

<p><b>Institution:</b> University of Nottingham</p>
<p><b>Unit of Assessment:</b> UoA 20 – School of Law</p>
<p><b>a. Context</b></p> <p>As one of the UK's leading law schools with an international reputation for excellence in research-led teaching and substantial contributions to law reform and public policy-making, the School of Law seeks to promote peace, democracy, economic growth, social welfare, technological innovation, human rights, social justice, human flourishing, protection of wildlife and the natural environment, and compliance with the rule of law around the globe. The extraordinary breadth and diversity of research within the School contributes to each of these objectives in demonstrable, albeit typically incremental, ways that tend to elude any static snap-shot of instrumentally-orientated activity. REF2 outputs and the six REF3b case-studies represented the tip of a far larger iceberg, being emblematic of interdisciplinary research activity across thirty or more diverse legal specialisms whose “users” and “beneficiaries” include international organisations; national, international and global courts and tribunals; UK government departments and agencies; national and international law reformers and policymakers; the legal professions; other professional bodies and associations; charities; NGOs; and law students at home and abroad. In aggregate, this research activity ultimately improves the quality of governance in Britain, promotes liberal values of democracy and cultural pluralism, safeguards the natural and cultural environment, and benefits the peoples of the world who are assisted to live in peace and security under the rule of law, with protection for their fundamental rights and improved means of seeking redress for injustice.</p>
<p><b>b. Approach to impact</b></p> <p>Legal research and publications have always aspired to direct, real-world “impact” on law, legal process and the administration of justice. Recognising that research “impact” flows naturally from the production and broad dissemination of world-class research by experts, the School of Law seeks to enable colleagues to produce their best work, whilst proactively encouraging new research collaborations and reinforcing impact through broader dissemination. Impact within the review period is demonstrated, in the first instance, by traditional forms of scholarly influence. Recent examples of practical impact, underpinned by research and scholarship, include:</p> <p><b>(i) Quotation and citation in legal judgments</b>, e.g. <u>E&amp;W CA (R v Dlugosz [2013] EWCA Crim 2; R v T [2010] EWCA Crim 2439: Roberts; Ibrahim v Barclays [2012] EWCA Civ 640, [57], [60]; Global Process Systems v Syarikat Takaful Malaysia [2009] EWCA Civ 1398, [33]-[54]: Bennett; Merchant International v NAKN [2012] EWCA Civ 196, [64]: Fawcett); European Court of Human Rights (Janowiec v Russia, 16 April 2012: Mowbray; Vinter v UK, 17 Jan 2012, [55]; Harkins and Edwards v UK, 17 Jan 2012, [66]; Babar Ahmed v UK, 10 April 2012, [139]; Stummer v Austria, 7 July 2011 (Tulkens J): van Zyl Smit); EU Court of Justice (AG's Opinions) (Case C-393/09 BSA &amp; Case C-128/11 Usedsoft: Derclaye; Case C-396/07 Juuri: Kenner); High Court (R (A) v Chief Constable [2012] EWHC 2141 (Admin), [37]: Bailey; Bunge SA v Kyla Shipping Co Ltd [2012] EWHC 3522 (Comm), [70]-[71]: Bennett; Football Dataco v Sportradar [2012] EWHC 1185 (Ch): Derclaye); HK Court of Final Appeal (Luen Hing Fat Coating v Waan Chuen Ming [2011] 2 HKLRD 223, [32], [43]: Todd); New Zealand CA (R v Z [2008] NZCA 246: Jackson); RSA Supreme Court of Appeal (Gallo Africa v Sting Music [2010] ZASCA 96: Torremans); Singapore Court of Appeal (See Toh Siew Kee v Ho Ah Lam Ferrocement [2013] SGCA 29, [36], [59]: Bailey); Supreme Court of Canada (R v Khela [2009] SCC 4, [29]: Roberts); Supreme Court of New Zealand (North Shore v A-G [2012] NZSC 49, [151]; North Shore v Body Corporate 207624 [2012] NZSC 83, [144], [151], [153], [167]; Couch v A-G [2010] 3 NZLR [146]-[149]; Blair v Queenstown Lakes DC [2010] 3 NZLR 17, [6]: Todd; Fenemor v R [2011] NZSC 127: Roberts); Swedish Court of Appeal (ATG v Unibet (2011): Derclaye); UK Supreme Court (Rabone v Pennine Care NHS Foundation [2012] UKSC 2, [29]: Bartlett; Global Process Systems v Syarikat Takaful Malaysia [2011] UKSC 5, [134], [138]: Bennett; R (Smith) v Oxford Assistant Deputy Coroner [2011] 1 AC 1, [164]: Milanovic; R v Gul [2013] UKSC 64,[50]: Sivakumaran; Lucasfilm v Ainsworth [2012] 1 AC 208, [94]: Torremans).</u></p> <p><b>(ii) Direct contributions to (international) law reform and/or the administration of justice</b>, e.g. Arrowsmith's consultancy paper formed the basis of the revised UNCITRAL Model law on procurement. Bowman gave invited evidence to the Joint Parliamentary Committee on the Constitutional Renewal Bill 2008 (HL Paper 166-II; HC Paper 551-II), and (with Davies) advised the A-G of Malaysia on climate change. Bartlett was special advisor to HL's post-legislative</p>

