

Institution: The Open University
Unit of Assessment: C18 Law
<p>1. Unit context and structure, research and impact strategy</p> <p>Context</p> <p>This UOA is the Open University Law School (OULS), which sits within the Faculty of Business and Law (FBL) alongside the Business School (OUBS). OULS is the largest law school by student numbers in Europe. It is unique in the UK in having both a nationwide and a pan-European presence, made possible by its unrivalled structure based on online learning and broadcast media. Twenty-eight staff (26.81 FTE) are being submitted to REF2021.</p> <p>Development prior to 2014</p> <p>The Open University (OU) launched its first law degree in 1998 in partnership with the then College of Law. A small team of lecturers (Central Academics) managed the modules written primarily by the College of Law. Other lecturers (Student Experience Managers; SEMs) managed part-time tutors (Associate Lecturers; ALs). The ALs ran seminars, marked assessments and were the “face” of the OU for students. During this period there was little opportunity for research and the School was heavily teaching-focused.</p> <p>In 2012/13 the decision was made to end the College of Law partnership and launch a new LLB written by OU Central Academics. To facilitate this, academics were recruited to write the new degree. The focus remained on teaching and the School did not enter the 2014 REF nor any earlier exercise.</p> <p>Strategic Research and Impact Aims</p> <p>The Research Context</p> <p>Whilst the recruitment of new academics focussed on their ability to produce successful online degree programmes, a subsidiary aim was to develop a research profile in law.</p> <p>The OU’s mission is “to be open to people, places, methods and ideas.” The statement continues:</p> <p style="padding-left: 40px;">“We promote educational opportunity and social justice by providing high-quality university education to all who wish to realise their ambitions and fulfil their potential.”</p> <p>This mission with its focus on “social justice” and its call to be “open to people, places, methods and ideas” has helped shape OULS’ research strategy.</p> <p>FBL’s 2016 Research and Scholarship Strategy which OULS helped shape has been influential. The FBL strategy aims to:</p> <ul style="list-style-type: none"> • “develop distinctive areas of expertise, • generate increasing economic, public and social impact, • diversify research income, and • build and nurture the research environment.”

Primary Research Aim 2014-20

OULS' key research priority during the current REF period has been to develop from a teaching-focused to an inclusive research-active School.

Routes to achieving the Primary Research Aim

To achieve this aim it was recognised that:

- the research environment should be supportive, enabling, and inclusive,
- barriers to research should be overcome,
- opportunities to develop research-informed teaching should be seized,
- the research culture should embrace students as well as staff,
- the approach should reflect unique features of the OU particularly that we are:
 - founded explicitly on the ideal of social justice,
 - experienced in pioneering technology in supported distance learning and public engagement, and
 - educating students in each of the legal systems of the United Kingdom.

Creating a supportive, enabling, and inclusive research environment

OULS is committed to encouraging, enabling, and supporting **all** central academics to research. All central academics are given a mentor when appointed.

Additionally, in 2015 a professorial post was created specifically to recruit a leading academic to act as a research mentor. Professor Lee, a law professor of over 30 years standing with experience across the UK's legal systems and interests in many aspects of law, including interdisciplinary research, was appointed. In his role as **Research Director**, he works as a mentor, collaborator and constructive critic encouraging, supporting, and inspiring colleagues.

In 2017 a new post of **Research Fellow** was created to pursue the postholder's own research agenda (40%) and to support colleagues in their research endeavours (60%). **Ajevski**, an early career researcher (ECR) from Macedonia with degrees from Hungary and experience of working in Norway was appointed. This unique position in OULS has led to research collaborations, as well as work to publicise the research of others – as seen in the series of podcasts he has produced where he talks to colleagues about their research.

Ajevski and **Lee** organise **weekly research seminars**. These provide a supportive environment where colleagues and PhD students can share and explore research ideas, present papers in advance of making conference presentations or talk about work they have presented elsewhere. Funds for external speakers are available, providing an opportunity to hear from leading external academics and explore potential collaborations.

Overcoming barriers to research

Many colleagues within OULS entered academia to teach, either coming direct from legal practice or teaching part-time (often with the OU as ALs) while still in practice. We identified **five major barriers** to research that we have tackled.

Firstly **time**. Central academics are contractually allotted 20% of their time for research and an additional 44 study leave days for "research and other approved academic purposes". By

deciding that all colleagues should be encouraged to take these days for research OULS effectively provided all central academic staff with 79 days p.a. for research.

Additionally, in 2016, we introduced research sabbaticals. Colleagues can seek a sabbatical of 40 or 60 days on top of their standard 79-day allowance. In accord with the inclusive, non-hierarchical ethos which pervades OULS' decision-making, sabbatical applications are assessed by a group of peers chosen by drawing lots from those who have not applied. Up to 120 days' worth of sabbatical support is available each year. Since 2016 nine colleagues have enjoyed sabbaticals.

Secondly **support**. In addition to mentoring and weekly research seminars OU's Career Development and Staff Appraisal (**CDSA**) system provides an opportunity for all colleagues to talk twice a year with their line manager about their research aspirations, agree research targets and decide how aspirations can be achieved including identifying any training needs

A major enabler of mutual support is through [research clusters](#). These are fluid groupings of colleagues providing a mechanism for discussing areas of mutual interest, exchanging ideas, and collaborating. Early in this REF cycle, OULS' research clusters were on *Constitutional Law, Law & Religion, International Law, Neuroscience & Law, and Futures of Legal Education & Practice*. Then came *Blockchain, Technology & Law*, subsequently refined and redefined as *Law, Information, Future, Technology (LIFT)*. Alongside these the [Open Justice Centre](#) developed from a University funded teaching and public engagement initiative into one additionally encompassing research. New clusters focussing on *Belonging* and on *Feminism, Gender and Law* have emerged. *Sports Law* and *Legal History* are likely to follow. Additionally, spanning several disciplines there is *Space Exploration Analysis and Research*.

