

Institution: University of East Anglia

Unit of Assessment: 20 Law

a. Overview

University of East Anglia's (UEA) Law School has a vibrant and productive research culture. Publications in top journals (e.g. Law Quarterly Review), engagement of research users (e.g. Competition Commission, BIS, HM Treasury) and research income attest to this. This is a result of several factors. First, research leadership of the highest calibre comes from scholars whose works are a primary reference point in their respective fields: evidence (Pattenden); intellectual property (Wadlow); competition law and law and economics (Hviid). Secondly, the School provides, as detailed below, an environment and research structure that helps develop talent at research student and junior faculty level. Third, the School's strategy involves concentrating research activity in a few main areas, and in empirical and interdisciplinary endeavours. These include competition law, and law and economics through the interdisciplinary ESRC Centre for Competition Policy (CCP) which involves the Law School, Norwich Business School, and the Schools of Economics, and Political Social and International Studies. Hviid was appointed director of the Centre in 2011. The Law School has a large group of media and intellectual property lawyers involved in media@uea, a less formal interdisciplinary research grouping in media law, economics, culture and society which includes the Schools of Economics, Political, Social and International Studies, International Development, and Film, Television and Media Studies. Other principal areas of research, not connected to formal Centres or cross-School groupings, are commercial law and public law.

b. Research strategy

Evaluation of the RAE2008 Strategy

In the RAE2008 submission the School stated that its primary objectives were to develop competition, diversity and equality, child and family and media law, and to build on its strengths in empirical and interdisciplinary research. The School believes that the future of research in law is in larger collaborative and interdisciplinary projects and therefore a strategy of encouraging and growing critical mass in a few areas of specialism is vital. The need for collaborative and interdisciplinary research groupings is highlighted by the increasing preference of funders for larger and fewer grants and for encouraging consortia of universities to come together for e.g. the successful CHASE consortium AHRC Block Grant Partnership II bid. Empirical and interdisciplinary research has been a notable continued success with a greater proportion of the School engaging in such work than at the time of RAE2008. Currently Bernal, Harker, Heywood, Hviid, Laidlaw, Mc Cullagh, Stephan and Sheehan are all actively engaged in such interdisciplinary and empirical work; Bernal (mathematics), Hviid (economics), Stephan (economics) and Wadlow (natural science) all have degrees in subjects other than law. The Law School is connected to other scholars in the University in different disciplines through the Law-Justice-Regulation Network set up in 2010 to link scholars with an interest in law across the University.

Mead published his book *The New Law of Public Protest* in 2010, and this led to a strategic decision to invest in human rights and public protest rather than pursuing family law or discrimination law research as indicated in the RAE2008 submission by replacing Clark or Solanke. Hamilton was appointed in October 2012. In the context of the number of academics engaged in concentrated research on issues in public protest, this is a considerable grouping. Mead was reappointed to the School in June 2013 following a period at Essex Law School.

The School has had notable success in competition law where it was part of the Centre for Competition Policy's successful 2009 bid for a further 5 years of ESRC research centre funding. The Centre continues to be a very successful part of the School, and Social Science Faculty's research strategy. On average one member of the Law School is either bought out or on study leave in CCP at any given time (not including Hviid who is bought out entirely). CCP's seminar series meets about 35 times a year with presentations by centre members, other UEA colleagues

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and external speakers to an interdisciplinary audience. It organises several conferences and workshops a year, including an Annual Conference, with speakers from across the relevant disciplines. It has a working paper series enabling early circulation of research findings, and a twice-yearly newsletter is sent to more than 1000 academics and practitioners. Akman published *The Concept of Abuse in EU Competition Law: Law and Economics Approaches* with Hart Publishing in February 2012, an interdisciplinary study of the operation of article 102 TFEU, and in 2013 the School appointed Gallasch, who has published in the European Competition Journal to a lectureship. Harker and Hviid produced a number of articles on mergers in *World Competition* and the *European Law Review*.