scrutiny committee on the Mental Capacity Act. **Fraser** is a member of the Holocaust Scholars Network, providing amicus briefs to US federal courts. **Jackson** served as Parole Commissioner and Sentence Review Commissioner for Northern Ireland, and was an expert panel member of the Hague Institute for the Internationalisation of Law's project on Codification of International Criminal Procedure. **Mulgrew** and **Van Zyl Smit** were expert consultants to the Council of Europe's Recommendation on the Treatment of Foreign Prisoners (2010-12). **V Munro** gave invited evidence to the MoJ (Stern) Rape Review. **Sivakumaran** was seconded for six months to the Special Court for Sierra Leone. **Torremans** was a member of the EU-funded LAPSI 1.0 & 2.0 networks, instrumental in reforming the EU Directive on the Re-use of Public Sector Information. He also advised the Albanian Copyright Office and the Azerbaijani Copyright Agency. **Tosato** advised the Italian Ministry of Foreign Affairs on international commercial law. **Van Zyl Smit** gave invited evidence to the HL/HC Joint Committee on the Voting Eligibility (Prisoners) Bill (2013), and also advised the Bangladeshi government on drafting a new Prison Act. **Wang** advised the Chinese ministries of Finance and Commerce on China's GPA accession. **White** twice provided invited written and oral evidence to the HC Select Committee on Political and Constitutional Reform (deployment of troops in conflict zones); and to the HC Foreign Affairs Committee (legal implications of Scottish independence for the UK's UN membership); and joined **Bowman**, **Kritsiotis**, and **Milanovic** in a PIL submission to the Chilcot Inquiry. Also: advisory board membership of the Forum for International Criminal and Humanitarian Law (**Bekou**); Mental Disability Advocacy Center, Budapest (**Bartlett**; **N. Munro**); consultancy advice to the Law Commissions of England (**Cartwright** to LCCP No 195; **Roberts** to Law Com No 325; **V. Munro** on contempt of court), New Zealand (**Bowman**) and Scotland (**Roberts** to SLC DP 141); to the UN Expert on Human Rights and Extreme Poverty (**Nolan**); and to UNCITRAL (**Mevorach**).