A third means of overcoming barriers to research is through providing a sounding board. The research director, the research fellow and the Head of School all see their roles as encompassing giving time to colleagues to listen and support them in formulating their research focus. In line with the OU mission to be "open to people, places, methods and ideas" the emphasis is on **enabling** colleagues to develop their own research focus and their own voice.

A fourth is **know-how** in converting an idea (often formed through teaching or as spin-offs from ECRs' theses) into a research output. The fifth is the **confidence** to bring the development of those ideas through to submission to editors.

Embracing opportunities to develop research informed teaching

OULS recognises that many students enjoy learning about colleagues' research. Furthermore, in preparing exciting, state-of-the-art learning materials, colleagues often engage in original research. The final year undergraduate *Law, Society and Culture* module demonstrates this. The module benefits from Jurasz and Barker's research on online misogyny, Lavis' work on law in Nazi Germany and is believed to be the first UK undergraduate law module to respond to the call from The Royal Society for neuroscience to be included in undergraduate law courses. Indeed, the symbiosis of teaching and research is exemplified by both Catley's *European Journal of Current Legal Issues* article '[The Future of Neurolaw](#)' written to both fill a gap in the literature and to satisfy the needs of the students on the module and Lloyd Bright's gender identity and prisons [chapter](#) which stemmed from her research in writing for the module.

The new LLB to be launched in 2021 provides more opportunities to link teaching with research – for example the second year *International Environmental and Space Law* module draws on the research of Jurasz and Ajevski on International law, Palmer on Environmental law and Cheney on Space governance.

Developing a research culture for students and all staff

OULS aims to create a research culture for the whole School. Doctoral students, SEMs, ALs and administrators are all invited to the weekly research seminars. Two ALs who regularly attended the seminars (Sidoli and Troop), three SEMs (Hardie, McFaul, and Wolfreys) and a PGRS (Taylor) have now become Law School central academics.

The research culture extends throughout the School. Postgraduate and undergraduate law modules emphasise independent research. Modules such as the undergraduate module *Exploring Legal Boundaries* feature academics (Catley, Claydon, Giles, Emma, Lavis, and Ryan) discussing how they research and carrying out the same task (researching and designing a research poster) that students are to undertake.

Most recently a free digital copy of [Law in Motion: 50 Years of Legal Change](#) a book celebrating the OU's 50th anniversary and containing chapters by 16 OULS' academics was sent to all law students, ALs and SEMs as an early Christmas present.

Reflecting the uniqueness of the OU

[Law in Motion](#) typifies OULS' focus on **social justice** with almost every chapter exploring issues of human rights, fairness and/or equitable allocation of resources. The **four nations** nature of the OU is also reflected for example in Howells and Parks' chapter on devolution and our emphasis on **pioneering technology** in Hardie, McFaul and Ryan's chapter on clinical legal education.

Commitment to **social justice** pervades much of the School's research. The focus on **four nations** is seen for example in the contributions of Barker and Jurasz to policy development in Scotland, Northern Ireland, England and Wales and Graffin's work much of which focusses on Northern Ireland. **Pioneering technology** features not just in McFaul and Ryan's work on innovative technologies in legal education, but also in Herian's work on blockchain and smart contracts, Clare Jones' on digital currencies, Cheney's on space governance as well as Catley, Claydon, Pywell, and Taylor's on neuroscience and law.

Impact Strategy

The original Law team, led by the late Professor Gary Slapper, succeeded in enhancing public understanding of law, through its teaching and public engagement, most famously his weekly columns in *The Times*. These raised OULS' profile, with Slapper in regular demand across the media to explain points of law or legal developments. The challenge has been to develop not just research but research which has impact, building on this strong foundation of teaching and public engagement.

To achieve impact OULS has encouraged colleagues to communicate to politicians, policy makers and the public at large and to employ not just traditional academic communication channels such as books and refereed journal articles but also wider-reaching online channels. The message that impact is more than dissemination is pervasive; it is brought out in research talks, mentoring, CDSAs, sabbatical applications and in advice given when seeking either internal or external funding. This focus is seen not just in OULS' submitted impact case studies but more generally.

Herian has not just written the first UK monograph on blockchain regulation, [Regulating Blockchain: Critical Perspectives in Law and Technology](#), but has explained it through *The Conversation*, carried out media interviews, held conversations on forums such as research colloquiums, and engaged in a Facebook Live discussion watched by thousands of students. He is a member of the All-Party Parliamentary Group on blockchain ([@appg-blockchain](#)) examining

policy development and regulation of distributed ledger technologies, has contributed to the EU Blockchain Observatory and been acknowledged as an adviser by, and had his latest output cited in, the [Law Commission's call for evidence on Smart Contracts](#).

His pioneering work has been supported through the digital citizenship stream of the University's Citizenship and Governance Strategic Research Area (C&GSRA), a collaboration with the Faculty of Arts & Social Sciences (FASS). Now, along with colleagues from OUBS and OULS' Clare Jones (also known as Chambers-Jones) who joined in 2020, he has formed the *LIFT* research cluster.

