

## Environment template (REF5) Panel C

**Institution: University of Sunderland**

**Unit of assessment: 20 Law**

### **a. Overview**

**Law Research within the wider context of the University of Sunderland:** The University of Sunderland is a research active university, with a research active curriculum, enhancing the academic standing of the institution as a seat of higher learning and scholarship. The Law Unit of Assessment sits within the Faculty of Business and Law and undertakes research that both enhances the learning experience of our students and delivers impact. Within the wider University, four over-arching Research Beacons and three Research Centres have been established to support, encourage, nurture and facilitate research. The Beacons and Centres each have management groups comprised of senior members of academic staff. They provide the context, and agree and manage targets for research grant applications, the strategic appointment of new staff, and the co-ordination and focus of research activity.

**Law Submission in the Context of a Dynamic Environment:** Law was submitted as a separate unit of assessment to the Research Assessment Exercise (RAE) for the first time in 2008, albeit with an appreciation that the research environment and infrastructure was 'embryonic in nature' in respect of the overarching development. Since 2008, both the Law Unit of Assessment and, indeed the wider Faculty has undergone significant transformation in terms of both the underpinning organisational structure and the staff profile. The changes in organisation within the Faculty of Business and Law necessitated a realignment of the Faculty research strategy and the creation of the International Centre for Research in Innovation, Sustainability and Enterprise (RISE), an international research centre more closely aligned with the wider Faculty research profile. There have also been significant changes in the staff of the Unit over the last two years. Against this backdrop, the current submission to REF2014 evidences a commitment to research within the Unit and also the durability of the research environment. The appointment of two visiting professors in 2013, Michael Macaulay from Victoria University of Wellington and David Cowan from Bristol University bring additional expertise to the Unit and further illustrates the commitment of the Law Unit of Assessment to embed research that delivers impact at the heart of all of its activities.

### **b. Research strategy**

**Evaluation of the strategy or strategies outlined as part of RAE 2008:** Following the RAE 2008, the University of Sunderland developed a research strategy that focused on four Research Beacons and three Research Centres along with direct University support for research studentships, early career research development fellowships. The University also provides administrative support for all post-graduate research students. The University Research Plan reinforces the importance of research, and sets out the context in which units plan their own activities. Research within the Faculty is focused around the interdisciplinary RISE International Research Centre. The Law Unit of Assessment is one of five research clusters that operate within RISE and seeks to promote academic debate within the area of law as broadly conceived, although it exhibits particular expertise in Criminal Justice, and Public and Private International Law. The law unit also aims to promote academic debate and engagement with the wider academic, practitioner and policy-making community at a regional, national and international level. As previously adumbrated, the focus of the 2008 law submission, given its starting position, centres on the production of high quality research on an individual basis, rather than a cluster or grouping, within areas of subject specialism. An appreciation prevailed that the mentoring of a young, cohesive dynamic staff body, which was considered a success, needed to be extended and expanded. Additionally, a further alignment was considered to be vital in terms of the coalescence of research significance at national and

international level.

**Outline the main objectives and activities in research for five years following submission:** Following management and organisational change, in 2012, the Faculty of Business and Law produced an overarching research plan. The vision of the Faculty, as articulated within this plan to 2020, is that all academic staff within the Faculty will become actively involved in research to develop a thriving research culture and an internationally renowned research centre. The centralised aims and objectives outlined in the previous section, as they apply to law, are at the fulcrum of a more evolved research strategy that operates in concert with the research plan of the Faculty of Business and Law, encompassing the following activities:

1. The formation of a unified research cluster within the purview of the RISE International Research Centre. The Cluster has a specific emphasis on Criminal Justice, Anti-Corruption and Public and Private International Law. The Cluster draws together the research and scholarly activity of members, embracing a range of approaches to scholarship including socio-legal, critical, doctrinal and black letter. Cluster members sit on academic journal editorial boards, organize and lead scholarly associations, and present at national and international conferences. This research cluster will continue, as before, to facilitate synergistic research and scholarly activity of the members within a single, coherent framework. The single law cluster is fundamental to the development of a robust strategy, impervious to individual staff departures, and promotes integration, cohesiveness and collegiality both within the Unit, the faculty and with other institutions engaged in the arena.

2. The Unit will continue with the progressive deployment of a research active curriculum, which acknowledges a national/international concern at an institutional level with the co-terminus relationship between teaching and research. This serves both to enhance the student experience through teaching informed by current research and also to empower individual members of staff to enhance their research profile. It is anticipated that this will lead to an increase of staff members able to contribute to future research assessments.

