

**Institution: UNIVERSITY OF WOLVERHAMPTON**

**Unit of Assessment: LAW**

### a) Overview

A unit of Law has been entered in all four previous Research Assessment Exercise (“RAE”) assessments and Law has shown a consistent improvement in its research profile. In 1992 and 1996, the Law entry received the lowest possible grade of 1. In 2001, the Law entry achieved a creditable 3a, a ratings leap, which represented one of the most significant improvements in all law schools entered for the RAE. In RAE 2008, the Law Unit of Assessment scored an average of 1.85, which was a further improvement. Our latest score ranked us 47<sup>th</sup> nationally and 4<sup>th</sup> of all new university submissions. A majority of the core group of staff submitted for RAE 2008 has been retained with two additional professors appointed (in addition to internal promotions to that rank) and new lecturer appointments made either with an established research profile or ready to begin as early career researchers. Where staff appointments have been made to support professional or practice based courses, support is provided to individuals to attain either a Masters degree or to begin or complete a PhD.

The University has a stated commitment to engage in sustainable research and scholarship which adds value to:

- Its development work with industry and public services
- The regional economy, communities, and partners
- Staff expertise and their ability to gain funding recognition
- The curriculum and research led learning and teaching.

The success of legal research remains central to these aims. In order to build on past RAE performances, the University made a long-term investment in legal research, central to which was the establishment of the Law Research Centre (“LRC”). The creation of the LRC, in 2010, coincided with the strategic decision for Law to join other cognate subject areas in the amalgamated School of Law, Social Sciences and Communications. A recent further development has placed the School of Law (“the School”) within the new Faculty of Social Sciences. The LRC provides a focal point for research related to law and associated areas covered by the REF law panel, for example, black letter law, socio-legal research, criminal justice and criminology. The LRC operates as a forum for researchers, all of whom are intended to be involved in the REF law submission. PhD students are supported by experienced supervisors taken from the membership of the LRC.

The LRC is the essential hub for planning and co-ordinating law research development and strategy. The co-directors of the LRC are **Brooker** and **Walton**. A number of the members of LRC and the REF submission are also affiliated with the University-wide Central Institute for the Study of Public Protection (“CISPP”), established in 2009, which brings together researchers across disciplines and professional practice in criminal justice, criminology and policing.

### b) Research strategy

The main aim of the LRC is to provide a vibrant and inclusive law research community which encourages high quality research and scholarship by bringing together experienced, developing and new legal researchers. The aim is to build on the previous successful RAE achievements through key strategic objectives which are: to foster research activity which impacts on social, legal and professional practice and leads to the practical application of ideas; to develop further a culture of encouraging research that stimulates academic and wider social debate in law, criminal justice and criminology and the transfer of knowledge within these areas; to expand on existing relationships, to promote new external relationships and collaborative activity at both a national

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and international level; to provide research support for early and established researchers to develop research careers; to encourage research which supports and underpins the curriculum and to provide law staff and students with opportunities for engagement with the research undertaken by members of the LRC.

The LRC provides support for research covering different specialisms and employing diverse doctrinal, comparative, interdisciplinary, historical and socio-legal methodologies. The LRC consists of two main areas of excellence: *Commercial Law* which focuses on corporate law, financial services law, insolvency law, law relating to cultural heritage, employment law and alternative dispute resolution and mediation developments in the commercial and the built environment; and *Criminal Justice* which concentrates on aspects of criminal justice and human rights in both the national and international context of policing, criminal justice and the law, the law of evidence, international and national human rights, human rights in evidential law, terrorism and organised crime. A recent professorial appointment in the area of criminal law and criminology (**Brooks**) brings further expertise in the field of fraud and corruption. One of the strategic objectives underpinning this new post is to strengthen collaborative work between the *Commercial Law* and *Criminal Justice* research clusters.

Both broadly-defined areas of research are led by experienced senior researchers. Projects undertaken by staff involve a considered mixture of research relevant to and underpinning subject specific teaching and learning and applied research designed to impact upon law and policy makers and practitioners. The LRC encourages research which is designed to have a positive impact upon all higher education stakeholders including students, law makers and legal and other professional practitioners.