Barker & Jurasz regularly contribute their research-based expertise on online violence against women (OVAW) to public consultations and public events. Their work has impacted on policymakers' understanding of OVAW and influenced policy. Their work was cited by the House of Commons Women and Equalities Select Committee in its 2018 *Sexual Harassment of Women and Girls in Public Places* report. They have acted as expert consultants for the Parliamentary Office of Science and Technology (POST) contributing to POST's 2018 policy briefing *Approaches to Dealing with Stalking and Harassment* and for the Scottish Parliament in its consultation on 'a new statutory aggravation of gender'. They discussed their research findings at the Law Commission for England and Wales' expert conference in 2019 which led to the 2020 *Hate Crime* consultation paper. Similarly, Northern Ireland's review of hate crime legislation used Barker & Jurasz's research in setting the framework for their 2020 consultation. Their work has also influenced campaigners. Engender, the leading Scottish women's rights organisation, referenced Barker & Jurasz's work in their 2019 report *Making Women Safer in Scotland: The Case for a Standalone Misogyny Offence*.

Public recognition of Barker and Jurasz's work on tackling OVAW and misogyny – specifically in Scotland – was reflected in the receipt of the Zero Tolerance Write to End Violence Against Women Public Recognition Award to them both in November 2020.

In the coming REF period OULS will continue to support Barker and Jurasz's work. It is likely to prove not just timely but influential - as Jane Hutt, Deputy Minister and Chief Whip in the Welsh Assembly said, answering a question from Leanne Wood, former leader of Plaid Cymru and former Leader of the Opposition in Wales which had specifically cited Barker & Jurasz's work, this "will be very important in terms of the ... representations that I am making to the UK Government." Their impact will potentially go beyond the UK: Jurasz gave an invited paper at the UN Commission on the Status of Women event in New York where she made several research-based recommendations for tackling OVAW in politics and she has reviewed Haiti's draft law on violence against women for the International Foundation for Electoral Systems, making recommendations on how the proposed law could be improved and incorporate online forms of violence.

Impact is not just seen in working to change legal approaches. The work of Howells and Parks on UK constitutional arrangements looks to broaden awareness. It has featured not just in book chapters, but also in Foreign and Commonwealth Office training and in the highly regarded OU Badged Open Courses, *Scottish Courts & the Law*, and *The Scottish Parliament and law-making*, which benefit from their interviews and original research.

Future Strategy 2021-28

The aim to move from a teaching-focused to an inclusive, research-active School has been achieved. All OULS' central academics are research active. The OU REF Code of Practice threshold for 'significant responsibility for research' excludes two colleagues (Hardie and Wolfreys) who are currently seconded to their central academic roles from substantive roles as SEMs though both are actively researching. The remaining 28 colleagues are all part of this submission.

Going forward the intention is to remain inclusive, non-hierarchical, and enabling – an academic community of equals seeking to produce great, impactful, socially relevant research. The focus, in terms of areas of law, may change over time but the commitment to social justice and the four nations will persist.

Since the REF census date, we have recruited people who have held professorial positions elsewhere (Gardiner, Hill and Yusuf), colleagues with recently completed doctorates (Crumley, Johnson, Mbah and Nartey, those who will shortly complete (St George) and those with doctoral plans (Motson). This will enable research clusters to grow, new ones to emerge and importantly capacity and enthusiasm to attract more external funding.

2. People

Staffing overview

There has been significant growth in central academic numbers in OULS. Of our 38 central academics, 36 were appointed since 2012 and 32 were appointed in this REF cycle – eight of whom were appointed since the REF census date. During this period just eight central academic staff have left. This expansion reflects huge growth in law student numbers. **Recruitment strategy - supporting research strategy**

Even though driven by teaching needs, OULS' staff recruitment has reflected our research aims.

Fostering research

As mentioned above, two new posts (*Research Director* and *Research Fellow*) were specifically created to work with the Head of School to nurture the research environment.

Developing the field of Astrobiology governance

Lee developed interdisciplinary research through the C&GSRA which he led and through collaboration with the Space Sciences Strategic Research Area. This led to £6.8M funding from Research England for the 'AstrobiologyOU' project in 2019 for which Lee is Co-I. A visiting professor brought by Lee to OULS, Professor Chris Newman of the University of Northumbria, also works on the project.

The Research England funding led to the appointment of a new permanent post, a lecturer in space governance, Cheney, with a 100% research commitment for the first three years. In 2020, the project gained its first PGRS in space law, Scott Steele. Both Cheney and Steele are embedded in the AstrobiologyOU team, so their daily work is in interdisciplinary collaboration. This has already led to individual and collaborative research outputs, and the inclusion of Space Law in a new module for the new LLB.

An expectation of research engagement

Central to OULS' recruitment policy has been the aim to create an inclusive research-active team. All appointees need to demonstrate, at a minimum, potential and enthusiasm for research.

Staff Development

In addition to the efforts to create an inclusive, supporting and encouraging research culture and the work to remove barriers to research outlined in Section 1, OULS seeks to develop colleagues in numerous ways.

Encouraging staff to engage in doctoral study

At the start of this REF cycle in 2014 only Pywell and Cornock (who shortly after moved to FASS) had doctorates.

OULS has encouraged colleagues without doctorates to study for them and supported colleagues already engaged in doctoral study to complete.

By the REF census date seven colleagues had completed doctorates since joining OULS (Cheney, Herian, Howard, Emma Jones, Jurasz, Lavis, and Wesemann) and a further eight had joined with doctorates (Ajevski, Barker, Clare Jones, Claydon, Derry, Gilbert, Graffin, and Palmer).

Since the census date a further three colleagues with doctorates have been recruited, two more have completed and two more are studying for doctorates.

This means that, allowing for three who left (Cornock, Howard and Emma Jones), we have increased the number of colleagues with doctorates during this REF cycle from two to 19. A further eight are studying for doctorates (Fletcher, Giles, McFaul, Ryan, St George, Taylor, Troop, and Wolfreys).

Eligibility to study for doctorates at the OU without charge applies not just to central academics: Wolfreys began her PhD when a SEM, Sidoli whilst an AL.

