

<p><b>Institution: Nottingham Trent University</b></p>
<p><b>Unit of Assessment: C20 Law</b></p>
<p><b>a. Context</b></p> <p>Nottingham Law School (NLS) is among the front rank of Law Schools offering legal education at undergraduate, academic postgraduate, professional postgraduate and CPD levels. It has long had a strong research mission and a policy of facilitating and rewarding engagement with a range of users, enabling the research carried out at the Law School to have broad impact beyond academia. The principal beneficiaries have been both domestic and international:</p> <ol style="list-style-type: none"> <li><i>Legal Professional Bodies, Education Providers and Students:</i> The members of the Centre for Legal Education (including Ching, Huxley-Binns, Maharg) have excellent links with the legal professions and have long been involved in influencing policies and practices in legal education. They have carried out significant work in redesigning regulatory and professional frameworks for legal education with immediate impacts on entire legal professions in the UK and on professional legal education internationally.</li> <li><i>International Financial Architecture:</i> Burdette and Omar have been involved in reviews of national systems of insolvency law in various countries in Asia and Africa on behalf of the World Bank. Members of the Unit are also involved in impact through professional networks situated globally, in Europe and the United States of America.</li> <li><i>Local Professions:</i> Walters, Wheat and others have been commissioned to research the impact of domestic law reforms in areas including insolvency law and health care law. Regular conferences are attended by members of the legal and accountancy professions, including senior policymakers and members of the domestic and international judiciaries.</li> <li><i>Evaluators of Civil and Criminal Justice Systems:</i> The work of Seneviratne and others has formed an important part of evaluations of civil justice and dispute resolution frameworks, nationally and internationally.</li> </ol> <p>The Unit's institutional arrangements and well developed professional links serve as mechanisms for capturing and fostering research activity and identifying further opportunities for its exploitation to deliver impact.</p>
<p><b>b. Approach to impact</b></p> <p>A preliminary assessment of research impact was carried out internally during 2009-2010 to inform the NTU response to HEFCE's initial consultation on the REF. Significant levels of existing impact were found. It was determined that impact can occur in a variety of ways and that efforts should be focused on maximising the impact of quality outputs in areas of strength, based around existing key platforms for research, as discussed in c. below. This approach to impact dovetailed with a reorganisation of the Unit's research infrastructure:</p> <ul style="list-style-type: none"> <li>Historically, the Unit's research active staff were grouped within three research clusters under the Centre for Legal Research ("CLR"). This structure was revised with the creation of three Research Centres of greater specialisation.</li> <li>The three Research Centres (the Centre for Legal Education, the Centre for Business and Insolvency Law and the Centre for Conflict, Rights and Justice) were launched in 2012 and act as drivers for impact in the Unit's particular areas of research strength. The centres replaced the CLR and they are already enabling a higher profile (and leverage) to be gained for members' research, and fostering a supportive and creative research environment.</li> <li>Two new centres, the Centre for Advocacy and the Centre for Mediation, have recently been launched and both have strong potential for impact upon professional practice.</li> </ul> <p>The Centres, Law School researchers, and therefore the Unit as a whole, exploit their reputations to identify and generate opportunities for exploitation of Law School research. An excellent example of this is the research outlined in Impact Case Study 2 for the Insolvency Practices Council. NLS was initially one of only three institutions invited to tender for the first project, an invitation based on the known range of expertise of its researchers in insolvency law and practice and in dispute resolution.</p> <p>The Law School maintains regular contact with users of its research. For example it maintains a list of practitioners and other stakeholders with interests in insolvency law, and issues invitations to attend relevant conferences and public lectures (including the inaugural lectures of Walters, Burdette, Parry and Omar). The Centre for Business and Insolvency Law builds on the former</p>

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Insolvency and Corporate Law Research Group's excellent record of engagement with external users. It has user involvement through the chairman of the Centre's Advisory Board, the Hon Mr Justice Norris, and includes members drawn from the legal profession.

The Law School maintains an active web presence via the School and University web pages as a means of disseminating information about Law School research, Law School researchers, the Law School's in-house publications (the Nottingham Law Journal and the Nottingham Insolvency and Business Law Electronic Journal), and encouraging external contact. The Press Office liaises widely with external media and a directory of experts has been developed in collaboration with the University Press Office to enable media organisations and other users to identify who is available to discuss their research findings in a particular area, or to carry out research on a particular topic.

During the period 2008-2013 engagement with external users has occurred through:

