

Institution: De Montfort University

Unit of Assessment: UoA 20 Law

a. Context

The impact of the School of Law's research work has been principally on society, public policy and services, health, culture and the environment. Research undertaken in the School contributes significantly to: public debates on current legal issues, law reform initiatives, policy development by national and international institutions, and professional practice guidance. The relatively small cohort of active researchers pursues specialist work in diverse areas of legal scholarship. This has had the beneficial effect of incentivising their collaborations with colleagues from other institutions and building research networks that include a broad range of research users. There are also synergies between four researchers, whose specialisms are distinct but all work within the generic field of criminal law and justice (**Baker, Dingwall, Hirst and Mackay**). These colleagues contribute to current debates on: EU criminal justice (**Baker**); sentencing and penology (**Dingwall**); the use of evidence in criminal justice (**Hirst**); and, criminal law mental condition defences (**Mackay**). Other colleagues contribute in the following areas: human rights (**Bettinson**); administrative justice (**Bondy and Buck**), international child law (**Buck**); international economic law (**Dest**); consumer and commercial law (**Kenny**); and, law and literature (**Shaw**). The two cases studies – **Mackay's** work on mental condition defences in criminal law, and **Price's** work on the legal and ethical aspects of human organ transplantation – reflect long-standing research activity in the School, and the diversity of its research areas. DMU has a sustained record for encouraging and maintaining researched-informed dialogue with local and regional communities, and the School has developed opportunities to engage with user groups at the local/regional, national and international levels during the assessment period. The distinctive multi-cultural demographic of Leicester provides some unique opportunities, and additional impacts arise from researchers' engagement with third sector bodies, which are seen as users and potential collaborators in the School's research.

b. Approach to impact

The evolution of the impact agenda has prompted staff members to reflect routinely on their research efforts and future research plans. This is supported at School level by the annual research interviews conducted by the (law) Head of Research (see REF5). Further support is made available at faculty level. For example, a Knowledge Exchange Coordinator was appointed in 2012 to act as Faculty repository of expertise on user engagement. Support and guidance on impact is also drawn from the University's Research, Business and Innovation directorate (RBI). The development of the School's research agenda in the assessment period has provided a more proactive stance in relation to both its identification of suitable research collaborators and research users and the potential impacts to be achieved. The School engages with research users at local/regional, national and international levels.

(i) *Local and regional impact*

The three examples below reflect research collaborations that arose from the School's growing awareness of the impact agenda and were accordingly prioritised in colleagues' research plans. Firstly, the research on *Alcohol Misuse and Barriers to Accessing Treatment Services in the Leicester Sikh Community* (**Dingwall**, 2010) commissioned by Leicester City Primary Care Trust in collaboration with Kulvinder Sidki (*Leicestershire Information and Legal Advice Centre*). This work resulted in presentations to, for example, the Alcohol Learning Centre (6/07/10) established by the Department of Health to help reduce alcohol-related hospital admissions across the NHS: <http://www.alcohollearningcentre.org.uk/Topics/Browse/BME/?parent=6108&child=6103> The report recommended ways to raise awareness of the existence of alcohol treatment services, establish drop-in advice sessions at Sikh community centres, and to provide more culturally sensitive services for the needs of the Sikh community. Local and regional stakeholders have intensified their consideration of these issues following the dissemination of the report. Secondly, **Samanta** has engaged regularly with the Leicester, Leicestershire and Rutland Primary Care Trust on medical law and ethics issues, for example, leading a workshop on the potential conflicts of interest involved in clinical commissioning (LLR PCT, Highpoint conference centre, Leicester, 3/05/12). She engages with a range of health care bodies, e.g. a conference presentation on 'Palliative care: ethical dilemmas' for the Leicestershire partnership NHS Trust: Community Care Services