Encouraging colleagues who have not gained doctorates to study for them supports OULS' aim to move from a teaching-focused to a research-active School by helping change colleagues' self-perceptions and, through the doctoral support they receive, gain confidence and expertise as researchers.

Financial support

The Faculty has a **staff development budget** available to fund training not available at the OU. This is commonly used for short courses, but McFaul and Ryan are being funded through this for their PhDs in Educational Research (HE) at Lancaster University. Funding is also available for (usually annual) staff development events – for example in 2019 all OULS central academics attended a two-day training event in Cardiff focusing on both research and teaching.

Faculty **seed-corn funding** is available for research projects. This competitive process assessed by representatives of both Schools has benefitted many OULS' researchers including our impact case studies for REF2021 and others in development towards REF2028.

A separate budget provides funding for **conference attendance and travel**. OULS' non-hypothecated budget allows approximately £2,000 p.a. for each central academic to facilitate conference attendance. This enables OULS to be present at a wide range of national conferences, presenting research in several streams each year, for example, at the Society of Legal Scholars, Socio-Legal Studies Association and Association of Law Teachers annual conferences. International network building by researchers is also aided by generous funding for conferences across the world, with colleagues travelling before Covid-19 to present research in, for example, Brazil and Australia. Where strong reasons can be demonstrated for conference attendance going beyond the £2,000 annual individual norm then additional funding is found – either from general OULS' budgets or where appropriate C&GSRA funds.

Support and advice in gaining **external funding** is provided by the faculty's excellent research support team. Beneficiaries include Jurasz who won a British Academy Rising Star grant and was then assisted to attract further OU funds to enable academics from the Global South to participate in her project.

Other support

FBL's Associate Dean for Research, Enterprise and Scholarship has encouraged the development of the Law UOA: including OULS alongside the more experienced OUBS in formal and informal meetings, in funding allocations, in advice, in doctoral studentships and in

conferences, personally leading research workshops with OULS colleagues and creating a faculty research festival which gave some OULS staff their first opportunity to present papers on research in progress.

Organising Conferences

The administrative support within FBL has enabled us to host international conferences in Law, including the 2018 *Critical Legal Conference* on the theme of 'Regeneration', the *Futures of Legal Education and Practice* conferences in 2017 and 2018, the *Futures of Neurolaw* conference in 2018, and the 2016 *Women in War and at War Conference*.

Building a research culture by attracting doctoral students

Until 2015 we had no colleagues who had supervised to completion and therefore under University rules could not recruit PGRS. In recruiting new colleagues, we have aimed, other things being equal, to address this. With Lee's recruitment in 2015 and Derry's in 2017 we were able to move from having no PGRS in 2015-2016, to 12 in 2019-20. In 2020, four more colleagues were recruited who had supervised PGRS to completion (Barker, Clare Jones, Gilbert and, after the census date, Gardiner) so, given the Faculty rule that no supervisor should have more than six supervisees, we will now be able to expand our doctoral student numbers. Indeed, since the REF census date, the number has risen to 15 (a figure that would have been higher but for postponements arising from Covid-19).

Eight of our PGRS are full-time and pre-lockdown have been a significant presence on campus, attending OULS' weekly research seminars, presenting alongside supervisors in our own OULS' colloquia, playing their part in organising the annual Faculty colloquium, presenting externally on their own and with their supervisors, and bringing together for monthly supervisions a team of three supervisors for each doctoral student.

In this work with doctoral students, OULS has been supported by the Faculty, the Graduate School, and the University, which each have more experience of PhD programmes. This has enabled OULS to become part of a post-graduate research programme which offers competitive three-year fully funded scholarships, attracting students in our core research areas from across the UK and beyond.

The Faculty has invested considerable time and resources in strengthening its overall training for PGRS as well as fostering a dynamic and vibrant intellectual research environment. This is complemented by a series of advanced methods workshops (e.g. on statistical techniques and qualitative research) on topics identified by doctoral students and supervisors, as well as a wide range of training provided by the Graduate School.

We have instituted an annual symposium to showcase PGRS' work to other doctoral students and faculty members.

We are also expanding the programme to include more teaching experience opportunities and the provision of seed-corn funding for involvement in faculty-led research. In the past two years, we have successfully recruited three Law School PGRS (Sidoli, Taylor and Wolfreys) as lecturers.

Each PGRS is typically supervised by a small team, consisting of a lead supervisor and two co-supervisors. Students have a minimum of 10 supervision meetings per year. They also have a £2,000 annual allowance for research, training, and conferences. There is a scheme for third party monitoring. A staff development programme has also been introduced to increase supervision capacity and expertise through training and pairing of new and experienced supervisors. Importantly, even supervisors with experience from other universities have benefited from the OU's training.

Currently 12 of our staff are supervising doctorates. This builds capacity but also has the benefit of mixing in supervisory teams those who have recently completed their own PhDs and colleagues with longer experience. This connects our student and staff researchers to the best practice in other universities. Our Law doctoral students also interact with PGRS in OUBS and with students and supervisors across the University in formal training programmes.

The subject-matter of PhD research ranges from the role of pioneering women in the law profession to the role of the judiciary in the Economic Community of West African States Court of Justice and from consent to the use of personal data in insurance to end-of-life decisions for patients who cannot give consent.

But for the pandemic and lockdown, we had expected our first completions in late 2020 but in line with the national position, extensions have been given of up to six months. Additional measures have been put in place (see staff and research student wellbeing below). Lockdown has not only disrupted PhD students' research, but the events of the year are relevant to the subject-matter of many of their theses.

Equality and diversity

Training

All staff involved in selection processes must successfully complete online training modules in *Equality Essentials* and *Understanding Unconscious Bias*.