The success of the strategic objectives of the LRC can be evaluated by the national and international standing of its members which is evidenced first through individuals' research outputs but also by invitations to give conference or seminar presentations; their participation or leadership in research or policy making bodies, collaborative work, and membership of research networks; journal editorship and invited reviewing activity (selected details of which are provided below). Since its inception members of the LRC have continued to raise significant research funds, significantly, although not solely, through the activities of CISSP. The number of PhD students being supervised by LRC members has increased year by year. Supporting successful PhD completions is a key strategic objective in the next three to five years.

*Research Strategy beyond REF 2014* is to maintain high quality research outputs from experienced researchers and to strengthen the work begun on developing early research careers. The strategic objectives are to continue to engage with external bodies in conducting funded research designed to impact upon policy makers. The LRC will continue to allocate resources to support future REF entries and as part of this process to apportion monies to support both experienced and new researchers through various initiatives including the award of full and partial sabbaticals. Future specific plans beyond REF 2014 include designing a seminar programme of talks and workshops aimed at new researchers and appointees to discuss their research plans and to present work in progress; to continue with the mentoring scheme allocating new researchers with mentors with an established research background; to assess and monitor individual and sub-group research plans and progress; to provide opportunities for new appointees and LRC members to showcase research in progress; to organise law research "connections" through "research opportunity meetings" to explore potential interdisciplinary links across the University's faculties and with outside organisations; to increase further its number of active researchers engaging with outside agencies and conducting externally funded research; to continue to attract and hold national and international conferences to be held at the University; and to continue to invite seminar presentations from external researchers.

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

Each member of staff has an annual research and staff development allowance of £500 to assist with research activity and conference attendance. In addition to these funds, staff may apply for funds from the LRC budget in relation to specific projects. It is recognised that time is the most important resource for effective production of national and international research and each member of staff is given time specifically to engage in research. The LRC funds have provided additional research allowances to assist with completion of specific research outputs (for example, by buying out specific teaching duties of **Brooker** to complete a monograph and **Hambler** to complete a refereed journal article). The LRC also supports national and international conference attendance and travel support for collaborative meetings. The School provides all staff with the opportunity to apply for a sabbatical each year. The sabbatical is typically of one semester's duration. The sabbatical scheme is open to both new and more experienced researchers. Members of the LRC, who have been granted sabbaticals during the REF period include: **Brooker, Glover, Griffin, Haynes, Moss** and **Walton**.

The staffing strategy in the School is designed to support the growth of research. Our strategy in recent years has meant that we have only employed staff who have established or emerging research profiles (for example, **Cox** and **Brooks**), or when drawn from practice we have sourced candidates whom we believe are capable of developing a research profile. The strategy involves providing support to professional appointees to allow them to begin a research career and to enable them to work towards either a PhD or other research based postgraduate qualification.

All inexperienced researchers who have expressed an interest have been allocated a research mentor and this system is showing tangible results with members of staff with previously no research publications beginning to produce very promising research outputs or presenting papers at national or internal conferences (such as the annual internal School Research Conference held each summer). During the REF period, two staff members of law staff have registered for PhDs at the University of Wolverhampton and one at Durham University. Four professionally qualified staff have successfully completed research-based Masters.

Support, additional to that already explained above, for new researchers is available through the competitively allocated University Early Research Award Scheme ("ERAS"). One recent post-doctoral appointee in law, mentored by **Griffin**, has successfully bid for £5,000 from ERAS. **Hambler** was also awarded ERAS support in 2013 to focus on policies and practices in relation to religious expression within the National Health Service. There is a clear career progression available for lecturers to apply to be appointed as Readers and from there to progress to the Professoriate. We use annual appraisals to identify career research aspirations and to put in place the support necessary to encourage those plans. This may include, inter alia, creative solutions to workload allocation requirements, mentoring and financial support. During the REF period three Readers have been promoted to Professor (**Haynes, Moss** and **Walton**). It has been the policy in recent years to recruit new members of staff who already possess a PhD (for example, **Cox** and **Brooks**) or who have clear research potential. Our strategy is largely to grow our own researchers and inculcate them with a desire to remain in our supportive research environment. Apart from losing some researchers to retirement, we have retained all but one of our researchers from 2008.