**(iii) Publication of leading practitioner works and student texts:** Nottingham's outstanding roster of discipline-defining treatises and textbooks that have educated generations of law students, serviced courts in the UK and overseas, and contributed to the intellectual development of legal specialisms and new legal subjects was augmented by: **Bailey** and Taylor, *Bailey, Harris and Jones – Civil Liberties* (6/e); **Bartlett** and **Sandland**, *Mental Health Law: Policy and Practice* (3/e & 4/e); *Benjamin's Sale of Goods* (8/e) and *Scrutton on Charterparties and Bills of Lading* (22/e) (**Bennett**); *Blackstone's Criminal Practice* (**Birch**); **Bowman**, **Davies** and Redgwell, *Lyster's International Wildlife Law* (2/e); **Fawcett** and Carruthers, *Cheshire, North and Fawcett: Private International Law* (14/e); **Fawcett** and **Torremans**, *Intellectual Property and Private International Law* (2/e); **Gravells**, *Land Law – Text and Materials* (4/e); **Harris**, O'Boyle, Bates and **Buckley**, *Law of the European Convention on Human Rights* (2/e); Moeckli, **Shah** and **Sivakumaran** (eds), *International Human Rights Law* (1/e & 2/e); **Mowbray**, *European Convention on Human Rights* (3/e); **Roberts** and Zuckerman, *Criminal Evidence* (2/e); **Rogers**, *Winfield and Jolowicz on Tort* (18/e); **Todd**, *The Law of Contract in New Zealand* (4/e); **Todd**, *The Law of Torts in New Zealand* (5 & 6/e); **Torremans**, *Holyoak & Torremans Intellectual Property Law* (6/e & 7/e).

The School provides financial and administrative support to its five research centres (see REF5), which are focal points for research dissemination, knowledge transfer and capacity-building: e.g. the HRLC and the PPRG have their own websites, newsletters, seminar series, international conferences and professional training courses with significant governmental, NGO and practitioner involvement, thus fostering close and enduring links with research partners and users in commerce, industry, third sector, and the professions. The PPRG's Procurement Law Academic Network (600 associates from industry and the professions) received funding from long-term partner Achilles, Siemens, private law firms, and the Chartered Institute of Purchasing and Supply. Executive LLM Programme in Public Procurement Law and Policy students are mostly working procurement practitioners, including senior national procurement policy, UNCITRAL and WTO officials. The School's Honorary Professors (who are active in the life of the School, e.g. giving *ad hoc* lectures) include high court judges (**Sweeney** and **Singh JJ**), Judge Advocate General **Blackett** and prominent legal practitioners (e.g. **David Foxtton QC**). Research impact is also demonstrated by individuals' extensive networks, consultancies and research partnerships, e.g.:

**(i) direct contributions to the work of international organisations etc.**, e.g. Asian Development Bank (**Wang**); Commonwealth Secretariat (**La Chimia**); Council of Europe (**Bartlett**; **Mulgrew**; **van Zyl Smit**); EU Commission DG Trade (**Arrowsmith**, **La Chimia**, **Wang**); EU Advisory Committee

for the Opening Up of Public Procurement (**Arrowsmith**); EU-China Human Rights Dialogue (**Kenner**); EU Fundamental Rights Agency (HRLC is national focal point; **Kenner** sits on the Legal Experts Group (FRALEX)); ESRAN-UKI (**Nolan**); Holy See (**McGoldrick**); Institute of Credit Management (**Frisby**); International Criminal Court (**Bekou** is Deputy Director of the Case Matrix Network; **Mulgrew**); International Insolvency Institute (**Mevorach**); UNCITRAL (**Arrowsmith**; **Mevorach**, **Tosato**); UNHCR (**V. Munro**, **Sivakumaran**); UNICEF UK (**Nolan**); UN Office on Drugs and Crime (**Mulgrew**; **van Zyl Smit**); UN Office for the Coordination of Humanitarian Affairs (**Sivakumaran**); WTO (**Arrowsmith**, **Wang**); World Bank International Advisory Group on Procurement (**Arrowsmith**); **Mevorach**'s 2-year secondment to the World Bank's Global Initiative on Insolvency.