Flexible working arrangements

Staff can exercise a degree of flexibility and independent/remote working appropriate to their terms and conditions, respecting autonomy, and professionalism. Staff are offered a range of choices under the University's Agile Working arrangements (e.g. compressed hours, staggered hours, home working, part-time working and job sharing) through which they may undertake their work, enhancing staff satisfaction and retention and resulting in increased performance. Technologies to stay connected are provided and regularly updated, alongside any required training. For example, we are now using Microsoft Teams to communicate with each other, share information and hold meetings, seminars, and workshops.

Where colleagues need for caring, medical, or other reasons to work exclusively/primarily from home – this is possible and their employment contract will be amended to denote them as “home workers” either on a temporary or permanent basis as appropriate. During the REF period some OULS academics have been designated as temporary or permanent home workers. The OU's online delivery of courses and its excellent online platforms make it easy for all colleagues to be fully involved in the life and work of the School. During the pandemic, all OULS staff (and PGRS) have been supported to work from home.

Career pathways for part-time and fixed-term staff

As part of the OU's commitment to decasualising its workforce, the OU has set up a Fixed Term Contract (FTC) Working Group, comprising staff from People Services and Faculty, and working alongside Union representatives. This group has requested a review of FTCs, to ascertain how to use these contracts appropriately, in limited amounts, and to ensure continuity of employment for staff, especially after four years on a fixed-term contract.

Throughout the REF period OULS has been expanding. This has enabled all OULS colleagues on FTCs desiring permanence to become permanent well before their FTC would have ended. Similarly, with part-time colleagues we have been able to be flexible – varying fractions as colleagues desired. On the census date three colleagues were on part-time contracts – one

(Sidoli) to enable him to combine practice as a barrister with academic work, one (Hardie) to fit with her work as an AL and one (Troop) as a temporary alteration to his full-time contract that he requested so he could focus on completing his PhD. Additionally, two colleagues (appointed in 2020) were on four-year FTCs.

Promotion opportunities

Colleagues can apply for promotion to senior lecturer (SL) or professor via internal processes each year and/or when posts are advertised externally. In this REF period up to the census date six gained promotion to SL (four via the internal process). Since the census date a further three have been promoted to SL and one to professor via internal processes.

Gender balance at census date

	Female	Male
UOA staff eligible for inclusion	12 (43%)	16 (57%)
Professor	0 (0%)	1 (100%)
Senior Lecturer	9 (60%)	6 (40%)
Lecturer or equivalent	3 (25%)	9 (75%)
Fractional	1 (33%)	2 (67%)

Staff and research student wellbeing

Where staff and research students need to take periods of maternity, paternity, adoption or parental leave, sick leave or compassionate leave, there are well-established University processes in place to ensure that they are well-supported both during these periods and on their return to work or study. An example is the maternity leave policy into which paid *Keeping In Touch* days are built, with clear guidance as to how these should be used. Similarly, when new mothers return to work after leave, line managers are required to put breastfeeding arrangements and risk assessments into place (if applicable) as well as arranging a re-induction and regular meetings after that to discuss how their return to work is progressing, and ensure any reasonable identified support is put in place. A similar approach is taken with PGRS who need temporarily to suspend their studies for any reason.

The well-being of our staff and PGRS is of paramount importance to OULS. Our Faculty Strategic Plan 2019-2022 highlights 'being a great place to work and study' as one of four overarching strategic aims which will inform decision making and drive our activities. Our culture is genuinely collegiate, inclusive, and supportive. All staff are heard in key decision-making, including in drafting this narrative.

Another aspect of our culture is our emphasis on celebrating the achievements of one another. Our monthly Research, Enterprise and Scholarship newsletter marks staff and PGRS' accomplishments during the previous four weeks – for example, having a paper accepted, delivering a keynote address, being awarded external funding, or successfully defending a PhD thesis.

During the pandemic, we were able to continue our work in this area with a combination of generous University contingency leave which was additional to standard annual leave provision and Faculty-specific efforts including laptops being repurposed and provided to staff who did not have an OU machine at home, as well as the offer of desks and office chairs where needed. PGRS who previously worked on OU computers have been provided with alternatives and students facing challenges in working from home were amongst the first allowed back on site when restrictions were loosened.

Line managers in the Faculty also collaborated to produce contingency plans in case colleagues had to take leave either because of their own illness or an illness in the family. This reflected our collegiate culture as it involved a team of experienced academics being willing to step in to replace colleagues on module teams as needed.

Two other pandemic related initiatives were introduced. Weekly virtual coffee mornings to which all OULS staff (administrative and academic) and PGRS are invited. This provides an opportunity to engage in non-work-related chat, replicating the soft seat area in the law wing where colleagues previously met, and acting as an antidote to feelings of social isolation arising from lockdown. A second well-being focussed change was to introduce off-line days once a fortnight in response to colleagues' concerns that online meetings were proving draining. Both initiatives are wholly voluntary but have achieved high take-up. Colleagues' feedback led to off-line Fridays evolving so the day varied – thereby assisting colleagues, particularly those working part-time.

For PGRS, an essential element of safeguarding their well-being is the Third-Party Monitoring system. They also have student representatives who meet regularly with the Director of Research Degrees and the professional services postgraduate research student support team within our Research Support team. The Faculty's PGRS Group Support Scheme was introduced in 2020, an initiative proposed by PhD student representatives themselves. Students will be allocated to groups led by appointed facilitators, who are PGRS in their second or third year. The purpose is to provide a source of social, professional, and collegial support, opportunities for peer-to-peer learning and to support student wellbeing and general welfare. During the pandemic supervisors have been particularly alert to any signs that students might be struggling and very willing to intervene and support.