In 2012 the University achieved the European Commission HR Excellence in Research Award. Part of this process has been to make available centrally organised training and professional development. There is an annual researcher development programme which is accessible to all staff and includes workshops on academic writing for scholarly publication; supporting research students and research supervision; examining a research degree and pathways to professorship and readership. In 2013 the Readers in the School organised an interdisciplinary workshop programme for new researchers which was supported by the LRC. Both the University and the

LRC have mentoring systems in place to support research careers. The University's Research Policy Unit has responsibility for research ethics, research governance, policy, management and reporting of research-related management information. With other groups in the University it addresses questions around, for example, gender imbalance in research leadership positions and is responsible for providing the framework to support the development of researchers at all stages of their career in collaboration with Human Resources and the University Careers Service.

## ii. Research students

Support for research students is managed by the School, which offers training programmes designed to meet the requirements of students. All postgraduate research students are expected to attend an induction session when enrolling, to complete a skills audit and engage in a minimum level of research training sessions organised through the School, which also organises other research events and activities. The School administers the student's progress throughout his or her studies. This provision is complemented by specialist support within the LRC. This includes a postgraduate research seminar programme and the support of an Academic Counsellor. Students have access to computer and related facilities. They are very much regarded as part of the research environment and are able to access the LRC budget. Students are encouraged to give papers at external conferences as well as at the internal School Research Conference held annually. The number of currently registered PhD students supervised by members of the LRC has risen from four (4) in 2008 to fifteen (15) in 2013.

An holistic approach to the research student experience implemented since 2003 promotes a combination of successful completion of the thesis with participation in the research culture and professional development. This is supported centrally by the University's research training programme and also a School-based specific skills development programme managed by the School's Postgraduate Tutor, who in conjunction with the School's student representative has prompted organization of the first School-based international postgraduate conference (September 2012). Such facilities and activities encourage and support student engagement with the external research community and assist in the development of an externally credible portfolio of achievement.

Monitoring of progress and completions of PhDs is governed through University Regulations which stipulate the minimum number of supervisory meetings, with recorded outcomes reviewed monthly by a Student Management Board that reports to the University Research Degrees Sub-Committee. A recent innovation is the requirement of supervision logs on an electronic platform.

A new Research Hub ("the Hub") has opened at the University which brings together researchers, research students and groups with specialist expertise such as the Policy Support Unit and the Project Support Office. The Hub provides shared flexible meeting rooms for students and supervisors, for business and other external visitor research meetings and for students to have contact with other research students from a range of disciplines across the University. Specific rooms are used for training in the use of electronic research resources and video-conferencing to support international collaboration.

## d. Income, infrastructure and facilities

We have built upon the research income generation successes of the 2008 RAE by increasing average annual research income and research-related income, year by year from approximately £75,000 to over £125,000 per annum (taking into account £529,324 from the EU DAPHNE programme reported through HEBCIS rather than HESA). We have successfully targeted specific government bodies including regional development agencies as well as other funding sources such as the ESRC, leading to what we believe will be the next tranche of impactful research. We continue to make applications for funding in our areas of expertise and are optimistic that this income stream will continue to increase. The University's Project Support Office provides expertise and support for the development and submission of research grants with an emphasis on

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European Funding. It runs regular workshops on making applications and disseminates information on grant opportunities.

As mentioned above, in 2009 the University established CISPP which drew upon staff from across the University who shared a professional interest in, inter alia, the work of the uniformed protective services. The academic members of CISPP are members of the LRC. Under the co-leadership of **Waddington**, CISPP is developing a portfolio of postgraduate provision and provides a platform for developing high-impact research in relation to the work of these services. CISPP was responsible for the management of an ESRC-funded project on the use of video-clips for gauging public evaluations of the police. In addition, CISPP is responsible for the management of one local authority funded and two European funded DAPHNE Programme projects on homeless women and children who suffer domestic violence (overseen by **Moss** whose team includes **Williams** and **Waddington**).

