

Institution: Durham University
Unit of Assessment: 20. Law
A. CONTEXT <p>The impact of Durham Law School (DLS) research can be seen in the policies and practices of an extensive range of national, European and international non-academic users and beneficiaries including: international institutions, national governments, national and international community groups, charities and NGOs in the UK and worldwide, and members of the legal profession and law enforcement agencies, including the Director of Public Prosecutions. Current impact activity builds on a strong tradition of both doctrinal and applied legal scholarship across each of our three research themes: law as innovation, law for social change and law and institutions. DLS staff have had a demonstrable impact on: (i) law reform and legal policy, through interaction with governments, legislators and judiciaries; (ii) the use of law, through engagement with local and national NGOs, campaign groups and national and international professional bodies and networks; and (iii) the interpretation of law by the judiciary, through the provision of training for, and citation by, practicing lawyers and judges.</p>
B. APPROACH TO IMPACT <p>The Law School has taken a targeted approach to generating impact across the specific areas our research has sought to influence, supported through our research groups (RGs).</p> <p>(i) Influencing law reform and legal policy: In seeking to shape legal policy, DLS staff have provided oral and written evidence to UK and devolved government departments and committees (eg the Equalities Office (Gender & Law at Durham (GLAD) 2010); Home Office (McGlynn 2008, Human Rights Centre (HRC) 2012), Select Committees (eg Spaventa 2008, Rackley 2011, Fenwick 2012) and public inquiries (eg the Leveson Inquiry, Phillipson 2012)). This has led to demonstrable impact on legislation eg enhanced terrorism prevention measures (Fenwick 2012) and as demonstrated in CS1-3. DLS staff have also developed informal on-going relationships with parliamentarians and statutory actors, enabling their research to influence government thinking ‘from the ground up’: see eg the use of Choudhury and Fenwick’s research on the operation of Schedule 7 by the Equality & Human Rights Commission, the Joint Committee on Human Rights and the Independent Reviewer of Terrorism Legislation (2010-12), Schütze’s participation in a roundtable discussion at the Foreign and Commonwealth Office on the division of competence for foreign policy between the EU and Member States (2013), and parliamentary discussion of Brooks’ criticism of the UK Citizenship test (HL Deb, 21 May 2013)). DLS staff also engage with international governments and organisations (eg de la Feria’s role as an external expert for the IMF (2013-), de Londras’ written evidence to the Irish Joint Committee on Health & Children hearings on abortion law reform (2013), Fenwick’s evidence to the United Nations Office of Drugs and Crime initiative on promoting responsible and professional reporting on corruption (2013) and McCann’s work with the International Labour Organisation (2008-)).</p> <p>(ii) Facilitating the effective use of law: A second pathway to impact has been engagement with a wide range of local, national and international advocacy and professional bodies in their use of and interaction with law (eg Tyneside and South London Rape Crisis (McGlynn 2010-, CS1), Federation of Student Islamic Societies (Choudhury 2009-), Women’s Democracy Network, Washington DC (Turner 2012-), and Open Society Justice Initiative, New York (Leigh 2011-)). DLS staff also act as experts and/or have given research-led CPD to professional bodies and networks (eg Health Research Authority (Pattinson 2012-), Basque Tax Authorities (de la Feria 2013)). These relationships help to ‘close the impact loop’ between dissemination and engagement activity and to secure impact within particular organisations. In addition, DLS staff seek to develop societal understanding of law and legal issues through active engagement with traditional and new media such as the blog ‘Human Rights in Ireland’ (www.humanrights.ie), founded by de Londras and previously edited by O’Donoghue, which was an original invited member of <i>The Guardian</i>’s Legal Network and engages with NGOs and practitioners to provide research-based interventions into current debates, receiving ≈ 18k visitors per month. It is indicative of this engagement that between August 2012 and July 2013, DLS staff made over 960 media appearances. This includes being directly quoted in or writing for the international (66 times) and national press/radio (376 times), and making 25 contributions to the BBC (spanning radio (world/national and local) programmes and news and magazine websites).</p> <p>(iii) Informing the interpretation of law: The final approach to impact prioritised by DLS relates to the interpretation of law. DLS staff provide research-led CPD training for the judiciary, police,</p>