3. Income, infrastructure and facilities

Income

In addition to research income of £6,000 (wedding celebrants survey, Pywell, 2019), OULS has attracted increasing amounts of capacity building and consultancy funding involving a research element:

- £3,000 Legal Education Research Network (Emma Jones, 2017)
- £67,335 'Improving lives through online learning for the advice sector: Discrimination and Human Rights' (McFaul & Ryan, 2018),
- £14,872 'Making international law work for women post-conflict: new voices' (Jurasz, 2018-19)
- £6.8M Astrobiology bid from Research England (discussed below), funding for three years (Olson-Francis, Lee et. al. 2019-23):
 - 10% of Lee's time to act as Co-I on the project,
 - 10% of Professor Chris Newman's time as a Visiting Professor in Space Law within OULS),
 - 100% of Cheney's time as lecturer in space governance within OULS seconded full-time to the project,
 - Steele, PGRS, investigating the future of COSPAR Planetary Protection Guidelines

Infrastructure

In this REF cycle FBL has developed a dedicated Research Support team and made generous seed-corn funding available for pilot research projects. These twin developments have helped us to begin bidding, with colleagues winning support from, for example, the British Academy, Research England, and the United Nations, and to develop networks.

The difference made by the support team is illustrated by the support provided to one of our new colleagues. Parker joined OULS in May 2020, having been joint founder and director of a *Social Justice* research group in another university, co-leading a programme of funded research into risk in decision making in the Family Courts. As PI on a £201,325 ESRC transformative project, *'The "Risk of Risk": remodelling artificial, intelligence algorithms for predicting child abuse'* and as Co-I on the £192,108 Nuffield Foundation research project: *'The Care Cases Crisis'*, Parker was concerned to ensure that the research would be interrupted as little as possible during the transition. It was further complicated because the Co-I on the former and the PI on the latter was leaving the same university but joining a third university, Aston.

The relationships of the OU with the two funders and Aston have been enhanced by the professional way in which our support team did everything asked of them efficiently, leaving the researcher to concentrate as much as possible on the projects themselves.

Previously, this researcher was Co-I on another ESRC research project on child protection and safeguarding. His research collaborator is now head of a research centre in *Language and Law* at Aston. So another way in which this new colleague has been helped by our research infrastructure has been introductions to researchers in safeguarding and in language, spanning different OU faculties and a fresh collaborative pilot project has been funded by a seed-corn grant. This took place within the first six months of his employment at the OU - similar support is offered to all our colleagues.

OULS benefits from pan-Faculty help, for example, a Head of Partnerships, Research and Enterprise, appointed in August 2019, and a Business Development Manager, Research and Enterprise who joined in November 2019. Support for research has been provided by the team in a variety of ways including providing regular bulletins and newsletters to highlight opportunities, facilitating targeted bid writing workshops and facilitating collaboration within the Faculty and between faculties. Other Faculty initiatives which help OULS include regular bid writing workshops; a monthly digest of research calls in the areas of business, management and law; and sabbatical applications round related to specifically to developing research bids.

The impact of research and public engagement is central to the OU's guiding principles. Accordingly, OULS has played a significant part in inter-faculty research collaboration and benefited from the networking that has resulted, for instance in the OU's 2018 *Year of 'Migration'* and in the *AstrobiologyOU* project.

In terms of wider dissemination and impact of research, the Open University's online research repositories, Open Research Online (ORO) and Open Research Data Online (ORDO), are amongst the most widely accessed in the world.

One unrivalled and core element of our research infrastructure stems from the OU's unique position both as an academic institution built on advanced online technologies, (well-illustrated by our Open Justice initiative), and its long-standing relationship with the BBC. Staff and research students are supported in working with staff from the BBC and independent production companies to develop programme ideas and provide academic advice. Media training is provided, and colleagues are encouraged to work with a wide range of media, including traditional and online media. Since 2014 Derry and Lavis have worked as academic advisors on the BAFTA nominated BBC series *The Prosecutors*, McFaul and Ryan on *The Detectives*, Catley on *Catching Britain's Killers: Crimes that Changed the Law* and Wesemann on *Paxman in Brussels: Who Really Rules Us?*

Colleagues are also encouraged to participate in interactions with research users, via social media, such as personal and School blogs and via the School's and the Faculty's Twitter and Facebook accounts.

Staff and research students are provided with world-class research facilities. These include access to a substantial on-campus library and a full suite of online databases that include more than 85,000 academic journals, newspapers, market and economic reports, company records and leading specialist financial databases. The library service is supported by a 24-hour helpline and a full range of face-to-face and online training sessions are available. Support is provided for quantitative and statistical research via Statistical Service. Staff and research students have access to a full range of IT packages to support research, such as NVivo and SPSS. and benefited from the networking that has resulted, for instance in the OU's 2018 *Year of 'Migration'* and in the *AstrobiologyOU* project.

4. Collaboration and contribution to the research base, economy and society

OULS has been heavily involved in the **C&GSRA** collaboration between FBL and FASS. Lee served as director (2016-2018), and the *Faith & Belonging in Law* stream has been led since inception by OULS' colleagues. The Faculty and C&GSRA have promoted the interests of staff in *Freedom of Religion and the Law*, holding a symposium in summer 2016, funding a research project on imams and community leadership which emerged from the symposium, and then providing bidding expertise which led to being shortlisted for a £12M DFID project on religious freedom. Along the way, the network created by this research activity produced an edited collection brought together by Giles and to other outputs in this REF cycle. All this helped us recruit in 2020 the leading QC in ecclesiastical law, Mark Hill who has an impressive range of research publications, as an OULS lecturer (albeit starting after the census date).