The close engagement of CISPP with uniformed services is now generating a flow of promising MPhil/PhD students who wish to conduct high-impact research. CISPP is a leading member of the Higher Education Forum for Police Learning and Development and in partnership with the Institute of Criminology at the University of Cambridge is aiming to establish a National Institute of Policing that aims to enhance the role of robust empirical research in police policy development.

Grant applications from researchers in the *Commercial Law* group have risen in the last five years and in 2013 **Walton** successfully bid for a research project funded by the insolvency profession. The recent appointment of **Brooks** has been made to forge further links between the *Commercial* and *Criminal Justice* groups in order to enhance potential grant making opportunities for impactful research.

#### e. Collaboration and contribution to the discipline or research base

##### Collaboration

Members of the LRC work alongside external partners both individually and collectively. The work of members of CISPP with the police (Evaluating Police Behaviour and Business Crime Security), local authorities (Women Rough Sleepers) and partner organisations abroad (Women and Children Rough Sleepers) are clear examples. **Waddington** was a member of a three-country academic research collaboration (the International Consortium on Police Use of Force), an expert advisory panel to Her Majesty's Chief Inspector of Constabulary which reported on the policing of the G20. **Brooker** co-ordinates an international mediation task group in the construction industry for the International Council for Research in Building and Construction. **Cox** recently (May 2011- October 2012) collaborated with Professor Barry Godfrey (University of Liverpool) and Dr Helen Johnston (Hull University) on an ESRC funded project: "The Costs of Imprisonment 1853-1940" leading to a jointly authored book contract.

Several members of the LRC have engaged in research with external co-authors, for example: **Brooker's** co-editorship of *Mediation in the Construction Industry: An International Review* with Dr Suzanne Wilkinson from Auckland University which involved collaborative work with an interdisciplinary group in the built environment; **Glover** in co-authoring with His Honour Judge Peter Murphy, *Murphy on Evidence* (12<sup>th</sup> Ed OUP 2011), a well-known authority on the law of evidence which is frequently consulted by judges and practitioners, as well as students; **Griffin** is the author of the *Law Society Company Law Handbook* (3<sup>rd</sup> Ed 2013) which contains contributions from David Southern (of Temple Tax Chambers) and **Walton**; **Griffin** in contributing sections on "The Majority Rule Principle and Minority Shareholders" in *The New Oxford Companion to Law* (2008) OUP (Gen editors: Cane & Conaghan); **Walton** in co-authoring a leading textbook on insolvency law (*Insolvency Law Corporate and Personal* (2<sup>nd</sup> Ed Jordans, 2008 and 3<sup>rd</sup> Ed Jordans, 2012) with Professor Keay from Leeds University, with his comparative work with Wellard on Anglo-Australian pre-packaged administrations and his research project on behalf of the main insolvency practitioner professional bodies.

The LRC has an annual series of guest speakers from outside the University who speak on a range of topics. For example, in 2012, the LRC organised a seminar series “Current Issues in Criminal Justice” including papers by: Osman Osman, counsel of the chambers of Paul Mendelle QC and George Carter-Stephenson QC, 25 Bedford Row, London WC1R 2HD – “The Bribery Act 2010”; Professor Andrew Choo – “Criminal Hearsay: Pragmatism, Comparativism and Human Rights” and Dr Timothy Brain, former Chief Constable of Gloucestershire Constabulary – “The Gloucestershire Water Emergency 2007”.

### **Contribution to the discipline or research base**

Experienced law researchers in the LRC have produced authoritative legal work and are recognised as experts in their respective fields. They contribute to the wider academic community and to knowledge transfer in both national and international policy environments. Many are invited members of editorial boards for leading journals, referee articles and conference submissions for international and national journals and conferences and have organised or contributed to a number of nationally and internationally recognised conferences and symposia in the areas of Criminal Justice, Human Rights, Policing, ADR and mediation, Law in the Built Environment, Cultural Resource and Heritage, Insolvency Law, Banking and Financial Law and on global corporate governance issues. Law researchers have acted as or are external examiners at a number of universities including acting as external examiners of PhD students.

