

<p>Institution: De Montfort University</p> <hr/> <p>Unit of Assessment: 20 Law</p> <hr/> <p>a. Overview</p> <p>From September 2011, the Department of Law and the Department of Professional Legal Studies were merged into a unified School of Law, under the leadership of a Head of School who is assisted by a School Executive, which comprises, in addition to the Head of School, the Head of Research, an Associate Head for Undergraduate Studies and an Associate Head for Professional and Postgraduate Studies.</p> <p>The School has a number of informal research clusters organised around specific areas of legal scholarship: administrative justice, commercial law, consumer law, criminal law & criminal justice, environmental law, European Union law, human rights law, international child law, international economic law, international law, law and literature, medical law and ethics and social security law. In 2012, the Faculty Executive approved the establishment of a Children and the Law Research Centre (CLRC) following a review of staff research interests in the School. DMU's School of Law has had a lengthy history of excellent research activity, which is well integrated and balanced with a range of other academic and professional teaching and training activities.</p> <p>Since RAE 2008, researchers within the School have produced 205 research outputs: 111 journal articles (54%), 44 book chapters (22%), 33 books (16%), 13 conference contributions (6%), and four research reports (2%) (data extracted from the De Montfort Open Research Archive. https://www.dora.dmu.ac.uk/ (30/08/13).</p> <hr/> <p>b. Research strategy</p> <p>The research strategy of the School has progressed within the wider strategic framework at University and Faculty level. Law is one of the 'core' areas of research strength identified by the Faculty of Business and Law over a decade ago. This focus on core strengths is seen as a viable strategy for maintaining sustainable high-quality research in a faculty with significant areas of high-volume, professionally oriented teaching. The strategy of the (then) Department of Law outlined in RAE 2008 focused on 'the maintenance of a sustainable research community producing high quality outputs' combined with the encouragement of existing staff into the research community and the appointment of new staff with established research records. Over the review period there has been more intensive dialogue between disciplines, most notably with researchers in the Faculty of Health and Life Sciences. Intra-faculty dialogue has also been enhanced by the faculty's flagship new Hugh Aston building, opened in October 2010, permitting closer physical proximity.</p> <p>The research strategy has been maintained and extended in a number of ways. A sustained effort has been made during the assessment period to increase the visibility of the Law School both within the UK community of legal scholars and internationally. This aim has been helped considerably by the successful bids made by the School to host the Socio-Legal Studies Association (SLSA) annual conferences within the assessment period (in both 2009 and 2012). Colleagues have been encouraged to engage with and bid for membership of national- and international-level committees, boards and learned societies.</p> <p>A greater level of accountability has also been embedded into our processes and procedures to ensure that the research-active community in the School is appropriately supported and monitored.</p>
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There have been sustained efforts to grow our links with external research scholars and institutions, for example, with Dr Michael Wabwile, a senior lecturer in law at Moi University, Kenya, who visited DMU as a Commonwealth Academic Fellow funded by the Commonwealth Scholarship Commission and sponsored by the British Council for a three-month period (October – December 2012). The School of Law has maintained and further developed its international collaborative research, particularly in relation to our increasing strengths in criminal law and criminal justice, commercial and consumer law, international law, international economic law and international human rights law. The Unit is also strengthening links with other core research areas within our own Faculty and elsewhere in the University. The CLRC, for example, has aimed to build on colleagues' existing links with governments and NGOs on a range of issues relating to child law and policy, both domestically and internationally. The introduction of this more formalised research centre has been an important turning-point and model for the School's overall strategy. There are currently plans to formulate further research centres in EU criminal justice, commercial & consumer law, international economic law and public law. Another element of the School's overall strategy has been to develop niche distance learning LLMs in specialist subject areas that support key areas of research-active colleagues' work. For example, the LLM in Medical Law and Ethics has for many years, under **Price's** leadership (see case study), provided opportunities for research-informed teaching and for networking with the medical profession. An additional LLM in International Human Rights Law was added to the diet of distance learning programmes on offer in 2012 and is deliberately focussed on children's rights to cohere with the establishment of the CLRC. Our strategy also includes careful attention to former LLM and research students with whom we maintain professional and academic links where appropriate. These plans are monitored by the Head of Research (**Buck** 2008-2013, **Baker** 2013-) assisted by the Law research committee and regular meetings of the Law professorial group (see 'infrastructure' section below). We also plan to further expand our research student numbers (see below).

