

The strategy for generating grant income has been largely through interdisciplinary collaboration. The School has a research funding target embedded in the staff appraisal process which has helped deliver c. £156,000 income since 2008. This includes income from the AHRC for researching corruption in international business and Leverhulme for a project on the legal framework for independent water providers in Kenya and Ethiopia. Smaller grants were also received from the British Academy and Nuffield. The AHRC project funded a Post-Doctoral Research Assistant and the Leverhulme project funded two doctoral students (one located in Law and the other in the Centre for Environmental Strategy).

To support growth and enhance research, the University invested c.£200,000 in 2011 for the refurbishment of the School, which is now co-located on the second floor of the Austin Pearce Building. This included creating space for a small Law Library (consisting mainly of Law Reports), which also doubles up as a moot room, and three separate seminar rooms. Staff benefit from high standard office accommodation and are provided with state-of-the-art IT facilities which include an individual laptop, office docking station and a comprehensive suite of software tools.

Centrally, the University has invested in developing research training facilities at the Library, within a new £13.2m Library extension which opened in 2011. The Library provides off campus access to the majority of online research information, including over 140 databases of bibliographic and other information, 42,000 subscribed e-journal titles, and over 300,000 e-books. Given the multi-disciplinary nature of legal research, staff and PGRs have access to databases that cover psychology, health care, sociology, business studies and philosophy. The Law Librarian works in conjunction with the School and law holdings are reviewed annually to ensure the collection meets our research needs.

**e. Collaboration or contribution to the discipline or research base*****Interdisciplinary Research***

Interdisciplinary engagement is proactively promoted within the research strands. This has manifested itself in research bidding and the holding of workshops and conferences at an interdisciplinary level. These workshops showcase our research and have wide impact by engaging with stakeholders ranging from academics, international organisations and practitioners to end-users. Below are some of the workshops organised since 2008:

- 'Corruption in International Business', 2009
- 'Corruption in a Globalising World, Challenge and Change', 2010
- 'Transboundary Aquifers and International Law, The Experience of the Guarani Aquifer System', 2010

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- 'Cultural Legitimacy and the International Law and Policy and Climate Change', 2011
- 'Civil Society Organisations Fighting Corruption, Theory and Practice', 2012
- 'A Europe of Rights', 2012
- 'Workshop on Greening Economics, Greening Society, What is the Role of the EU?', 2013
- 'Second Stakeholders Workshop in Kampala (3K SAN Project)', 2013

This collaborative research has also resulted in jointly authored papers and books, i.e., Konstandinides book on defence co-operation in EU law and international relations theory (authored with Dyson of Royal Holloway); Jago's article on transnational research ethics (authored with Ventura and Mendes of Sao Paolo University).

**Networks**

Since 2008 networks have been created with Civil Society Organisations such as Transparency International (TI), Tear Fund and Corporate Watch. This has resulted in Carr advising TI on research methodologies and questionnaires, and Tear Fund on the use of civil society in combating corruption. Carr has also contributed to TI's Global Corruption Report 2009, published in English, French and Spanish which is a reference point for civil society actors and policy makers. These networks, with their participation in workshops organised by Surrey, have also contributed to corruption research within the School and the Faculty. Malcolm has created networks with CSOs such as VIRED in Africa resulting in a workshop on access to sanitation.

**Citations of research in judicial decisions and amicus curiae briefs**

- 1) Baker cited in Amicus Curiae Brief in the case of *Kiobel v. Royal Dutch Petroleum Co.*, 133 S.Ct. 1659 (2013). The citation for the Amicus Brief is: *Kiobel v. Royal Dutch Petroleum Co.*, 2010 U.S. Briefs 1491, 2012 U.S. S. Ct. Briefs LEXIS 3209 (U.S. Aug. 8, 2012)
- 2) Carr cited in No 601 of 2008 *Furniture Ltd v Robulk Agencies Inc & Scott Vierra* in the Supreme Court of Judicature (High Court, Civil Division) Barbados
- 3) Sarvarian cited in the Separate Opinion of Judge Jean-Pierre Cot, *Case No. 18 'Louisa' (St Vincent and the Grenadines v. Kingdom of Spain)*, International Tribunal for the Law of the Sea, Judgment of 28 May 2013

**Expert Opinion/Recommendations**

Connolly 'Memorandum for the Department of Works and Pensions Select Committee: 'Equality Bill: What steps should DWP take to achieve greater equality?' (2009) Ev 62

**Journal Editorships**

Carr, Editor of *Information & Communications Technology Law* and joint editor *Asian Philosophy* Dzehtsiarou, Guest Editor (Special issue on Legitimacy and the Future of the European Court of Human Rights) *German Law Journal* (2011)

Fontanelli, Editor of *Sant'Anna Legal Studies*

**Membership of Editorial Boards**

Baker, *Drustvo, Religija, Kultura* (Discourses: Society, Religion and Culture)

Dzehtsiarou, *Journal of Constitutionalism and Human Rights* and *International Justice Journal*

**Other Contributions to Research**

Carr has peer reviewed research proposals for the AHRC, the ESRC and the Netherlands Organisation for Scientific Research (NWO). Carr was a member of the standing committee of AHRC's Panel 8 and continues to sit on *ad hoc* panels for fellowships and research grants as well as ESRC specially constituted panels for research grants on specific themes. Carr is also a member of ESRC's peer review college, as is Malcolm. Konstandinides has peer reviewed for NWO. He is also an expert since 2011 for the European Commission Registered Experts (Cordis) for the evaluation of proposals submitted under the 7<sup>th</sup> Framework programme (FP7) for Research and Technological Development. Konstandinides in 2011 gave evidence to Swedish government officials regarding the role of constitutional identity and national parliaments and EU membership.