- Direct interaction through commissioned research. An example is participation by Ching and Maharg in the Legal Education and Training Review research team: the first major review of the regulatory framework for legal education in England and Wales in 40 years and Ching's project co-ordination for the Solicitors Regulation Authority Work-Based Learning pilot - 2008-2012. A further example is research conducted for the Insolvency Practices Council on regulatory practice in the insolvency practitioner profession (Case Study 2).
- Engagement with practitioners at conferences through speaker panels and delivery of papers. For example a judges panel at a recent conference provided a rare opportunity for judges to reflect upon their own practices in discussion with international colleagues.
- Direct interaction with the legal profession through the NLS visiting professoriate, all of whom are leading practitioners in insolvency law, financial services law, the legal profession or litigation, drawn from the Bar and from international law firms such as Hogan Lovells LLP and Norton Rose Fulbright LLP.
- Representation on external bodies, advisory committees and advisory work, for example the involvement of Parry, Omar and Walters with the Insolvency Service stakeholder panel which reviewed the operation of the European Union Regulation on Insolvency Proceedings.
- Research seminars and conferences hosted in-house, and which are attended by practitioners, policy makers and academics. These include hosting in 2011 the annual research conference for a government agency, the Insolvency Service, an event attended by civil servants and practitioners involved in insolvency law and practice, and the hosting of the INSOL Europe Academic Forum annual conference in June 2012.
- Delivery of programmes to practitioners and professional bodies and of quality assurance/internal verification services on Nottingham Business School's Insolvency Service Examiner Development Programme (Burdette, Parry and Walters).
- Interaction with healthcare professionals through Wheat's work for the Institute of Psychiatry, and as a member of an NHS research ethics committee.
- Training and knowledge transfer or knowledge exchange relationships with users such as law firms, for example through an LLM in Environmental Protection and Regulatory Law run for a global law firm, and an LLM in Advocacy Skills run for the Attorney-General of Malaysia.

**c. Strategy and plans**

The strategy employs three key platforms through which research impact can be generated, namely 1) engagement with external networks, 2) input into policy evaluation, and 3) influence on legal education and legal practice. The Centres are the drivers under this strategy, reflecting the aim of positioning the Unit to become a research leader in its areas of strength.

**1) Engagement with External Networks**

NLS has well-established links with the legal profession and other professions (including the accountancy, insolvency practitioner and trade mark attorney professions), with professional bodies, regulators and associations (including the Solicitors Regulation Authority, the Bar Standards Board, ILEX Professional Standards, the Office of Legal Complaints, the British and Irish Ombudsman Association, INSOL International, INSOL Europe, the Association of Business Recovery Professionals, the Chancery Bar Association, the Insolvency Lawyers Association and the Institute of Trade Mark Attorneys) and with other external agencies and institutions (including

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the World Bank and the Insolvency Service). These external networks are sustained and reinforced in a variety of ways including the continued involvement of NLS visiting professoriate, as outlined above; and research seminars and conferences organised in-house (which are attended by practitioners and policy makers as well as academics and judges from the UK and overseas) including an annual insolvency law conference.

### 2) *Input into Policy Evaluation*

The Unit engages with public and private bodies in the evaluation of current laws and practices and reform proposals, through contract research, expert groups and other activities, including:

- Research conducted for the Insolvency Service as part of the Enterprise Act 2002 evaluation (Walters with two external co-authors- see Case Study 1) and Walters's membership of the Insolvency Service's Policy Evaluation Group.
- Research conducted for the Insolvency Practices Council on regulatory practice in the insolvency practitioner profession (Walters and Seneviratne - see Case Study 2).
- Evaluations of ombudsmen schemes (Seneviratne).
- Evaluation of the Solicitors Regulation Authority proposal to replace the existing solicitors' training contract with an outcome-based assessment (a national pilot shaping the future of professional training in England and Wales in which Ching was a leading participant).
- Wheat et al's evaluation of the effect of the Mental Capacity Act 2005 on community nursing practice in the Nottingham City Primary Care Trust and the Nottinghamshire County Teaching Primary Care Trust, funded by the Social Care Institute for Excellence.
- A significant and sustained contribution to insolvency law reform in Africa built on Burdette's research expertise (see Case Study 1).

### 3) *Influence on Legal Education and Legal Practice*

The Unit has a strong track record of enrichment of regulatory practice and competency frameworks that it will continue to build upon. Notable examples are the participation of members of the Centre for Legal Education as researchers and respondents to consultation in the Legal Education and Training Review, "LETR", and Henderson et al's research on the Solicitors Regulation Authority CPD scheme. Henderson's work has been cited to an investigation on CPD in California, and the LETR report is currently undergoing review and implementation by the professional regulators and review by other interested organisations and by the American Bar Association Task Force on the Future of Legal Education.

Benefits are also gained through practitioner reception of leading publications in discrete areas of law and practice (e.g. in the area of directors' disqualification the Unit contributes to the two acknowledged leading texts in the UK which are widely used by practitioners, including judges and regulators); research-based contributions to knowledge transfer and continuing professional education of practitioners via media such as: conferences; postgraduate programmes; short courses and professional association scholarships (e.g. Burdette and Walters have each served as formally appointed scholars of INSOL, a worldwide federation of national associations for professionals who specialise in turnaround and insolvency).

#### **d. Relationship to case studies**

Case Study 1 reflects the leading role that has been played by the Unit in influencing practice and policy in relation to insolvency law. The works of both Burdette on insolvency law in Africa and Walters on insolvency practice in the UK are supported through the Unit's encouragement of involvement in external networks and participation in policy evaluation. They have been enhanced through the activities of the Centre for Business and Insolvency Law and its predecessor research group. The Unit's professorial workload structure facilitated both Burdette's work for the World Bank, enabling him to undertake the trips that form the subject of the case study; and Walters' research under the Insolvency Service funded project.

Case study 2 features the work of Seneviratne and others in relation to dispute resolution. This research has come about through the Unit's policy of encouraging the pursuit of research contracts and through researchers exploiting the Unit's external networks.