c. People, including:

i. Staffing strategy and staff development

The focus of staffing strategy in the School of Law has been upon retaining sufficient research-active staff to sustain a vibrant research agenda in addition to making additional appointments and succession planning in order to build research capacity. During the assessment period, a number of professorial research staff have moved on to other Universities (**Willett**, 2011, to a chair at Essex; **Gillespie**, 2012, to a chair at Lancaster) or retired (**Hughes**, 2008; **Oughton** 2011; **Lockton** 2013). Finally, one of the School's most prominent researchers (**Price**) died in service in January 2012. However, the School has been increasingly successful in refilling these chair posts with individuals of high standing within their respective fields. **Hughes'** planned retirement had already been anticipated with the appointment of **Buck** in 2006. **Oughton** and **Willett** were replaced with new professorial DMU appointments in 2012 (**Baker**, formerly Professor at the University of Sheffield; and **Kenny**, formerly Reader at the University of Leicester). **Price's** post was refilled in 2013 with the appointment of **Desta** (international economic law), formerly Reader at the University of Dundee. The School is currently bidding to refill **Gillespie's** chair with a new chair post in the field of child law; the latter will become the co-director with **Buck** of the CLRC. The CLRC currently has two DMU bursary funded PhD students attached to it, undertaking research into children and armed conflict and child trafficking respectively. Internal, research-related promotions have also been achieved (**Gillespie**, reader to chair in 2010; **Shaw**, senior lecturer to reader in 2011; and **Dingwall**, reader to chair in 2012). One professorial colleague (**Mackay** – see case study) opted for flexible retirement in 2006 and is currently on a 0.2 fractional contract, allowing him to focus almost exclusively on his research activity. Finally, the School recently

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appointed a senior research fellow, **Bondy**, the Research Director at the *Public Law Project* in London, on a 0.2 fractional contract, to further support and enhance existing expertise and networking in public law scholarship within the School. There is currently an informal mentoring culture within the School whereby colleagues will read and comment on each other's drafts of articles, book proposals and research grant applications. A regular weekly meeting of research active colleagues has developed to share research experience and practice and ensure, in particular, that early career researchers are suitably supported.

Teaching loads for research-active staff are significantly reduced through a system of 'research allowances', and there are a number of schemes to 'buy-out' teaching responsibilities to allow individuals to focus on research. The following are in operation:

- *Core group funding*: this allocates each core group in the faculty an annual sum for small-scale buyouts, fieldwork expenses, transcription, paper-giving at prestigious subject conferences, etc.; the money aims to pump-prime larger scale research and is distributed by the group research coordinator; more routine funding of conference attendance is supported by staff development budgets at teaching group level.
- *Research seedcorn fund*: this is available to all School of Law staff to enable individuals to pursue small-scale research; it supports similar activities to core group funding; average awards are in the £400-£1000 range.
- *Early Career Researcher Fellowship*: this scheme, introduced by the faculty in 2009, offers between one and three annual fellowships to ECRs to allow them to develop their research career by carrying out pilot projects, drafting external funding bids, preparing research outputs, etc. under the guidance of a mentor; its main contribution is through the buyout of teaching responsibilities, typically around 100-140 hours p.a.

Core and seedcorn funding is also open to staff on part-time or fixed-term contracts.

ii. Research students

All research students are subject to the oversight and monitoring of the University's Graduate School. At faculty level, the head of research students is responsible for applying procedures. All supervisors are required to obtain the University's Certificate in Research Supervision, and to attend 'refresher' courses at regular intervals to keep up with changes in regulations and procedures. Team supervision, using at least two supervisors, is the norm. Registration for a research degree requires the approval of a formal programme of study following scrutiny and review of registration documentation. Transfer from MPhil to PhD requires the submission of a substantial transfer report, outlining progress made since registration and setting out a clear and achievable timetable for completion. This is scrutinised by an independent assessor from outside the supervisory team. Each student is required to undergo an annual review of progress by an independent reviewer, and regular records of supervision meetings are monitored centrally.