To take another example, on behalf of C&GSRA two OULS academics (Jurasz and Lee) curated, with two FASS academics, a Year of 'Migration' for the Open University throughout 2018, with 250 daily blogs, vlogs, articles or other reflections. This major collaborative exercise provides lessons for reaching out to diverse communities and disseminating research. It has made us aware of research links across the University in the core area of migrants and migration linking to social justice and being "open to people, places, methods and ideas" and has proved a strong foundation for the OU's moves to become a University of Sanctuary.

The £6.8M **Astrobiology** project similarly arose through internal collaborations in this case between the Space SRA and C&GSRA and draws in colleagues from three of the University's four faculties. This has been a welcome development and the interaction has also seen our Faculties and SRAs combine to win a European Space Agency contract to evaluate their space programme.

Law and Neuroscience

As outlined in Section, OULS' informal research clusters provide a means by which colleagues can share ideas, discuss issues and collaborate. The example of the **Law and Neuroscience research cluster** illustrates how expertise is fostered and shared.

OULS is now the leading UK centre for studying the legal implications of advances in the brain sciences. Claydon joined OULS in 2014 having previously served on **The Royal Society** panel that reported on *Neuroscience and the Law* in 2011. She brought with her a collaborative research project on brain sciences and the law's understanding of agency and responsibility with Professor Patrick Haggard of the Institute of Cognitive Neuroscience at UCL, funded with a grant of over £200,000 by the **Arts and Humanities Research Council**. Catley with whom she had previously collaborated had joined OULS in 2013, became Head of School in 2015 and became the UK's first Professor of Neurolaw in November 2020.

Emerging knowledge from cognitive neuroscience is affecting our understanding of agency, responsibility, and capacity. It raises questions about the law's approach to mental condition defences and the age of criminal responsibility. It challenges the approach of courts to the reliability of memory evidence and offers opportunities for more informed decision-making in

relation to end of life and treatment decisions. It presents challenges for the courts, politicians, and society more generally when scientists claim to be able to use brain imaging to detect memories and/or lies.

Catley and Claydon's enthusiasm and willingness to collaborate inspired Pywell to pursue research in this area. Indeed, Pywell attended (as a student) one of the Erasmus-funded Winter Schools organised by the **European Association for Neuroscience and Law (EANL)** at the University of Pavia. These international postgraduate Schools provide opportunities for early career researchers from the sciences, law, and philosophy to learn more about this intersection between law and science.

Through the EANL Catley and Claydon have worked with the Italian judiciary and with the Ministry of Justice in the Netherlands amongst others to share knowledge of the issues reaching the courts and to identify best practice. With Red Lion Chambers, the research cluster held a conference in London in the 2017, with speakers including a leading neuroscientist, law practitioners and the Law Commissioner with primary responsibility for criminal law reform.

Not only has Pywell been inspired to present papers in this area but she also wrote two invited articles for the German Yearbook for Science and Ethics stemming from a paper she gave at the University of Zurich. Others have similarly been encouraged. Taylor was appointed to a lecturer post in 2019, having earlier begun a PhD here in criminal law. Catley and Claydon were part of her supervisory team. Their encouragement and networks led to her research collaboration with a psychologist from another institution which in turn led to the publication of a REF output. Claydon had presented her research at Nottingham Trent University where she met Dr Lucy Justice, who was then invited to attend a Law and Neuroscience research symposium held by the cluster at the OU. A meeting between Justice and Taylor followed, leading to joint research. Their article, on '[Autobiographical memory](#) misconceptions and the police investigative response to rape complaints', was published in the *Criminal Law Review* in 2019. In 2020 Troop, an AL studying for a PhD in Law and Behavioural Science at UCL, was appointed to a lecturing post and joined the cluster.

Outputs by all five OULS researchers in this cluster feature in this REF2021 submission, including individual and collaborative articles. Looking ahead Catley is collaborating with our embryonic sports law cluster to look at the legal implications for sports bodies of cognitive science's increasing insights into head injuries and concussion.

Brexit and EDELNet

OULS' primary external collaboration measured in terms of the number of colleagues involved is through the European Distance Education in Law Network EDEL(Net). EDELNet's partner universities comprise FernUniversität Hagen-Germany, Universidad Nacional de Educación a Distancia-Spain, the Open Universiteit-Netherlands and OULS.

Colleagues and students have been involved in EDELNet's **Erasmus funded training programmes** for postgraduate students and are now working on a more advanced research training programme for doctoral students.

The collaboration has also created research opportunities - amply illustrated by Brexit. There have been many conferences and outputs on Brexit from many UK Law Schools in this cycle but building on its involvement in EDELNet OULS co-organised with Fern Universität in Hagen the leading German conference on ***The Legal Implications of Brexit*** in 2017. This led to a book [Legal Implications of Brexit](#) published in 2018. OULS researchers gave papers and Howells, Graffin, McFaul, Parks and Wesemann wrote chapters on the 'European Unified Patent Court and UK Assumptions on its post-Brexit patent litigation', on 'Brexit and the Environment', on EU Citizens in post-EU UK, on racial profiling and the post-Brexit Irish border and on 'The Repatriation of Exclusive Competences from EU in Post-Brexit UK'.

The last of these illustrates the links between the international vision and the understanding of the different legal systems of the UK. Indeed, this research arose from a feature of earlier discussions in EDELNet, that otherwise well-informed Continental lawyers struggled to understand the complexities of the UK's devolved constitution.

Wesemann, is one of several colleagues who research and teach about the EU and Brexit. She has used *The Conversation*, BBC World Service podcasts and other media opportunities to disseminate her insights, ranging from her own PhD in European legal reasoning, now developed into a book, through to practical proposals, also put to Parliament, for the future status of EU citizens resident in the UK.