The School stated in the RAE2008 submission that new media was a developing part of the School's strategy. The School has since then made several appointments in media (Bernal (2011), Laidlaw (2011), Mac Sithigh (2008) and Mc Cullagh (2011)) and can now boast one of the largest concentrations of media, IP and IT law related researchers in the country, many of whom are on probation and whose research the School will aim to develop further. Mullis published *Carter-Ruck on Libel and Privacy* the leading work on the subject in 2010 while at UEA. Bernal and Laidlaw are both interested in the human rights and privacy aspects of internet law. Both Laidlaw and Bernal are turning their PhD theses into book form to be published in 2014. Mc Cullagh continues to do work on the impact of social media on culture and the law. Wadlow continues to do research on patents and unfair competition; the fourth edition of his highly regarded book *The Law of Passing Off and Unfair Competition* was published in 2011. Wadlow has strong links with CCP and has had a buyout within this REF period. The media@uea group was involved alongside CCP in the successful CREATE (Centre for Regulation, Enterprise and Technology) bid for a RCUK research centre on copyright and new business models with a consortium of other institutions: the Universities of Glasgow, Strathclyde, Edinburgh, Nottingham, Goldsmith's and St. Andrews. The consortium was awarded the centre in March 2012. The bid is worth £384,000 to UEA over the four years; the full value of the total award is approximately £5m between the different institutions. The money covers academic time, PhD studentships and research associates.

The School stated that it would maintain its strength in Commercial Law in the RAE2008 strategy. Sheehan produced his textbook *The Principles of Personal Property Law* with Hart Publishing in 2011 providing the first analysis of personal property law and its impact on commercial law for 10 years. The School advertised for a chair in commercial law early in 2008 and appointed Siems who came from a readership at the University of Edinburgh. Before his departure to the University of Durham in June 2011 he produced several articles on shareholder protection law, and successfully bid for a Phillip Leverhulme Prize worth £70,000. Research leadership at senior level was maintained with the appointment of Sheehan to a personal chair in November 2011. Kunzlik, appointed as Head of School in 2013, specialises in Government contracting.

The School has also made good on its aim to support research in other areas. Banakas and Sheehan have continued to weave comparative perspectives into their work in tort and unjust enrichment. Heywood has produced several articles on aspects of medical law. Sheehan and Pattenden have a contract to write the second edition of Pattenden's book *The Law of Professional Client Confidentiality* which was published in 2003 and will largely completely rewrite it to include for example the developing law of privacy, linking with interests of many of the media lawyers. Xu, who, when on probation, benefitted from Sheehan's support as mentor, has produced work on comparative English and Scots land law, including a piece in *Modern Studies in Property Law* published in 2011. The article compared the Law Commission's proposed land obligations and the current law on Scots real burdens and prompted an immediate reply from the Law Commissioner (Cooke) responsible. Xu received a 2012 British Academy small grant for empirical work, looking at the reasons for the low take up of the commonhold system of land ownership ten years after it was introduced in the Commonhold and Leasehold Reform Act 2002.

Research Strategy Post REF (including New Initiatives and Priority Development Areas)

The Law School sees its future as a centre for excellence in four main areas, building on the success of the REF period, but it will not compromise on the support given to members of faculty in

other areas. Edwards has for example a new research interest in cultural heritage law and Spark in animal welfare law, but further appointments will be made to build on the existing and developing strength shown in the priority areas. The first three areas are media, intellectual property and information technology law where the School will build on media@uea and CREATE; competition law, where the School will continue to support CCP; and public law. The School will also maintain strength in commercial law and will advertise early in the new period for senior staff in the area. Immediate goals include Guntrip's aim to publish his PhD on international investment law as a monograph; Sheehan, following the completion of the book on Professional-Client Confidentiality, will return to work on secured transactions and personal property law.

The School will build further national and international links and seek to host major international conferences to raise its profile, and develop its international links described below. It will also seek to raise the number of successful research bids, making use of the University's process of internal peer review for grant applications. Using the expertise of successful colleagues the process supports the development of new funding applications, and is mandatory for all applications to the UK Research Councils. The School will monitor and manage its staff's research careers as detailed below, and will use the regular research-focussed meetings with staff to discuss future funding bids and the possibility of larger, collaborative and interdisciplinary grant applications.