3. Facilitation of embedded research culture and research advancement within the Law Unit via funding, support and mentoring of colleagues to achieve PhD successes. Out of a Unit of 12 FTEs, currently three members of staff (Newman, Middleton, Hobbs) have PhDs, one is close to completion (Livings) and a further four are enrolled on PhD programmes. Such an objective is causally linked to having appropriate post-doctoral supervision and engagement. This evidences an on-going commitment to building research capacity and ensuring a critical mass of active researchers within the Unit (and related Law Cluster within RISE).

**New and Developing Initiatives of Strategic Importance:** In order to achieve and consolidate these strategic objectives, there is a continuing emphasis within the Law Unit on the dissemination of academic discourse. It is contended that such dissemination is critical to the on-going vibrancy and viability of the research environment and without engaging on a national and international level, research can become insular and stagnant. Such dissemination is accomplished in concert with the Law Cluster within the RISE Research Centre and is achieved in the following ways:

The Law Unit has an on-going programme of 'Brown Bag' Seminars. These are aimed at colleagues within the Unit to explore research ideas, often at an early stage of development, which can be presented within a supportive environment. The topics of these Brown Bag seminars have included "Deporting Terrorists to face torture: Redrawing a line in the Sand" (Middleton), "Kettling: A Paradigm Shift in Managing Protest or Old Light Through New Windows" (Newman) and "Consent, Violence and Sport" (Livings). In 2014, the Brown Bag seminars will be conducted by new members of staff "Football Spectators and Legislation"

(Lowerson) and “Social Media and Privacy: Balancing and Rebalancing” (Leggett).

A further strand of seminar activity occurs within the context of the RISE research centre where Post Graduate researchers from the Unit and other clusters within the research centre take part in the monthly Post-Graduate Research Seminar Series. This allows critical engagement with other researchers in both law and other disciplines such as Business, Management and Tourism. Post Graduate Researchers within the Law Cluster (Purvis and Middleton) have presented their work as part of this on-going series during the period and recently employed Post-Graduate Academic Assistants (Lowerson and Leggett) have committed to present in the upcoming academic year. Throughout the post-RAE period, members of the law unit have made keynote presentations at leading symposiums and research events. All members of the unit are encouraged to attend and participate in conferences and there is financial support available through the RISE Research Centre for funding to attend conferences. There is an acknowledgment that promotion of editorial roles and engagement within research bodies can make a significant overall contribution to shaping relevant agendas and stimulating a broader debate across both the academic and professional divide.

**Priority developmental areas for the unit:** Within the Law Unit, it is recognised that, given the number of staff changes and the need to continue to develop a solid base of experienced and nationally recognised researchers, the research strategy as articulated above remains fundamental to ensuring the continued vibrancy and sustainability of the Unit. There are, however, some areas of development that have been forsaken in the interests of concentrating individual staff research and building up a critical mass of research staff but which need to be addressed to further enhance the vibrancy and longevity of the research environment. These development areas can be broken down into the following areas:

1. It is accepted, both within the Law Unit, and is expressly provided for in the Faculty Research Plan, that there is a need to increase levels of research income through QR and externally funded research. Such a developmental area is supported centrally by the University Research Support (RS) Office provision of external advisers who can advise on the submission of bids to the various funding bodies. Additionally, there is support available on a faculty level, through the RISE Research Centre, for members of staff to identify potential sources of funding and develop strategies for maximising funding opportunities.

2. Within the research environment of the law Unit there is an on-going commitment to provide support for early career researchers and established researchers through clear allocation of research allowances linked to outputs. The basis for the development of staff research has been outlined above, and indeed, the departure of research active staff to other institutions following their first appointment at Sunderland emphasises the success of the law research environment. It is, however, equally recognised that the staff profile of the law unit of assessment remains relatively inexperienced and that there is a need to continue to build up the critical mass of research active staff by providing an empowering and adequately resourced environment for young researchers. In order to develop the research capacity of the Unit, as well as empowering young researchers from within, there is a need to link this support with the appointment, into key posts, of senior academics with an established research record.

### **c. People**

**Staffing strategy and staff development:** All academic staff will have the opportunity to engage in research activity as part of their agreed workload. The University fully subscribes to the Concordat to Support the Career Development of Researchers, and is an HR Excellence in Research Award holder. The University values and promotes the equality and diversity of staff and students. In line with our strategic aims, we work to ensure that all members of our community treat one another with respect and dignity. The University is an Athena Swan Bronze award holder, holds Investor in People status, is a Stonewall Diversity

Champion, and subscribes to the “two ticks” “Positive about Disability” scheme.