Through the C&GSRA, we are collaborating with colleagues in FASS on the next call for Brexit funding, and OULS also benefits from working with Professor Leslie Budd of OUBS, who is a visiting professor at the Centre for Brexit Studies at Birmingham City University. Other OULS researchers with interests in Brexit and the EU range from those passionately committed to a certain position to those taking no stance on the outcome but simply bringing historical perspectives to bear, for instance in explaining through the Constitutional Law blog, just ahead of oral arguments in the first *Miller* case what the much-cited but little-understood Professor Dicey had actually written about parliamentary sovereignty and referendums.

OULS' European Law module was first written in the run up to the referendum. Understandably, one reaction to the referendum result was student concern as to why they were still being required to study this subject. Three years later, the feeding in of research and public engagement into the teaching of the module has shown how volatile, exciting, and relevant the subject can be. Teaching so many students European Union Law, we have a responsibility to make sure our research informs the next generation of opinion-influencers, whatever happens in the months and years to come.

Impact – an individual example

One impact case study development shows the part played by collaboration in OULS' emerging research profile. It also explains how the OU's mission of social justice and opening-up access is lived out within the UOA.

Pywell had herself taken an OU degree as a mature student, having not gone straight to university from school; she then gained degrees in law, including a PhD. Early in her academic career, she saw herself primarily as a teacher and in that capacity spotted an issue which was troubling students and another topic which was in the news. She addressed the first in a straightforward way which caught the attention of Professor Zander who incorporated her work in the next edition of his widely used book. No other teacher or researcher had apparently identified the mistake in the categorisation of statutory instruments that Pywell had spotted. The point was recognised because of the diligence and perspicacity of the teacher-researcher, seeking to feedback to students why they were confused and coming to realise that the leading texts were confused.

Then, in the aftermath of the referendum and in the context of debating the magnitude of the task facing the legal and political systems of the UK around Article 50 and withdrawal from the EU, suddenly the media grasped the significance of 'Henry VIII' clauses. An article for *Public Law* ensued. It is one of their most frequently accessed articles in this cycle and is one of the outputs we return as an original contribution which is an indispensable reference-point.

The second gap which the same researcher identified was into the discretion exercised by registrars in civil partnership ceremonies and marriages. This was in the news. It was not an area of previous expertise for the researcher, but colleagues encouraged her to pursue it. She approached one of the UK's leading academic experts on the law of marriage, based in another

university, and they began to collaborate. Seed-corn funding helped the two researchers to conduct a survey of registrars in England, and of some couples. The most obvious results are an output in this REF2021 which has attracted the interest of the Law Commission, the media, politicians, and other law reformers. The unseen issue, though, is the boost in confidence this has given to our colleague who is still, in research terms, relatively early in her career.

A seminar held in our weekly research series enabled colleagues and PhD students to learn from this experience of a researcher's first steps in socio-legal methods. Confidence in our ability to be 'open to {new} methods' has grown, not only in this individual but also in the wider Law School. Adam Tanner, a doctoral student supervised by Pywell, has followed her path through the OU's research ethics committee protocols to approach leading figures in NHS cases concerning end-of-life issues. The flexibility shown in adapting to research during the lockdown of 2020 has also benefited him as he has been able to observe the Court of Protection in action through the online availability of that court in these exceptional times.

Contributions to academic life

As a team, we play a part in the running of national associations and journals. We have considerable experience of peer reviewing, guest reviewing for journals and for publishers considering monographs, guest editing and reviewing of special issues, as well as assistant editorial and editorial board roles, but more of our researchers should emerge in the coming decade as editors of journals, not only in the journal which we run in-house, the *Journal of Commonwealth Law & Legal Education*.

Colleagues have reviewed monographs for publishers including Cambridge University Press, Oxford University Press, Edinburgh University Press, Routledge, Springer, and Bloomsbury; and have reviewed articles for journals including the *Oxford Journal of Legal Studies*, *Legal Studies*, *Journal of Gender Studies*, *Oxford Journal of Law and Religion*, *Oxford Journal of Law and the Biosciences*, *European Journal of Law & Technology*, *International Review of Law, Computers & Technology*, *Journal of Law, Technology & Trust*, *Leiden Journal of International Law*, *International Criminal Law Review*, *International Studies Review*, *International Journal for the Semiotics of Law*, *Law and Critique*, *American Sociological Review*, *Frontiers in Blockchain*, *European Journal of Current Legal Issues*, and the *International Journal for Court Administration*.

Giles is associate editor of the *Oxford Journal of Law and Religion* while Mark Hill QC is on the board of that journal and of others. Our Open Justice team guest-edited the [IJCLE special edition on clinics in the pandemic](#), while Lavis is peer-reviewing an entire special issue of the journal *Folia Iuridica* on the state of exception and Covid-19.

Jurasz, herself a recipient of a British Academy Rising Star award, reviews and assesses for the British Academy. Graffin is the Honorary Secretary of the Socio-Legal Studies Association. Emma Jones (who left in 2019) is the Membership Secretary of the Association of Law Teachers. Barker (who joined in 2020) is on the board of BILETA.

OULS academics have also through this REF period been increasingly called upon to be external examiners for PhDs not just in the UK but also in Australia (Catley), Italy (Claydon), and Sweden (Lee) and on specialist Masters (Malta (Herian)).

We believe that our research environment is distinctive and sustainable - and in the current climate of a global pandemic, has proved to be a model template which many other institutions are keen to emulate. Above all, OULS draws on the vision and strength of the OU's foundation over 50 years ago, opening up the law and drawing on the latest technology in the quest for social justice and being open to 'people, places, methods and ideas.'