(ii) *policy-related consultancy and research partnerships with government agencies, professional bodies, NGOs, etc*, e.g. Asylum Aid (**V. Munro**); British Literary and Artistic Copyright Association (chair: **Torremans**); Children's Commissioner for England (**Nolan**); Crown Prosecution Service (**Roberts** and **Saunders**); Equality and Human Rights Commission (**Shah**); **Fawcett Society** (**V. Munro**); FCO (**Bekou**; **Dromgoole**); Forensic Regulator (**Roberts**); Insolvency Service (**Frisby**; **Mevorach**) & Insolvency Practitioners Association (**Frisby**); International Centre for Migration Policy Development (**Kenner**); Joint Nautical Archaeology Policy Committee (**Dromgoole**); Law Society Advisory Committee, Number 10 Policy Unit & OFT (consumer law matters: **Cartwright**); Omega Research Foundation (arms industry: **White**); Penal Reform International (**van Zyl Smit**); Royal Statistical Society (**Roberts**); Solicitors for the Elderly & the Law Society's Probate Section (**Hasson**); UK Intellectual Property Office Copyright Expert Panel (**Derclaye**); UK Work Foundation (**Kenner**); *Which?* Council member (**Cartwright**).

(iii) *training programmes/capacity building for international judiciaries, legal experts and officials*, e.g. the HRLC organised, and members of the School (inc **Bekou**, **Buckley**, **Kenner**, **Jackson**, **McGoldrick**, **Roberts**, **Shah**, **van Zyl Smit**) partly delivered, 7 training courses for Thai legal officials (252 attendees 2009-2013), 7 for Iranian judges and lawyers, and others for judges, prosecutors, lawyers and government officials from Bahrain, Iraq, Nigeria, Sudan & the CARICOM region. Legal training was also provided annually to FCO diplomats and lawyers, and members of the British armed forces. **N. Munro** contributed to JSB training for Crown Court judges on serious sexual offences, and to the Immigration & Asylum Tribunal Judges' annual training (2011-12).

The School's and the University's institutional support (e.g. through the Centre for Advanced Studies) for securing major funded research with significant policy-making and knowledge transfer dimensions bore fruit in the period, e.g. **V. Munro**'s ESRC project on jury reasoning in sexual assault cases; **Arrowsmith** EU Asia Link project to develop research and teaching programmes in procurement law; Nuffield projects on designing mental health law in developing countries (**Bartlett**); and on communicating statistical evidence in criminal proceedings (**Roberts**); SLSA-funded project on challenges for international criminal tribunals in Africa (**Jackson**); RCUK funding to establish the CREATE Research Centre, RCUK Centre for Copyright and New Business Models in the Creative Economy: [www.create.ac.uk](http://www.create.ac.uk) (**Derclaye**; **Torremans**). **Bartlett** also secured two grants from the National Institute of Health Research, one concerned with mental capacity and bipolar disorders, the other relating to long-term forensic patients.

Direct public engagement, including effective exploitation of new media, reinforces impact. Colleagues are in constant demand from journalists, in the UK and overseas, for input on topical law-related issues, including research (e.g. **Bekou** BBC Radio 4 interview on the trial of Karadzic; **Derclaye** interviewed by *Prag Post* (28 Jan 13) about the Budweiser/Budvar trademark dispute; and by BBC Radio Nottingham (25 Feb 11) regarding copyright and performers' rights; **Jackson** appeared on BBC NI *Spotlight* in 2010, and was consultant to ITV's *Insight* programme examining prosecutions in sex abuse cases, 2008-9). Media contacts are facilitated by the University's Press Office and Expertise Guide. The School has, since 2008, revised its website content to include more research-related information, opened a **Twitter** account and continued to invest in its high circulation alumni and HRLC newsletters (including information on research projects, conferences, training programmes and publications). Open access is promoted through Nottingham ePrints (see REF5). A mental health law blog is coordinated by **N. Munro**, whilst many colleagues are active on external blogs (e.g. **Milanovic** on EJILTalk!; **Nolan** on Human Rights in Ireland; **Tosato** on IPKat).