**Staffing policy and evidence of its effectiveness:** The staffing policy and profile of the law Unit at Sunderland needs to be considered in the context of a number of crucial changes and departures that have occurred, particularly amongst the research active staff. These staff changes have been an unintended, but perhaps inevitable result of the supportive research atmosphere engendered by Professor Alan Reed (now at the University of Northumbria) following the successful submission of Law as a discrete unit of assessment in the RAE 2008. During the review period, cohesion and stability within the Unit ensured that adequate provision for succession planning was put in place. Spring 2012 saw the departure of Professor Reed, who was Law Cluster Leader together with two further staff members who would have contributed to REF 2014. February 2013 saw the subsequent departure of his successor as law cluster leader, and Reader in Law and Society, Chris Ashford to a Professorial position in the law team at Northumbria. It is a testament to the relationship between the staffing policy and research policy throughout the review period, that Law at Sunderland is renewing and regenerating its research capacity. This regeneration is based, once again, around strategic appointment of young, dynamic academics looking for their first teaching post and the development of existing staff members within the Unit.

**Promotion and Delivery of Equality of Opportunity for developing the research careers of all staff:** There has been strong engagement between law staff and the staff development and research opportunities in the institution. Christopher Newman, appointed in September 2004 to a Putnam Postgraduate Academic Assistant, 0.5 teaching and 0.5 research contract, has progressed within the Unit and was appointed Reader in Public Law in June 2013. Ben Middleton was appointed in September 2006 on a PhD studentship and has progressed through to Principal Lecturer and Law Team Leader. Staff are additionally supported in their research through research applications to RISE for funding, sabbaticals and teaching relief. Allocations are made on the basis of targeted outputs, the attainment of which successful applicants agree to deliver. In order to ensure the success of the overall strategy each year alongside the university's formal appraisal process, every member of academic staff completes a personal research plan. These plans require staff to reflect on existing research achievements, develop a future programme of research and identify research support needs. Funding is then allocated to specific research support requests if they meet the objectives of the overall strategy. Central to the integration of staff into the research culture have been policies of i) early integration with research students in terms of joint supervision; ii) enhanced integration through the writing of joint publications and iii) the development more generally of a collaborative culture of formal and informal academic debate in the Unit and Faculty. The appointment of two high-profile Visiting Professors (Michael Macaulay and David Cowan) contribute significantly to the research environment.

As identified above, research within the Unit has clustered around Criminal Justice, Anti Corruption and public/private international law. Accordingly, members of the Unit conduct independent but synergistic research. **Dr. Christopher J. Newman**, leads the Law Cluster and was appointed Reader in Public Law in June 2013. His research examines the law relating to public order and protest. Chris has published numerous peer-reviewed articles, extended case commentaries and case notes on this area. He has also published in the John Marshall Law Review of Chicago, an article entitled “Requiem for a Protest: Anglo American Perspectives on Protest, Post 9/11” Winter 2012 volume. Newman has engaged in research examining corruption on a local and national level. In this field, he has provided a legal dimension to projects developed by academics from other specialisms. This research project resulted in a comparative evaluation of regulatory, anti corruption frameworks in England, Scotland and Wales as they apply to both local and devolved government. He is also engaged in research in the emerging field of Space Law. He is part of an internationally recognised network of academics and legal practitioners who informally communicate on Space Law and Policy issues

using a variety of social media fora. He is an individual member of the International Institute of Space Law.

**Dr. Patricia Hobbs** is an early career researcher and was appointed to her first full time teaching position within Law at Sunderland in September 2012. Before joining the Faculty she worked at the University of Manchester for four years whilst undertaking a PhD on the effects of the Rome Statute, establishing the International Criminal Court, on the principle of State Sovereignty. Her research interests lie in the fields of international public law, international human rights and international criminal law specifically the operation of international tribunals and the role of international law in countering terrorism.

**Dr. Ben Middleton** was appointed in 2012 as Head of the Department of Law, having joined the University in 2006 as Academic Tutor and then Lecturer in Law. His research examines public law and human rights law, read broadly, but with a specific focus on counter-terrorism and constitutional issues relating to preventative detention. Middleton gained his PhD from the University of Sunderland in 2012, and has collaborated on research with colleagues. Middleton has published in journals in the United Kingdom and the United States of America.