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(28/03/12). She is a former practising midwife and has extensive connections with the medical profession in the region. These links have been built up over many years, formerly under **Price's** leadership (see case study), and are assisted by the popular distance learning LLM in medical law and ethics programme, which attracts senior clinical medical practitioners. Finally, an example of the synergies between the School and locally based users comes from **Buck's** work with the Leicester-based charity *Reunite International Child Abduction Centre*, the leading NGO in the UK dealing with international parental child abduction in the context of Hague Convention proceedings. He undertook a collaborative empirical research project, funded by the Nuffield Foundation, which examined the long-term effectiveness of the use of mediation in international parental child abduction cases. The final report was launched at the Nuffield Foundation in London (18/06/12) with an audience of judges, international mediators, lawyers, NGO personnel, and government officials from the FCO and Ministry of Justice. **Buck** delivered a Distinguished Professorial Address at the University of West England on this research (26/09/12). A link to the report has been placed on the Hague Conference's bibliography at:

<http://www.hcch.net/index_en.php?act=publications.details&pid=5569&dtid=1>. The work in this report and *Reunite's* pioneering advocacy of the use of mediation in this context has informed the production of new guidance in 2012 by the Hague Conference on the use of mediation: see <http://www.hcch.net/upload/guide28mediation_en.pdf>.

(ii) *National impact*

The School also has strong links in terms of user engagement and impact with national bodies. For example, **Mackay** has a long-standing relationship as a consultant to the Law Commission on mental condition defences. His empirical studies in this field have been used by and have influenced law reform bodies, legislators, policy development and legal analysis (see case study).

A Law Commission report on *Unfair Terms in Consumer Contracts* in 2012 cited Kenny's article ('Orchestrating sub-prime consumer protection in retail banking: *Abbey National* in the context of Europeanised Private law' [2011] *European Review of Private law* 45-70): see

<http://lawcommission.justice.gov.uk/docs/unfair_terms_in_consumer_contracts_issues.pdf>.

The Law Commission has also cited **Buck's** co-authored monograph *The Ombudsman Enterprise and Administrative Justice* (2011), derived from ESRC-funded work (RES-000-22-2133) in support of its call to government for a fundamental review of the public services ombudsmen and their place in the landscape for administrative justice in the UK (*Public Services Ombudsmen*, final report, 2011, Law Com no.329, HC 1136, London: Law Commission). An expert seminar on the future of public services ombudsmen

([http://ajtc.justice.gov.uk/docs/Report_of_ombudsman_seminar\(1\).pdf](http://ajtc.justice.gov.uk/docs/Report_of_ombudsman_seminar(1).pdf)), initiated by the

Administrative Justice and Tribunals Council (London, 20/06/12) was informed by this work, as was a specialist seminar organised by the Parliamentary and Health Service Ombudsman (Portcullis House, 1/05/13). The government's response to the emerging proposals on the future of public services ombudsmen, for example, from the Law Commission, is currently awaited. **Bondy's** extensive empirical work on the dynamics of judicial review has been particularly impactful on emerging public agendas in this area. The School's impact agenda also includes attention to the influence of practitioner works with a distinct national audience target. For example, **Hirst** is one of the principal and longest-serving contributors to *Blackstone's Criminal Practice*, Oxford University Press' flagship multimedia criminal justice reference work with annual sales exceeding £1.5 million.

This is one of only four published works to which judges of the Crown Court are regularly referred by the *Crown Court Bench Book: Directing the Jury* (Judicial Studies Board, March 2010) when in need of additional legal guidance. **Hirst** also authored (with former DMU colleagues, Emeritus Prof Card and Prof Gillespie) a text on Sexual Offences (Jordan, 2008) for practitioners. **Buck's** *Social Fund Law & Practice* (2009, Sweet & Maxwell, 3rd ed) is the authoritative work on the discretionary social fund. It has been cited with approval in judicial review cases, (*R v Social Fund Inspector, Ex Parte Taylor*, (Queen's Bench Division) 41 BMLR 31, CO/2090/97, 24 November 1997, per Dyson J) and used as a reference work in the national network of the UK's Department for Work and Pensions offices and by the Child Poverty Action Group.