Despite the early stage of the career of many media@uea members, the group has had success with its involvement in CREATE; we expect further improvements in publications and research funding moving forward as we provide support to those members of faculty involved, including bringing in additional research students as the School's reputation increases. Laidlaw and Mac Sithigh will continue to work closely together through CREATE, Gallasch will do research into the interface between commercial law, competition law and intellectual property and on the commercialisation of intellectual property rights. Hviid will provide research leadership moving forward. Following Wadlow's retirement, the School will advertise for a senior media or Intellectual Property lawyer to lead this important grouping. The School has agreed to host the annual British and Irish Law, Education and Technology Association (BILETA) conference in 2014 following the success of the GiiKii conference at UEA London in 2012, organised by Mc Cullagh who will be lead organiser of the BILETA conference. The School will engage in close co-operation with industry, charity and policy making partners identified in the CREATE bid to ensure that its research has real world relevance and impact.

The School supports the Centre for Competition Policy in its attempts to become self-sustaining after the end of its core Centre funding in 2014. CCP funding will primarily arise from four sources: research grants, contract research, engagement activities, including short courses and UEA. CCP members have secured an ESRC/Google grant, and in 2012-3 its non-ESRC research income totalled in excess of £200,000. CCP faculty members are currently waiting on decisions on several important grant applications. In the new period Stephan will be a Team Leader, developing bids in the area of "Effectiveness of Competition Policy". CCP will retain dedicated space, a multidisciplinary seminar series and the annual conference. UEA has committed to contribute funding for a 0.5 fte centre manager, and director, and full time research associate for 2014-2017; with other income CCP aims to maintain a full time director, centre manager, three associates and significant faculty buyout time.

With Mead's reappointment to the School in June 2013, we intend to further strengthen the area of human rights, public law. The School is at an early stage in exploring possible links with Emmerson (UN Special Rapporteur on Counter-Terrorism). Emmerson has a number of funded research projects and has indicated a wish to use the School as a base from which to undertake the research. Emmerson's involvement with the School will allow the human rights lawyers access to a wider range of international contacts. Behrman who was appointed in 2013 is a specialist in International Humanitarian and Refugee law and will be able to make links and use contacts provided by Emmerson. Behrman's appointment also allows links to be made with Hamilton's interests in international human rights. Hamilton has many contacts internationally in the field of transitional justice and human rights and will continue to speak at events across Europe. Mead and Hamilton will have a number of PhD students, including some jointly supervised with the School of

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Political, Social and International Studies (PSI). There are cross-overs with the research interests of Brown (PSI) in the regulation of hate speech, which will be developed further. The appointment of Skoutaris, a specialist in European constitutional law, in 2013 from a senior research fellowship at the London School of Economics allows for further links to be made with PSI. Hamilton and Mead organised a round-table at UEA London with the UN Special Rapporteur on rights to peaceful assembly and association in attendance, and Hamilton organised a panel discussion on peaceful assembly at the 2013 Law and Society annual meeting in Boston with all the leading US and UK scholars in the area in attendance. Further such events will be organised in the next period.

The School is involved in an emerging SELNet scheme (South East Law Network), which derives from earlier cooperation in the successful CHASE Consortium bid for an AHRC Block Grant Partnership II, discussed below; the network involves Essex, Sussex and Kent Law Schools. A conference will be held at Sussex Law School in January 2014 to launch the venture at which future collaborations can be explored. A central database of research interests of Faculty and PhD students will be produced to identify synergies and possible co-supervision of research students across the Schools. Subsequent conferences will rotate around the Law Schools involved. It is anticipated that the co-operation will develop organically, but high level support exists for the venture at UEA; the Pro Vice Chancellor (PVC) for Research has indicated support for holding a conference at UEA, and providing some financial support. UEA and the Universities of Essex and Kent are also part of an important new Research Consortium, the Eastern ARC Consortium, one of the focuses of which will be quantitative social sciences in which the Centre for Competition Policy can play a major role in the law and economics of competition policy. Hviid, Harker and Stephan will have important roles in developing that strand of research and in developing funding bids with partners in the Consortium.