### c. Strategy and plans

The School aims to build on its enviable track-record of high quality research publications that have helped to shape the discipline and practice of law in the UK and internationally, by consolidating its excellent research environment (described in REF5) whilst at the same time proactively exploiting new opportunities for maximising research impact. Our **staffing policy** is to appoint and retain world class scholars already integrated into established networks of research collaborators, partners and users; and to support promising career-younger scholars to build similar international profiles and networks for themselves over time. In terms of **workload**, teaching and administrative responsibilities will be balanced realistically against the demands of achieving and sustaining this intense level of commitment to research excellence and knowledge transfer. The School will continue to support the creation of new centres aligned with colleagues' current research interests. Exceptional opportunities for **curriculum development** and **research-led teaching** (featuring upper-level electives and bespoke LLM programmes), which also lend themselves to input from external partners, will be retained; and potential for wider engagement, e.g. by inviting more non-academic research partners/users to participate in the work of centres and to contribute to seminar series, will be explored. Generous provision for **research leave** and flexible arrangements for longer periods of **research consultancy**, over and above Nottingham's standard contractual 50 days per annum, will be maintained. Above all (as elucidated in REF5), the School will sustain its collegial, vibrant and inclusive **research culture**, with centres, seminar series, discussion groups and an active postgraduate community fostering an enabling approach to research excellence, and featuring significant input from external collaborators and research partners.

The University's KE Framework 2013-18 and Knowledge Exchange (KE) Board have established policies and priorities for embedding "impact" throughout our institutional structures and professional culture, to expand engagement with external research partners and users, and to prioritise research with the greatest potential impact. Coordinated measures within the School and across the institution will foster self-conscious and sustained focus on maximising "impact", at all stages of the research process from initial planning through to final dissemination of outputs. Within the School, this agenda will be implemented by: encouraging and facilitating applications for major external grants with clear potential for policy-relevant knowledge transfer; raising awareness of opportunities for enhancing research impact at the planning and design stages, e.g. through internal peer review and School Ethics Committee monitoring; and by infusing impact criteria into mentoring arrangements, annual performance review ("external engagement" being one of the four principal criteria), appointments, promotions and career planning. Recent innovations include the launch of the Impact Seminar Series in 2011, as a forum for interacting with research users and beneficiaries (e.g. law commissions; academic legal publishers), pooling researchers' ideas and experiences and formulating best practice; and the creation of a flexible Impact Fund to provide financial support for initiatives designed specifically to promote knowledge transfer and enhance impact (including gathering evidence of impact).

### d. Relationship to case studies

The six illustrations showcase various aspects of the School's overarching approach to impact, but (being skewed towards empirical, socio-legal and policy-related research) cannot fully represent the diversity of its research activities, partners, audiences and beneficiaries. All six case-study projects were led by renowned scholars at the forefront of their respective specialisms, emphasising the connections between research impact, research networks and international eminence. Longer term research collaborations with external (non-academic) partners were instrumental in at least five of the studies, with examples of collaborative participation in project design and joint dissemination strategies. Two of the studies also feature collaborations with more junior colleagues (former doctoral students), reflecting the School's active commitment to developing talent through mentoring and research collaboration. All of the studies are concerned with promoting justice and/or human rights, as well as with improving the technical law. Four of the studies are explicitly international in orientation, whilst the other two command significant comparative law and policy interest. Two of the studies (**Arrowsmith; Bekou**) illustrate the symbiosis between research centres and particular projects. All benefited from physical location within the School and general administrative support (especially significant in hosting **Munro's** mock trials). **Bekou** received advice on project design from the Faculty's Methods and Data Institute (M&Di). **Roberts** and **van Zyl Smit** were enabled to conduct or complete their research whilst on study leave and taking advantage of generous consultancy policies.