(iii) *international impact*

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There have been particular efforts made in the School over the assessment period to internationalise further its research activity. This includes encouraging staff to develop their international contacts and providing suitable conference and other research support. For example, **Morgan-Taylor** has forged links with the International Dark-Sky Association (Member 2007-present; Vice-President 2011-present), and regularly contributes to UNESCO workshop discussions (e.g. Protection of the Night Sky, Starlight 2009, La Palma, November 2009). **Baker** was appointed a committee member of the European Criminal Law Association in 2012. Her international profile in the field of EU criminal justice has had an impact on, for example, a project in Ireland to establish a database and website that will provide guidance to Irish courts in sentencing offenders. Her keynote lecture on the emerging relevance of EU law to sentencing was presented at a meeting hosted by the Steering Committee of the Irish Sentencing Information System project in Dublin (18/04/13). **Hirst** delivered a keynote lecture at the University of Bonn (July 2011) on criminal jurisdiction and extradition in English law, funded by the German Research Foundation. He also visited China in January 2013 as part of a mission to address members of the Chinese judiciary about the exclusion of illegally obtained evidence in criminal justice systems. **Mackay** is a Visiting Lecturer at the university of Auckland and has given a number of papers there, e.g. 'Reforming the Insanity Defence: a critique of the New Zealand Law Commission's report on the insanity defence' (February 2011). He was also invited to deliver the Wills Cunningham Memorial Lecture at Queen's University in Kingston, Ontario in Canada, 'Research and reforming insanity in the criminal law' (15 September 2010). **Shaw's** research on law and literature has elicited international invitations to present, e.g. 'Law, Narrative and Literary License: An Anatomy of the Judicial Imagination', International Law, Language and Literature Colloquium, hosted by University Paris Ouest-Nanterre, France (June 2011). **Kenny** has an extensive international network and has delivered papers on international consumer protection in Sydney (July 2012, July 2013), Groningen (October 2012), Brisbane (July 2013). Finally, the School hosted its first Commonwealth Scholarship Commission Academic Fellow, Dr Michael Wabwile, from Moi University, Kenya (October to December 2012), hosted and supervised by **Buck**. A co-authored journal article on the new Optional Protocol to the UN Convention on the Rights of the Child on a Communications Procedure (Buck and Wabwile) has been accepted for the November 2013 issue of the *International Human Rights Law Review*.

c. Strategy and plans

Impact strategy is in line with the 2013 University Research strategy and the evolving understanding of 'impact' emerging from the funding and research councils. The overall strategy of the School throughout the assessment period has been to imbed the impact agenda into our processes and procedures. The historical record of the School's involvement in conducting applied research that impacts at various levels and involves a range of research users has facilitated this process. The strategy has been assisted further by the substantial investment that DMU has made in the University's RBI directorate. In addition to Faculty and School initiatives, this has helped the development of the School's understanding and management of research impacts. The School will continue to draw upon faculty research funding (see REF5) to promote and optimise impact. For the future, it is envisaged that the School will develop more formal research centres (see REF5) in clusters of cognate researchers. This will enable more concrete research identities to emerge and contribute towards impacts. The strategic appointments in 2013 of **Dest**a and **Bondy** are expected to strengthen further the School's internationalisation and impact research agendas going forward beyond the REF 2014 exercise.

d. Relationship to case studies

The way in which the work relating to the two case studies has been carried out has informed and been replicated to an extent in other areas of leading research activity in the School. The work of the late Professor **David Price** has been taken up by **Samanta** to continue the significant influence that this work has had on the national policy development relating to organ transplantation, organ shortage and related medical law and ethics issues. **Mackay's** empirical work with the Law Commission on mental condition defences has also been replicated by some colleagues. The case studies reflect the *diversity* of work carried out in the School, rather than being *representative* as such of the overall research activity.