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

UEA's single equality action plan identifies policies on equality and diversity issues which are proactively delivered by the equality and diversity committee. UEA has also obtained a bronze ATHENA Swan award. This award recognises the University's solid foundation for eliminating gender bias and development of an inclusive culture that values all staff. A robust core of information developed by an equality and diversity officer informs decisions from an equality perspective. The Head of School and deputy Head of School ensure that the allocation of teaching and administrative responsibilities is fair and equitable. This is done through the use of a workload allocation model which assigns common weightings to e.g. teaching seminars, lectures, and different administrative tasks. Where ATR (Academic Teaching and Research) staff are over-committed action is taken to reduce other tasks and maintain 40% of time for research. Staff have opportunities to feed into research policy making via School meetings focused on research, and regular individual meetings with the Head of School and Director of Research, as described below.

Staffing Strategy and Staff Development

The School's strategy is to develop and retain researchers at the start of their careers and provide a supportive and developmental environment which enables them to flourish as researchers, and retain them for as long as possible. The School has a small number of contract research staff, supported by a research staff co-ordinator (from 2013 based within CCP) who acts as a point of contact; the University level Research Staff Working Group is chaired by the PVC for Research.

The School Director of Research together with the Executive Committee formulates policy and monitors research performance. This is monitored through annual completion of a University research plan which is linked to the central University repository of publications (ePrints). The University has now purchased the PURE system which will make the reporting of individual research attainment easier. All faculty members on ATR contracts (Academic, Teaching and Research) are expected to produce at least one major publication each year and to contribute conference papers nationally and internationally. The University's regular appraisal scheme

enables all ATR staff to discuss their research progress with a senior member of faculty in a supportive and friendly environment. Newly appointed members of ATR staff on probation have such appraisal meetings annually. They are allowed a lighter teaching load to help them develop their research and must pass the PG Certificate in Higher Education Practice which includes sessions on research management and includes a significant role for their mentor, who is a senior member of ATR staff. Of the 20 members of ATR staff within the School, 10 were appointed or transferred to ATR after January 2010 (not including Mead who was originally appointed in 2001 but reappointed in 2013), all but two as Early Career Researchers, and 12 since January 2007.

There are regular School meetings about research with all ATR and ATS (Academic Teaching and Scholarship) staff present to discuss research strategy and its development. These meetings aim to ensure that all staff, including ATS staff, who are not contractually obliged to undertake research, support the value of the School's research and their own place within the strategy. Staff can also feed into the development of the School's strategy at these meetings. The Director of Research and Head of School meet twice yearly with ATR members of faculty to discuss their research plans; the first such meeting coincides with the completion of their research plan in March/April and the second takes place in early Autumn. At these meetings staff are challenged in a supportive manner to explain their projects and in particular to discuss ways in which their specific research design can be improved and to suggest possible interdisciplinary links. This ensures that all staff have the opportunity to produce internationally excellent research where they have the demonstrated ability to do so. Research bidding is a major part of these discussions and is a standing expectation before study leave is granted; typically the Social Sciences Faculty study leave committee will require preparation of a grant bid during study leave. Staff are eligible to apply for study leave for one semester in every seven semesters, and study leaves are allocated on the basis of promised deliverables and past performance. Although members of faculty on ATS contracts are not required to undertake research, the Law School encourages those with aspirations to change track to discuss their plans with the Head of School and Director of Research. The success of this support can be seen in the appointment of Xu, who was originally appointed to an ATS contract in 2007, to an ATR contract in April 2010. Spark published his monograph *Vitiating of Contracts* with CUP in January 2013. He and Guntrip transferred to ATR status in 2013; Behrman will seek to do so in the new period. Warnock, also on an ATS contract, will be an editor of the prestigious practitioner text *Harvey on Industrial Relations and Employment Law* from 2014.

There has been considerable turnover of staff since RAE2008, but the School seeks in future to minimise the turnover by providing the excellent support to all researchers detailed above. The strategy of concentrating on a small number of priority areas is intended to build critical masses of researchers and create a vibrant research environment staff do not wish to leave. The School has a policy of promoting staff at the earliest opportunity as a retention strategy. This can be seen in the promotion of Harker and Stephan to Chairs in 2013, and Heywood to a Readership in 2012.