**Ben Livings** was appointed to his first teaching position within Law at Sunderland in 2004 and is currently a Senior Lecturer. His research focuses on criminal legal theory, and aspects related to the criminal process. In particular, he is interested in the responses of the criminal justice system when it comes to the activities of people involved in behaviour that deviates from the norm, such as contact sports. Livings is also interested in the use of the narrative in legal pedagogy, particularly in relation to film. Livings has published numerous articles and contributed to chapters in edited books within this field. He also regularly attends conferences and promulgates his research via conference papers and guest lectures.

Although not submitting to the REF, the law cluster also has an active core of staff engaged in research who will be looking to submit to the next REF and will be supported within the Unit by allocation of research hours, programmes of training, research seminars and mentoring from within and without the Unit. **Amy Purvis** is a Senior Lecturer in Law and the current programme leader for the LLB programme. Her research interests are in family law and children's rights. She has published two articles on this area and is currently working on articles for future publication. She has presented a paper at the *Social Futures Institute conference: Law, policy and practice for children and young people: the role of social science research* and in 2013 presented a conference paper at the annual Socio-Legal Studies Association conference entitled '*Shared parenting in post separation families*'. **Chris Baldwin** joined the University in 2010 and is a Senior Lecturer in Law currently starting his PhD on the law regarding Criminal Vetting. He has already published on this area; "Necessary Intrusion or Criminalising the Innocent? An exploration of Modern Criminal Vetting" in *The Journal of Criminal Law*, 76 (2) 140-163 and is working on another article to be published in 2014. **Zach Leggett** joined the University in 2013 as a Postgraduate Academic Assistant, 0.5 teaching and 0.5 research contract where he is now working on his Ph.D. Zach has particular interest in Internet Law, Human Rights and Crime. Similarly, **Ashley Lowerson** has joined the University in 2013 as another Postgraduate Academic Assistant, 0.5 teaching and 0.5 research contract where she is now working on her Ph.D on the law surrounding football spectatorship in three distinct jurisdictions. These cluster members will continue to develop given the strategy for development of the law research environment outlined above.

**Research students:** The University aims to continue to ensure that our Postgraduate Research (PGR) students enjoy an excellent student experience, that their work is of the appropriate standard, and that they achieve their qualification within an appropriate time period. In 2012 the University undertook a review of the PGR provision at all levels, which highlighted our strengths and identified areas for action. Central Graduate Research Support provides administrative support for PGR students, their supervisors and procedural aspects. Central

Academic Services provide a comprehensive offering of PGR student training programmes that spans the VITAE researcher development framework. All PGR students are required to attend this programme, and annual reviews of their progress. The PRES survey in 2011 showed good scores for student satisfaction with their skills development, ranging from 73% for transferable and research skills to 85% for analytical and project management skills and 87% for independent learning. The recent university-wide PGR review identified this as “a comprehensive skills training programme.” Faculties provide subject-specific training, including access to Masters’ modules where appropriate. Within the Law Unit, research students are automatically enrolled as members of the RISE Research Centre within the Law Cluster. Customised facilities are provided for research students where they have access to office space and meeting rooms. The facilities are close to the library which carries a good stock of relevant books and journals in electronic and paper format. All doctoral students are offered a librarian ‘buddy’ who offers one-to-one help and support in information retrieval. A full-time administrative assistant working across the faculty augments these bespoke facilities. This administrative role has responsibility for scheduling annual progress reviews and supporting the cluster leaders) as well as a research technician. The Law Research cluster leader (Newman) is responsible for all aspects of research student provision for doctoral students associated with their area.

#### **d. Income, infrastructure and facilities**

The University Research Support team (RS), within Academic Services, provides central support for research. This team provide support for postgraduate research students, for research active staff, research project managers, and senior management through the provision of management information. Central support is also provided for the identification of funding opportunities, and bid writing and submission.

**Infrastructure:** GRS provides an extensive research student generic training programme which is compulsory. Research students’ progress is monitored annually by means of a report and presentation and students participate in the RISE PG research seminar series. A Director of Studies and at least one co-supervisor will have responsibility for supervising each research student. All supervisors must receive university-accredited training for supervision on a regular basis and the supervisory team must include at least one member who is experienced in supporting doctoral students through to completion. Research student consultative committees are held regularly in order to field any issues that arise, and the Faculty Postgraduate Research Student Sub-Committee monitors student progress and exam arrangements. The university provides a well-established internal training and certification programme for research student supervision, annual monitoring, and examination, and offers the opportunity to participate in Vitae, UKCGE and Research Council training events.