Detailed training sessions are delivered at Faculty level. The doctoral training programme in the Faculty of Business and Law is a long-standing and comprehensive provision. It provides plenty of opportunities for doctoral candidates to present their first papers, acquire relevant skills and deepen their pedagogy of research methods. In addition, the appointment in 2012 of a law colleague (**Dingwall**) as the *Faculty* Head of Research Students has enabled more customised law-related research training to be nurtured within the Faculty-level programme. **Kenny** was appointed as the *School* Head of Research Students in 2012.

In 2013, a new faculty-wide doctoral training programme was developed. This allows for a discrete element to be delivered by each stream of the faculty. The Law stream has developed four training

units specifically aimed at research students in Law that examine respectively; doctrinal, comparative, socio-legal and jurisprudential/theoretical approaches to law scholarship. The School has made progress in building its numbers of research students from a very small base at the beginning of the assessment period, to the current 20 students. During the assessment period there have been three doctoral completions (Sargent, 2010; Alotaibi, 2012; Mogilnaya 2012). Care has been taken to ensure that research students are suitably matched with staff expertise both on admission and in the event of a supervisor leaving. Each PGR is allocated two supervisors. The gradual build-up of research students is a priority for the School but has been carefully controlled to ensure that our capacity for research supervision is not exceeded.

PGR students can access a long-standing “doctoral support fund” to help finance a variety of research-related expenses: e.g. presenting papers at conferences, attendance at specialist methods workshops, help with fieldwork expenses, etc. Since 2008, the fund has supported a number of law research students with sums averaging around £300. The University also supports a programme of full and partial doctoral bursaries, and the School has gained four of these in the assessment period (Mogilnaya, Madhloom, Nyamutata and Faulkner). Since 2010, PGR students have benefited from superior office accommodation and facilities in the new state-of-the-art Hugh Aston building. The University library has designated PGR study areas.

d. Income, infrastructure and facilities

Income

External research income obtained by the School of Law has developed from a low base and has been growing over the assessment period, and funding is now secured from a diverse range of sources. For example, **Buck** was a co-investigator on work relating to public services ombudsmen in the UK, Ireland and Australasia funded by the ESRC; and principal investigator on a Nuffield Foundation funded project examining precedent and reporting in the tribunal sector. He has also collaborated with Reunite (Leicester) on a funded Nuffield Foundation project examining the long-term effectiveness of mediation in international parental child abduction cases. **Samanta**, who has taken over some of **Price's** research activities, has been successful in obtaining AHRC Research Networking Grant for over £28,000 for ‘The influence of faith and belief on the formulation, content and operation of health law in the UK’ (Grant Ref: AH/IO264448/1). **Samanta** has also been successful in obtaining support from DMU’s revolving investment fund (RIF) in research in 2013 in relation to a preliminary scoping exercise to ascertain the views and perceptions of clinicians who work with patients in vegetative states. In addition, **Mackay** has continued with his longstanding empirical work, supported by the Nuffield Foundation and the Law Commission on the mental condition defences in criminal law (see case study).

There has been a sound record of journal and other academic outputs from externally funded projects. For example: a monograph and several articles in quality journals on public service ombudsmen (**Buck**) following participation in an ESRC award; two research reports (**Buck**) following Ministry of Justice (early neutral evaluation of Disability Living Allowance appeals) and Nuffield Foundation funding (long-term effects of mediation in international parental child abduction); a research report (**Dingwall**) ‘Developing an effective response to problem drinking in the Leicester Sikh community’ under local authority funding. References to the outputs produced by **Mackay, Price and Samanta** can be found in the two case studies.

The School also received £1,000 in 2012 in respect of hosting its first Commonwealth Academic Fellowship (Wabwile) from the Commonwealth Scholarship Commission, one of the first activities of the newly established CLRC.

