

<p>Institution: UNIVERISTY OF BIRMINGHAM</p>
<p>Unit of Assessment: C20 Law</p>
<p>a. Context: Birmingham Law School (BLS) espouses a broad-based approach to legal research within and beyond the academy. This has generated diverse impact which has benefitted judges; policy-makers at national and international levels; public service professionals including legal and health professionals; businesses, NGOs and think tanks, as well as law students. We have:</p> <ol style="list-style-type: none"> 1. Produced doctrinal legal research that has impacted on the development of the law through citation in appellate court judgments and policy documents. 2. Influenced legislative change and law reform policy. Governments have benefitted from the prominent role played by BLS academics in advising Parliamentary Committees, serving on policy commissions/policy-making bodies, and responding to consultations. 3. Improved the delivery of public and private services, particularly legal, health and defence. 4. Benefitted legal education, via conference organisation, training, writing research-led textbooks, input to the Legal Education & Training Review and to professional regulatory bodies. 5. Informed and influenced civil society through collaboration with activists, charities, NGOs.
<p>b. Approach to impact: Our approach to impact focuses on the five areas identified above. By actively engaging a range of stake-holders and ensuring BLS research is widely disseminated, we seek to influence judges and decision-makers, impact on legislative and other legal reforms, improve public and private services, benefit legal education and inform civil society. Impact is fully integrated to our activities at all levels. In establishing or reconfiguring our four Research Institutes/Centres over this REF period, impact has been embedded as a central aspect of their role. The Centres host public lectures by prominent speakers to engage non-academic audiences (eg Gisela Stuart, MP 2009, IEL; Ray Krone, death row survivor; Ward L.J., 2013 CEPLER) and involve judges, practitioners and policy makers on steering committees (CEPLER: HH Judge Simon Barker; Michael Seath, Justices' Clerk West Midlands); (CHLSP: David Lock QC, ex-Civil Justice Minister, chair Organ Transplant Task Force; Jim McManus, Midlands Public Health Director). At an individual level, impact is a key aspect of mentoring, monitoring, PDRs and annual research meetings. Impact activity is also a focus for collective BLS research events organised at least twice annually, attended by all staff and supported by the College of Arts and Law (CAL) Research and Knowledge Transfer (R&KT) office, which also offers one-to-one advice on creating, developing and recording impact. In 2011 CAL appointed a permanent Research Impact Officer to support the mainstreaming of impact as part of research culture. CAL also financially supports activities designed to generate impact.</p> <p>Types of impact are outlined below; these are indicative rather than comprehensive examples.</p> <p>1. Impacting on the development of the law:</p> <ul style="list-style-type: none"> • <i>Judicial citation:</i> BLS research has been cited with approval by appellate courts and other judicial bodies, prompting legal change and influencing policy, exemplified in all four case studies. Other notable examples include House of Lords' citations for Lee's research on concurring speeches (<i>Transport for London (London Underground Ltd) v Spirerose Ltd</i> [2009] UKHL 44) and Arnull's work on the interpretational approach of the ECJ (<i>Assange v The Swedish Prosecution Authority</i> [2012] UKSC 22). Rubini's analysis of the concept of 'price support' was the sole academic citation by a WTO panel in a dispute over green subsidies (<i>China – GOES</i>, (DS 414 2012)). • <i>Influencing course of litigation:</i> E.g. Rubini advised three Canadian NGOs preparing an <i>amicus curiae</i> brief submitted to the WTO panel in <i>Canada - Renewable Energy</i> (DS412 2012) which cited his research in support of claims that the Canadian minimum electricity price amounted to 'price support'. Similarly, Vakulenko's arguments on veiling and human rights were relied upon by counsel for the applicant in <i>SAS v France</i> [application no. 43835/11 to the ECtHR] challenging a 2010 French law banning 'the concealment of the face in the public space'. • <i>Influencing judges in their extra-judicial capacity:</i> E.g. as part of an AHRC-funded project on 'The Politics of Judicial Independence', Gee co-convened nine seminars (2011-13) with high-profile speakers, including Justices of the UK Supreme Court, three former Lord Chancellors, a former Home Secretary and senior civil servants with the aim of promoting dialogue between institutional actors and academics interested in judicial independence. <p>2. Influencing legislative change and law reform policy:</p> <ul style="list-style-type: none"> • <i>Testifying before Parliament:</i> E.g. Arnull's case study; Boyron acted as expert witness to the

House of Commons Political and Constitutional Reform Committee on codification of the UK's constitution to testify on lessons from France (Evidence session 7/7/2011); Trybus addressed the **European Parliament** on the 'defence package' of armaments-related directives (2008); Wade addressed the Parliament during debates on EU Criminal Justice (2012).