The School has weekly research seminars during semester where staff, research students, and visiting scholars from the UK and overseas (e.g. Linarelli (Swansea) 2013 and Larouche (Tilburg) 2012) present their research. The Research Director allocates funds for conference attendance; this fund is currently £1000 per ATR member of staff, a considerable increase from the RAE2008 period, and helps support staff attendance at international conferences (e.g. Sheehan Singapore (2008); Katelouzou Toronto (2012)). The Centre for Staff Development runs research related sessions which staff attend e.g. over the last two years Research Grant Applications, Research Grant Management, Research Grant Appointments, Pathways to Impact and Café Conversations.

ii. Research students

Our research students are an integral part of our research environment and the School has an excellent track record of developing their academic careers. Over the REF period there has been an upward trend in PhD completions year-on-year, from 2 in 2008/9 to 4 in 2012/13; many have Social Science Faculty Scholarships, advertised early each year. The School seeks to maintain and improve its number of excellent research students and faculty are asked to report on how they

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might attract students in their annual research plan. Where a supervisor has not supervised to completion another member of the team will have done so.

The relationship between our research environment and PhD students is a symbiotic one in that our strategy, as it is with junior members of staff, is to develop their careers, produce the next generation of excellent researchers. Our success in nurturing such talent to fruition is evidenced by our PhD students' research publications in e.g. the *European Law Review* (Wright), *International & Comparative Law Quarterly* (Peyer) and *European Competition Journal* (Gallasch), and their subsequent appointments: Peyer (Leicester 2013); Fay (Keele 2013); Gallasch (UEA 2013) and Wright (York 2010). Others have been appointed to Liverpool (Cengiz (2012)) and Bristol (Subramanian (2012), Raczynska (2013)) Universities since their first appointments. Our research students enrich the research environment by for example attending and presenting papers at the School and CCP seminar series, and speaking about their research at the annual Showcase of Postgraduate Research in Norwich city centre. An annual PhD colloquium is run by the students under the auspices of the Director of the School Postgraduate Research Programmes.

The School provides research training through the supervisory process and formal classes, looking at different methodologies from doctrinal research to empirical and interdisciplinary methodologies, and will provide three days of open advanced training from 2013/14 on media, human rights and empirical methodology. The Law School will seek to host the British Association of Comparative Law (BACL) PhD colloquium in 2015. Through its Graduate School, the Social Sciences Faculty co-ordinates the training provided by the different Schools of Study. All students must undertake generic skills training, monitored by the Graduate School. This can include experiential learning from organising colloquia, presenting at and attending conferences. Students' progress is monitored through annual reporting by students and supervisors, and the School was involved in a successful bid for AHRC BGP II with Schools from the UEA Faculty of Arts and Humanities, and the Universities of Essex, Sussex and Kent. The focus in the School's part of the bid is on media law, reflecting its strong links with media@uea. The School offers the Law pathway in the Social Science Faculty MRes in Research Methods where students study qualitative and quantitative research methodologies with students from other disciplines. The Social Science Faculty offer four annual scholarships to support students on this research training masters. All members of faculty involved in research student supervision complete training on the University's code of practice in research supervision prior to supervising with regular refreshers thereafter. The Eastern ARC Consortium of UEA and the Universities of Essex and Kent provide a critical mass of research students in law and the social sciences; the School and Faculty plan to co-ordinate research training with these institutions and use this as a platform for a future bid to the ESRC for Doctoral Training Centre status and there is also scope for co-operation in training through the new SELNet scheme, which also includes Sussex Law School.

d. Income, infrastructure and facilities

The Law School has excellent coverage of legal databases, and has added coverage since the RAE2008. Commercial databases to which subscriptions are held include Westlaw, LexisNexis, HeinonLine, Lawtel, Justis, Legaltrac, OJ Onlineplus, Hart Journals Online. These resources are supplemented by library subscriptions to additional hard copy law journals, purchases of monographs, edited collections, textbooks and practitioner works. Web pages supply links to not-for-profit law journals, law reform materials, e-books, legal indexes, and databases (including Casetrack, WorldLII, Hudoc, Eurolex, Infotrac, and Index to Foreign Legal Periodicals, Flare Index to Treaties, and the BCLI Law Reform Database). Links are provided to English, foreign and international institutions (for example Supreme Court Online; the UN Audiovisual Library of International Law and Translex). The University's Research and Enterprise Service maintains an intranet providing information on all aspects of research funding and provides expert assistance in drafting and submitting research funding bids and supports contracts and project management.