**Facilities:** Management information for research activity is provided through the Research Support (RS) team in Academic Services. The team provide regular reports for key committees and groups as well access to research related software. (Research Professional, for funding opportunities and intelligence; *pFACT* for costing and pricing of proposals; and *SURE* for full text of outputs in the institutional repository). A dedicated room with appropriate telephone and IT facilities is provided in the Faculty for the use of research students. Contract research staff have their own office space distinct from research students but come together for research activities. Law has increasingly focused upon research funding with the development of a research ‘critical mass’. Although this remains a challenge for the Unit, individual colleagues now agree annual and medium term targets for research funding. Applications are increasingly outward facing and engaged in appropriate network and capacity building to facilitate successful grant applications in the longer term.

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

Collaboration has been a key aspect of deepening of a research culture within this Unit. In order to facilitate this, there is an ongoing seminar series within the Unit supported by prominent external speakers. This has included Professor Michael Bohlander (University of Durham) speaking on issues surrounding the operation of International War Crimes Tribunals, Professor Susan Edwards (University of Buckingham) speaking on the law surrounding the defence of Provocation and related developments post-Holley, Kevin Brown (Newcastle University) speaking on New forms of civil mechanisms to regulate anti-social behaviour and Colin Murray (Newcastle University) "The Mau Mau Torture Claims: Tort Law's (Not So) New Frontier. Visiting expert speakers have facilitated a number of legal education research discussion groups. These include Professor Fiona Cownie from Keele discussing the future of research within the law curriculum, Brian Simpson from the University of New England, Australia on cross-comparative lessons regarding embedding research into the foundation subjects. In addition, members of the Unit act as external examiners at other institutions. Christopher Newman is on the editorial board of the International Journal of Public Administration. Ben Livings is a convener for the Socio-Legal Studies Association (SLSA) Sports Law stream and Criminal Justice stream and is a regular contributor to the SLSA conferences. Ben has been a reviewer for Sexualities, New Criminal Law Review, Journal of Criminal Law and Denning Law Journal and is Guest editor of Northern Ireland Law Quarterly - June 2014 edition. Additionally, Amy Purvis has recently been appointed deputy convener of the Family Law stream of the SLSA.

Christopher Newman, Dr. Gary Hickey (Council of Europe) and Dr. Michael Macaulay (Victoria University of Wellington) have collaborated on anti-corruption work writing the article "*Towards a model of local integrity systems*" (to be published in 2014). Chris has co-presented with Dr Michael Macaulay "Anglo-New Zealand Perspectives on Corruption" at the cross-disciplinary European Group of Public Administration Conference in September 2013. Chris has produced a joint authored article with Dr. Ben Middleton entitled "*Any excuse for certainty: English perspectives on the defence of "reasonable excuse"*" (2010) 74(5) J Crim L 472. Newman has collaborated with Professor Peter Rackow of the *Hochschule der Polizei* (German Police University) on an article entitled, "Undesirable posters and dubious symbols: Anglo-German legal solutions to the display of right-wing symbolism and propaganda" (2011) 75(2) J Crim L 142, an article which provided the first substantive discussion of issues relating to low-level public order in England and Germany. In December 2012, Newman spoke on BBC Radio 4 "Today" programme on issues of the legality of lunar exploration and appeared on Sky News being interviewed on *Boulton & Co.* on the legality of mining asteroids. Newman has also contributed to the Victoria University of Wellington School of Government Seminar Series, presenting a seminar on "Contemporary Developments in Space Law".

In October 2013, Ben Livings co-organised "Mental Disorder and Criminal Justice" Conference. This international conference examined the interface of scientific and legal conceptions of mental disorder and the role and function of the criminal justice system in responding to this distinct category of defendants. The conference was arranged against the backdrop of the Law Commission considering the Insanity and Automatism defences, and brought together leading national and international experts in the field to discuss the medico-legal constructs. The speakers included Dr. Arlie Loughnan (University of Sydney), Professor Paul H. Robinson (University of Pennsylvania Law School), Professor James Chalmers (University of Glasgow School of Law), Professor Michael Bohlander (Durham University) and Professor Warren Brookbanks (University of Auckland). There were also leading legal practitioners speaking such as Rudi Forston QC, HHJ James Goss QC and Dr. Tina Irani (Consultant Child and Adolescent Forensic Psychiatrist, Birmingham and Solihul Mental Health Foundation Trust). The nature of the conference ensured that there was impact in respect of informing the Law Commission and practitioners working in this area.