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military and wider legal community as a means of knowledge exchange: eg Bohlander on criminal procedure to judges and prosecutors from Egypt and Tunisia (2012), Choudhury on the 'Prevent' strategy for local authority officials run by the West Midlands Counterterrorism Unit (2008), and Hernández on overstepping security council resolutions for the UK Army Legal Services (2012). The wealth and quality of research at Durham, allied with strong connections with the judiciary and legal profession, have led to judicial citations in domestic, international and transnational courts (eg *R (on the application of M) v Slough BC* [2008] UKSC, [28] (Sweeney), *McGeoch*, *Re Judicial Review* [2013] CSOH, [35] (Schütze), *R v Momcilovic* [2010] VSCA, paras 53, 94 (Masterman & Leigh); Extraordinary Chambers in the Courts of Cambodia, Case No. 002/19-19-2007-ECCC-TC/SC(15), p16 (Bohlander), Latvian Constitutional Court, Case No. 2008-35-01, [18.9] (Spaventa)), as well as a number of citations by Advocates General of the ECJ (eg Case C-434/09 *McCarthy*, [41] (Spaventa)). Judges also use and cite DLS research extra-judicially: eg Lord Neuberger (Masterman on the separation of powers) and Lady Hale & Justices France and Glazebrook of the New Zealand Court of Appeal (Rackley on judicial diversity).

Unit and institutional support for impact-related activities: DLS and Durham University (DU) both build organisational and financial support for impact into their structures. DU's Impact Strategy, led by the Dean of Knowledge Exchange and Impact, seeks to maximise impact by embedding it within the culture of the academic community. DLS's Impact Strategy does the same; in 2011 the School appointed an Impact 'Champion' (now 'Lead') with responsibility for ensuring that impact is prioritised as a key component of academic activity across the School. DLS funds impact activities in two ways: (i) RGs are allocated annual 'block' financial support for research and impact-generating activities, such as the printing of tailored briefing documents designed to promote research to non-academic audiences (www.dur.ac.uk/law/research/briefings/). (ii) Since 2009 DLS has supplemented this support through a competitive Strategic Research Fund (SRF), which supports specific initiatives to promote and evidence impact. DLS staff have also benefited from the support of DU's Seedcorn Research Funding scheme (£250,000 annually), which pump-primes research projects and impact-generating activities at an early stage (eg Brooks' award to establish a research network of academics, policy makers and think tanks to facilitate collaboration on sentencing reform in the UK and abroad (2013)). Wider institutional support for impact is reflected in the redrafting of DU's recruitment, probation, appraisal and promotion processes to include specific discussion of impact achievements and plans, so that an individual's contribution to enhancing the impact of DLS's research is recognised and rewarded.

C. STRATEGY AND PLANS

The Law School's vision is to produce world-leading research which has an impact across all sectors of society. This is grounded in the recognition that most forms of excellent research are capable of delivering impact. With this in mind, and in line with DU's Research and Impact Strategies, DLS's Impact Strategy values, nurtures, and sustains impact and seeks to embed it across our research environment. It sets the following strategic priorities for the next five years: (i) to sustain and extend the range, breadth and depth of our impact by encouraging exceptional research and fostering a research environment which supports the creation of high quality impact at local, national, international and transnational levels; (ii) to enhance opportunities for collaboration to ensure the reach and significance of our research through targeted engagement with key end user groups; and (iii) to develop capacity in generating and capturing impact by individual researchers and within RGs and the School's research governance structure generally. To meet these priorities we will:

(i) Foster a research environment which embeds impact across all research activities

Leadership provided by the Impact Lead and the School's RGs has been crucial to the development of the School's Impact Strategy and to making impact central to our research culture (all our case studies were developed within and supported by one or more of our RGs). DLS will continue to invest in impact financially (detailed above), structurally (by building on established impact-facing administrative posts, such as the recent appointment of Impact Assistants (akin to Research Assistants)) and governmentally (through DLS's research governance and DU appraisal processes). Building on current expectations that RGs address impact in their annual plans, cross-School understanding of the nature of, and possibilities for, impact will be reinforced through impact mentoring and peer-review, effective internal communication of impact-related activities and achievements, the sharing of individual and RG end user networks, and capacity-building impact workshops for all staff and PGRs. We will continue to ensure that impact leadership, achievement

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and potential are taken into account in recruitment and promotions processes as well as enhancing impact in areas of existing strength (law and social change and law and institutions) and adding further impact strength in the area of law and innovation, specifically, bioethics and modern biotechnology (Goldberg; Cave).