- *Acting as legal consultants on law reform:* E.g. case studies by Harris-Short and Cryer; Fox acted as legal consultant to the Liaison Group of Animal Welfare Advisory Bodies established to advise **DEFRA** and the **Home Office** on reform of UK animal welfare legislation (2011-2013).
- *Active engagement in policy-making fora:* E.g. Cryer case study; Rubini contributed to a panel on subsidies at a **Public Forum at WTO Headquarters** (Geneva 09/2012); Dragneva participated in a seminar on 'Eurasian Economic Integration' organised in collaboration with the Russian and Eurasian programme of **Chatham House** (2013); Trybus participated in the **ESA High Level Forum** on the reform of the ESA procurement system in Noordwijk (10/2013); Vaughan is a named author of the world's first publicly accredited guide for business on nanotechnology ('PAS 137') published by the **British Standards Institution** (2013).
- *Policy impact from commissioned studies:* E.g. Trybus participated in a study commissioned by the **European Defence Agency** (EDA) Brussels, (*Level Playing Field for European Defence Industries*, 2009) which resulted in the Ministers of Defence of the EDA agreeing a **Political Declaration on a Level Playing Field for the European Defence Equipment Market** (2009).
- *Active members of public bodies:* E.g. **Criminal Justice Council** (Sanders), **WHO Network of Mental Health Experts** (McHale), **ESA Procurement Review Board** (Trybus).
- *Responses to policy consultations:* 17 current BLS staff have submitted a total of 34 responses to official consultation exercises over the assessment period to bodies including the Chilcot Inquiry, CPS, DoH, DEFRA, European Commission/Parliament, House of Lords Constitution Committee, HFEA, Judicial Appointments Commission, Ministry of Justice, Manitoba Law Reform Commission, OECD, US Department of Defence, UN High Commission on Refugees.

3. Improving the delivery of public services, particularly legal and health services.

- As a member of the **Criminal Justice Council**, which acts as a consultative body to the **Ministry of Justice**, Sanders has helped shape the implementation of national policies on issues including Police and Crime Commissioners, Virtual Courts and Community Courts.
- Sommerlad is a founder member of the **Equal Justices Initiative (EJI)** which aims to promote equal representation of women in the judiciary in England and Wales by 2015, and a member of the **Higher Education Race Action Group (HERAG)**. At supra-national level she participates in the **International Legal Aid Network** of legal aid specialists, which seeks to improve evidence-based policy-making in the field of poverty legal services through dialogue and dissemination of international developments in policy and research.
- Young served on an expert panel established by HM Courts Service and the Legal Services Commission on the revision of legal aid guidance to the magistrates' courts in England and Wales.
- Mchale co-directs the **Birmingham Policy Commission** "Healthy Ageing in the C21st" which aims to inform and shape the new NHS Constitution based on research on legal, ethical and policy issues concerning healthy ageing in a multi-cultural society.
- McGuinness sits on the Ethics and Governance Council of **UK Biobank** and the Medical Ethics Committee of the **Royal College of General Practitioners (RCGP)**. She has advised on the College's revised position statements on abortion (2011) and organ donation (2013).

4. Benefitting legal education:

- CEPLER's **Futures of Legal Education** conference (2013) aimed to inform current debates on the direction of legal education and brought together c. 85 legal academics, professionals and policy makers. Selected papers will be published by Hart/Bloomsbury in an edited volume.
- *Participation in the Legal Education and Training Review (LETR):* BLS colleagues have played key roles in LETR which will result in significant policy changes to legal education. E.g. Vaughan sits on its **Consultation Group Steering Panel** and as UK representative on the Training Committee of the **Council of the Bars and Law Societies of Europe** (Chair 2003-10) Lonbay advised on European aspects. In 2013 Sommerlad was invited to join the Legal Education Research Network.
- *Oversight/training of legal professionals:* E.g. Sanders chairs the Education and Training Committee (ETC) of the **Bar Standards Board**, and Vaughan sits on the ETC of the **Solicitors' Regulation Authority**. As an inaugural **Academic Fellow of the Inner Temple** (2010) Lee has

delivered lectures attracting CPD points for barristers, while there has been significant professional participation in CEPLER's annual conferences in 2012 and 2013.