Infrastructure

The School of Law has been able to draw on a greatly enhanced central University provision of research support. Over the assessment period, DMU has invested heavily in central support for research. The Research Business and Innovation directorate (RBI) brings together research support for faculties in the form of specialist pre-bid support with grant applications from expert advisers for UK government funding (including the research councils and other sources), EU funding, knowledge transfer funding opportunities, and charitable organisations. This supports existing provision within the faculties for post-bid support with grant management. The RBI also has a major role in monitoring the institution's research activity and helping research groups promote themselves externally, e.g. through web pages, researcher training and other events. The RBI also administers several research support funds, notably the Research Innovation Fund and a University research leave scheme.

This University provision is supplemented within the Faculty by a research administrator who works closely with the Faculty Head of Research and has a major role in the preparation of costings for research bids, in the organisation of research events, the servicing of research committees and other administrative tasks. Additional administrative support is provided by staff at departmental level.

Doctoral support has been rationalised through a new Graduate School Office. This has taken on a more strategic role in the development of the research degree programme across the University, as well as having administrative responsibilities for research students. The School of Law also benefits from research support and provision at faculty level. The Faculty of Business and Law has a research committee chaired by the Faculty Head of Research which monitors and supports all research-related activities within the faculty, and reports to the University research committee. There are two funds which all faculty staff can make an application to: early careers research fund, and the 'seedcorn' research fund. Doctoral students can also apply to a faculty-level doctoral student fund for assistance with, for example, paper-giving at conferences and empirical work. The School of Law initiated its own research committee in 2009, which reports as a sub-committee to the Faculty research committee. The Law research committee, chaired by the (law) Head of Research (**Buck**, 2009-2013; **Baker** 2013-present) discusses all matters relating to the School's research agenda, and in particular reports on the annual round of research interviews with individual staff members conducted by senior colleagues (**Baker, Buck, Price** and **Hirst**) since 2009. The detailed documentation arising from these annual interviews is then discussed with the Faculty Head of Research.

The Pro-Vice Chancellor (Research) led an initiative in 2011-12 to advance the leadership and other roles of the whole of the University's professoriate. Following this initiative, the Head of Research (Law) has convened three or four meetings each year of the law professorial group (currently **Baker, Buck, Desta, Dingwall, Hirst, Kenny** and **Mackay**) to provide strategic direction and discuss research-related matters. The discussions of the professorial group are fed into the law research committee and School executive meetings as appropriate.

The School also runs a series of law research seminars and all full, part-time, and fixed term staff and research students are encouraged to attend. These are deployed both to invite external speakers as part of the School's aim to build scholarly networks, and also to provide an opportunity for our own staff to present on their current research. An informal, weekly summer research forum meeting was initiated in August 2013.

Early career researchers and doctoral students are particularly encouraged to submit some of their work for journal publication and the general editor (**Lockton**) of *Contemporary Issues in Law*, an external, peer-reviewed publication, and other senior colleagues are available to advise on publication submission plans.

Facilities

The School of Law is superbly accommodated in the Hugh Aston building, a £35m project opened in October 2010, and has a dedicated Law Library, which has built up an impressive range of titles and journal subscriptions over the last 30 years. Over the last decade, the Library has made multiple subscriptions to journals available via online databases, e.g. *Hein Online*, *EBSCOhost Academic Search Premier*, etc. This has, in particular, increased the availability of international law journal literature. The Hugh Aston building contains state of the art classroom and conference facilities. It also contains a dedicated Moot Courtroom. The SLSA annual conferences of 2009 and 2013 were hosted by the Law School in, respectively, the Queens building and the new Hugh Aston building. The Hugh Aston provides excellent accommodation for research seminar series, conferences, symposia and provides good office facilities for staff members and for visiting scholars.