The esteem in which members of the LRC are viewed may be considered under a number of headings:

### **Conference Organisation**

The *Criminal Justice* cluster of the LRC (**Moss, Waddington** and **Williams**) successfully held the prestigious Annual Conference for the British Society of Criminology in 2013. **Waddington** organised a one-day conference for Knowledge Transfer arising from the ESRC project: National Policing Conference: Seeing Ourselves as the Public Sees Us was held at the University June 2011. **Haynes** organised Basel III, the Vickers Report and Regulatory Restrictions March 2012 a joint University of Wolverhampton and Institute of Advanced Legal Studies Banking Conference

### **Invited Conference Papers / Guest Lectures / Public Lectures**

**Brooker** was invited in 2009 by the Civil Mediation Council to present at a seminar on “*Construction Mediators’ Styles*” at Queen Mary’s College, University of London. In 2010 she was an invited speaker and panel expert at the International Mediation in Construction Conference in Glasgow Caledonian and presented a paper on “*International Perspectives in Construction Mediation*”.

**Brooks** in 2010/11 was part of a team involved in the development of an online fraud resilience tool with PKF used by the National Fraud Authority and Charity Commission. In 2012 he was interviewed by BBC Radio 5 Live as part of its “Fraud in Football” programme and in 2013 was interviewed by Robert Stokes (assistant editor) for International News Services Ltd on the subject of “Match Fixing in Football”.

**Cox** was invited in 2010 to be the Session chair and discussant at the 35<sup>th</sup> Annual Conference of the Social Science History Association in Chicago. In 2010 he was an invited guest of Professor Laurie Taylor on “Thinking Allowed” BBC Radio Four 24 March 2010. In 2012 he was the co-organiser and co-chair of the Criminal Justice, History and Activism strand of *Modern Activism Conference* held at the University of Liverpool.

**Haynes** presented a paper in 2011, “*Market Abuse, Misleading Communications and the Fraud Act 2006*”, at the Institute of Advanced Legal Studies, University of London. This led to a request by the Financial Services Authority for a written copy and to re-present to them it as it had serious

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implications for their approach in combating financial crime.

**Walton** gave a public lecture in 2010 on the “*Latest Developments in Pre-Pack Administration*” at the Institute of Advanced Legal Studies, University of London. In 2010 he presented a paper, “*When is Pre-Packaged Administration Appropriate? – A Theoretical Consideration*”, at the International Insolvency Law Conference, Nottingham Trent University, which was responded to by Graham Horne, the then Deputy Chief Executive of the Insolvency Service.

Members of the LRC are involved in contributing to the wider legal discipline by acting as academic reviewers for international conferences, peer reviewing academic papers for journals and sitting on journal editorial panels or boards. **Brooker** has acted an academic reviewer for the law stream at the following international conferences in the built environment; BEAR, COBRA and CIB World Congress (2009, 2013). She is on the editorial board of the *International Journal of Law in the Built Environment* and has acted as an invited reviewer for a BA/Leverhulme grant application. **Griffin** acted as an independent subject specialist referee for the ESRC Professorial Fellowship Competition 2010 and acts as referee for book proposals for the Routledge Monograph Series. **Griffin** also acts as an academic referee for the Oxford Journal of Legal Studies. **Haynes** is a member of the Executive Editorial Board of the *Company Lawyer*, the *International Journal of Banking Regulation*, the *Journal of Financial Crime* and the *International Journal of Disclosure and Compliance*, and is on the editorial team of *Amicus Curiae*. **Walton** acts as referee for the *International Journal of Business Governance and Ethics*.

**Conclusion**

Research in Law at Wolverhampton continues to flourish. Our strategy has matured and concentrates upon two main general strands of legal research. It is hoped that stronger linkages will be developed between these two areas through recent appointments. Our strategy permits a balanced approach to achieving a mix of rewarding and useful goals in individual, collaborative and interdisciplinary research. During this REF period, researchers in our submission have engaged in impactful research which influences practice and policy. We wish to continue our successful expansion of research led projects and courses and to encourage our own researchers to develop into world class academics.