- *Writing leading research-led legal texts:* E.g. Bell, Boyron & Whitaker, *Principles of French Law*, 2nd edn. OUP 2008; Harris-Short & Miles, *Family Law: Text, Cases and Materials*, 2nd edn. OUP, 2011; Sanders, Young & Burton, *Criminal Justice*. 4th edn, OUP, 2010.

5. Informing and influencing civil society:

- *Work with pressure groups/charities:* E.g. Mclvor helped the **Consumer Justice Association** lobby against implementation of the Jackson reforms on costs in civil cases. She co-authored a critical response (Working Group on Civil Costs Reform, 2011) and in 2011 addressed a House of Lords seminar on the issue; Sanders acted as trustee of Regents College 2011-13.
- *Work with NGOs:* E.g. Rubini's work with Canadian NGOs (b. 1 above); Wade is a legal expert advisory panel member of **Fair Trials International**; Freedman collaborates with the **Freedom Project** (Danish think tank) to co-produce policy reports on 'third generation' human rights and their impact on International Human Rights law (supported by CAL R&KT funding).
- *Pro bono work:* E.g. Freedman has advised the **Institute for Justice and Democracy in Haiti** on securing accountability for UN actions alleged to have caused a cholera outbreak in the region; **CEPLER** facilitates pro-bono work at a local level in the West Midlands region.

c. Strategy and plans: BLS future strategy focuses on four key activities - strengthening stakeholder links, maximising impact potential of current projects, encouraging follow-on funding applications from smaller projects; ensuring impact is embedded in research expectations of staff.

- We will deepen and extend our connection with the stakeholder community. **CEPLER** aims to capitalise on existing relationships and outreach work with the legal professions, judges and legal educators, e.g. through an initiative in 2014 on facilitating diversity in the legal profession. Collaboration between **CEPLER** and **CHLSP** will extend this work to include health professions (broadly defined), e.g. through a forthcoming seminar on the *Death of the Professions* (2014).
- We will seek to **disseminate policy recommendations from current AHRC/ESRC-funded projects** which we envisage having significant impact over the next five years. E.g. Gee's project on judicial independence (b1 above), Vaughan's study on SRA regulation of corporate lawyers, Dragneva's project on the export of 'Russian' governance to post-Soviet countries, and Sanders' study (with colleagues at Manchester) on 'gross negligence manslaughter'. For instance, the latter project, having engaged legal and health professionals, the CPS and pressure groups, was selected by RCUK as a 'pathways to impact' case study and we anticipate its findings will imminently lead to the production of new legal guidelines.
- In conjunction with the **CAL R&KT office** and UoB's **Research and Innovation Services**, we will support colleagues who have secured network grants and smaller grants to exploit future potential and secure follow-up funding. E.g. Mclvor's AHRC international research network on legal epidemiology has facilitated collaboration between scientists, statisticians and legal practitioners and highlighted the benefits of using epidemiological evidence in legal contexts. She will be PI on a £1m AHRC standard grant to be submitted early 2014, and has secured CAL R&KT funding for teaching buyout to work on this. Harding's AHRC ReValuing Care network, and British Academy-funded research project on dementia care, have engaged diverse user groups including care homes, charities, business, policy makers and carers. She is taking forward questions of care and regulation relating to: vulnerable energy customers (with E.ON.UK), legal issues with GPS tracking in dementia care (with West Midlands Police) and effective consent to digital sharing for people with dementia (with BArts and Ayogo).
- More generally, we will put in place robust mechanisms to ensure that impact is monitored, evidence gathered and best practice disseminated to all BLS staff, and that impact generation is kept under review as an integral element of our research strategy.

d. Relationship to case studies: The case studies showcase our research strengths in doctrinal and regulatory work on legal reasoning, law reform, access to justice and legal regulation. They demonstrate the **geographical reach** of BLS research, which spans the **regional** (e.g. CEPLER's strategy for research with and on the Midlands legal profession), **national** (Harris-Short's study on UK adoption reform), **supranational** (Arnall's research on access to dispute resolution at **EU** level), and **global** (the influence of Cryer and Enonchong's work on judgments of **Commonwealth courts**). They thus engage with questions of justice, such as access to courts and legal services, which have long characterised BLS research, while also reflecting our growing orientation to