e. Collaboration or contribution to the discipline or research base

The School of Law contains colleagues who have a range of collaborative networks with scholars from other Universities in the UK and elsewhere. For example, **Baker** completed a collaborative project with Chris Harding (Aberystwyth University) on a longitudinal analysis of the development of European level efforts at crime control, to inform an understanding of both the present 'Third Pillar' centre of such policy and measures, and the prospects for future action in the wake of the Lisbon Treaty. **Baker** was appointed a Member of the European Commission Expert Group on EU Criminal Policy (2012-2015). She has addressed, as a representative for the European Society of Criminology's Sentencing and Penal Decision-Making Group, a meeting of senior judges, politicians and policy-makers in Dublin in April 2013 in a keynote lecture entitled: 'The emerging relevance of EU law to sentencing'. The Group draws together approximately 60 academic scholars from across Europe who are experts in the field of sentencing. The work produced on public services ombudsmen (**Buck**) funded by the ESRC was produced via a long-term collaboration with Brian Thompson (University of Liverpool) and Richard Kirkham (University of Sheffield). Some of the criminal justice research (e.g. **Dingwall**) has been produced in the context of well-established collaboration with, for example, Laurence Koffman (University of Sussex). **Desta** has a well-developed profile in the field of international economic law and participates in a number of international academic and policy forums. **Desta** has co-authored significant publications with Moshe Hirsch (Hebrew University of Jerusalem) and Joseph McMahon (University College Dublin).

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Kenny was invited to deliver a paper in May 2013 for the Centre for European Policy Studies (CEPS) in Brussels to an audience composed of policy makers, academicians and industry representatives on the role of household debt during the economic crisis and the challenges for its future development. He has several publications on the legal aspects of credit to households and consumer protection. **Kenny** has also delivered a paper, with James Devenney (University of Exeter), to the 14th International Association of Consumer Law in Sydney, 2 July 2013, on the Law Commission's 2012 Issues Paper and the variable geometry of 'Europeanised' unfair contract terms law. He also participated in the Consumer Credit and the Law Symposium organised by the University of Queensland, in Brisbane, 8 July 2013 – an event attended by finance industry professionals, lawyers, consumer advocates and consumer credit law researchers from Australia and overseas.

Mackay has long-standing co-authorship arrangements with, for example, Warren Brookbanks (University of Auckland, New Zealand) and Barry Mitchell (Coventry University). **Mackay** has been commissioned to conduct a number of empirical studies, currently ones on the insanity defence and unfitness to plead for the Law Commission and he has regularly sat on Law Commission advisory groups in this field (see case study). **Price**, who died in service in 2012, had a long-established network of national and international collaborations in the field of medical law and ethics. His work is being continued by **Samanta**, who had co-authored with him and has been successful in delivering a funded AHRC award that was initiated by him. **Kenny** has an established collaboration with James Devenney (University of Exeter) and they co-organised several conferences on consumer law at Exeter and DMU in 2012/2013.

Bondy has co-authored empirically-based research reports under funded projects with the Nuffield Foundation, with a number of distinguished public law scholars (Maurice Sunkin (University of Essex), Andrew Le Seueur (QMUL), Linda Mulcahy (LSE)). She is particularly known for her empirical work on judicial review proceedings. A number of colleagues regularly attend and give papers at the annual conferences of the two learned societies in Law. **Samanta** provides representation of the Society for Legal Scholars (SLS) in the School and we have two colleagues (**Dingwall**, **Naidoo**) who currently serve on the executive committee of the SLSA and co-organised the annual conference in 2012. **Buck** is a former Hon Secretary member of the SLSA executive. **Baker** is a committee member of the European Criminal Law Association. In addition, two colleagues have produced well regarded, authoritative works of legal reference. **Hirst** is the principal and longest-serving contributor (12 chapters) to *Blackstone's Criminal Practice*, a highly authoritative reference work used in every criminal court in the UK. **Buck's** textbook on Social Fund Law reached a third edition in 2009 and was co-authored with a number of external expert social security law specialists. This became the authoritative reference work on the discretionary social fund in the network of Department of Work and Pensions offices across the UK. He also authors a textbook on International Child Law (Routledge, 3rd edition in press).

Staff members serve on a number of journal editorial boards: *Journal of Criminal Law* (**Bettinson**, **Hirst**); *Journal of Social Security Law* (**Buck**); *Law and Development Review*, *Journal of International Dispute Settlement* (**Desta**); *International Journal of Rural Crime* (**Dingwall**); *Journal of Forensic Psychiatry, Personality and Mental Health* (**Mackay**); *Social Responsibility Journal*, *US-China Law Review* (**Shaw**); *Contemporary Issues in Law*, *Journal of Global Entrepreneurship Research* (**Lockton**).