(ii) Resource and facilitate opportunities for targeted engagement with research end users:

DLS recognises that partnerships with non-academic stakeholders not only create pathways to impact for our research but also help to shape that research. These partnerships provide ideas, questions and data which are otherwise inaccessible, so we may operate at the frontiers of legal scholarship. Experience demonstrates, and DLS's Impact Strategy recognises, the need to combine a sequential approach to impact, where impact occurs following effective dissemination and engagement strategies at the end of the research project, with a symbiotic approach in which end user engagement is embedded a research project from its inception. Over the next five years we will encourage and resource plans for strategic dissemination, engagement and evidencing of impact so they are included in the design of all appropriate research projects. DLS will better facilitate and enhance our impact and research through the support of research partnerships between non-academic user groups and RGs and individual researchers (eg Turner's work with UN Women on women mediators, GLAD's project on the prevalence of rape pornography with Rape Crisis and the Internet Watch Foundation, the Institute of Commercial and Corporate Law's six year research partnership (2011-2017) with law firm Bond-Dickinson (facilitated by a substantial gift), and de Londras' FP7 project on counter terrorism collaborating with the military, judiciary and NGOs as research partners). These partnerships will be underpinned by flexibility in teaching and administrative commitments, including research leave for impact activities. DLS and RGs will be supported in building effective and sustainable networks with research end users and alumni, eg through community-facing and CPD events, engagement with new and traditional media, and RG and School Advisory Boards, all of which are key intermediaries to securing impact.

(iii) Enhance strategic dissemination and engagement: The impact of our research is dependent on our success at exchanging and disseminating that research. We will continue to enhance how we share our research and monitor its impact through the creation of an open access, multi-platform research and engagement hub: 'Law@Durham'. This will be a single portal through which external users can access our research, presented in diverse formats (such as research briefing documents, blogs and the Durham Research Online repository) and will include podcasts of public lectures and seminars, as well as links to our social media presence. While its primary purpose is to engage with external research users, the hub will also provide an important data capture resource, making for more effective information gathering. This will create a resource for developing best practice in impact generation to be used in training and capacity-building.

D. RELATIONSHIP TO THE CASE STUDIES

The case studies indicate both the breadth and depth of DLS's approach to impact in relation to the reform, use and interpretation of law. They emerge from a long history of leading international research and user engagement across our *law for social change* (**Criminalising Extreme Pornography and Pornographic Images of Rape (CS1)**; **Privacy, Libel and Freedom of Expression (CS2)**) and *law and institutions* (**Strengthening Accountability and Human Rights through Security Sector Reform (CS3)**) research themes. All three CS had impact pre-dating the current census period. The relationship between the case studies and DLS's approach to impact has involved an iterative process informed by an evolving appreciation of impact and impact creation – eg the strategic and end user focused dissemination of research through briefing documents (used in CS1) has been successfully used in other projects (see Brooks on the UK citizenship test, Bi above). Institutional support, at both University and School level, reflect a deepening recognition of the importance of research partnerships (all of the CS involve on-going stakeholder collaboration) – eg DU Seedcorn funding to support initiatives to establish and facilitate such collaborations (see Brooks, B above). Similarly, the benefit of early engagement with the law reform process – each CS tracks the development of key legislation from its conception (sometimes pre-public consultation (CS2; CS3)), with the result that DU research is established from the outset as an authoritative assessment of the issue at hand, shaping development as well as the content of the law – has reinforced DLS's commitment to supporting DLS staff engaging with these processes, as evidenced by Akinbami's current secondment to the Law Commission.