The Law School encourages appropriate individual and collaborative bids, and this is reflected in the success it has had over recent years. Over the RAE2008 period there was an increase in research funding from none in the 2000-2002 period to £180,000 in the calendar year 2007. Since

the RAE2008 there has been a further increase with research grant income standing at approximately £320,000 in 2010/11. The current value to UEA (July 2013) of awards in which members of the School are involved amount to £4,517,000 and this equates to £358,492 per submitted fte member of staff (13.6fte). The School will move into Earlham Hall in 2014, renovated specifically for the School at multi-million pound cost, providing new office and teaching space as well as dedicated space for research students.

e. Collaboration and contribution to the discipline or research base

Interdisciplinarity

The Law School has sought to build interdisciplinary research, primarily concentrating on research with economics, business studies and political science. Scholars from elsewhere in the University speak at the School's research seminar series (e.g. Neil (Social Work) 2012; Sinclair (PSI) 2012; Brown (PSI 2010, 2013)). Sheehan is working on a research project on the philosophical basis of different unjust factors and gave a paper in the School of Philosophy in January 2013. Most interdisciplinary research is supported through CCP and media@uea, but also by contacts made via the Law-Justice-Regulation Network.

Contribution to Learned Societies

Sheehan is a member of the Society of Legal Scholars (SLS) Research Committee, which allocates funding for the SLS Annual Seminar, typically a two-day event including high-profile international speakers. He is convenor of the restitution section of the society, which involves the organisation of the section's meetings at the annual conference in September. Richards, albeit on an ATS contract, is Secretary of BACL which organises its annual seminar immediately prior to the SLS Annual Conference, and Mc Cullagh is on the executive committee of BILETA.

Journal (and Other) Editorships

Pattenden remains editor of the bulletin board of the International Journal of Evidence and Proof. Heywood is a member of the editorial board of the Journal of Professional Negligence, and Laidlaw is part of the editorial team for the European Journal of Law and Technology.

Networks and Clusters, and Engagement with Practitioners

Officials from BIS and the OFT regularly attend the annual CCP conference. The CCP Advisory Board includes a CAT Chairman and member of the Monetary Policy Committee, and a number of top Queen's Counsel. Media@uea attracts speakers from outside academia to give lectures and Bernal writes a regular column for Pen Index on Censorship. CREATE has approximately 80 industry/charity partners; Sheehan works with practitioners in the Secured Transactions Law Reform Project, and the Chancery Bar Association of which he is an academic member.

National and International Academic Collaboration

Banakas has longstanding links across Europe (e.g. Universities of Prague, Turin, Sorbonne-Pantheon, Munich and Luxembourg) which he has nurtured through international research networks on for example European tort law, and Zanchi (Ca Foscari University, Venice) will visit the School in 2014. Banakas also has links in Japan as a result of his Great Britain-Sasakawa Foundation research grant in 2008. Sheehan has links with the University of Queensland where he will be a distinguished visiting fellow in 2014. Hamilton will engage with contacts in his former institution of the Central European University and, with Mead, with contacts in the USA relating to the Boston roundtable. Wadlow was appointed UK National Reporter on Intellectual Property Law for the Report of the 18th Congress of the International Academy of Comparative Law in 2010. CCP is a founder member of CLEEN (Competition Law and Economics European Network). Stephan has links with Hong Kong Polytechnic University deriving from joint grant bidding activity; he is an academic partner of the Asian Competition Law and Economics Centre, and a non-governmental adviser to the International Competition Network.