

Impact case study (REF3)

Institution: Coventry University		
Unit of Assessment: 33		
Title of case study: Dance, Disability and Law		
Period when the underpinning research was undertaken: January 2004 to 2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Professor Sarah Whatley	Professor in Dance	1987 to present
Professor Charlotte Waelde	Professor of Intellectual Property Law	March 2016 to present
Dr Hetty Blades	Research Fellow	2015 to present
Period when the claimed impact occurred: 2014 to 2020		
Is this case study continued from a case study submitted in 2014? Y/N No		

1. Summary of the impact (indicative maximum 100 words)

Whatley, Waelde and Blades have worked with disabled dance communities and disabled dancers in the UK and Sri Lanka leading to three areas of research impact. (1) New thinking about dance copyright/property rights/ownership in the disabled dance community has emerged along with greater awareness of the potential power of human rights in effecting change. (2) Their work has underpinned changes in strategies and practices around dance and disability within organisations representing dance, and empowered those who the organisations represent. (3) It has increased professional opportunities, visibility and engagement regarding equality of opportunity and access for disabled dance artists and choreographers.

2. Underpinning research (indicative maximum 500 words)

Since 2004, Whatley, Waelde and Blades have led a series of interlinked strands of research focused on understanding performance, inclusion, representation, and socio-legal matters relating to disabled dance artists. Working in both the UK and Sri Lanka, they have proposed new theories of difference and inclusivity both theoretically and through practice.

In 2004 Whatley examined the experiences of disabled dance students in higher education, conducting an extensive UK-wide survey on participation, and proposed a new theory on the reception of disability in dance (**R1, R2**). Subsequently Whatley was awarded an HEA grant to continue exploring the topic of supporting disabled dance artists and notions of difference and inclusivity (**G1**).

Having collaborated on an AHRC-funded symposium, *Beyond Copyright; Dance and Law* (2011), Whatley (PI) and Waelde (Co-I), were awarded a three-year AHRC standard grant; *InVisible Difference; Dance, Disability and law* (2013-2016) (**R4, R5, G2**). The project developed a series of micro-ethnographies, discourse analyses, public events and publications to explore further the interconnections between intellectual property, human rights, disability and dance. They identified how the lack of knowledge about these domains impacted directly on the ability of these artists to make, produce and share their work.

To follow up on the findings from *InVisible Difference*, Whatley and Waelde were awarded an AHRC 'follow-on for impact and engagement' grant (*Resilience and Inclusion: Dancers as Agents of Change*) (**G3**) in 2016. This project addressed the need, as voiced by the dance community, for tools that would improve the resilience of disabled dance artists, and support the inclusion agenda promoted by arts funders, promoters and artist organisations. An open-access

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online toolkit was developed aimed at the (disabled) dance community and theatre/arts venue programmers.

This research has built solid connections with the professional dance sector and led to Whatley's Wellcome seed-funded work on prosthetics (**G5, R3**). She worked in collaboration with legal experts, and argued for revisions to the way intellectual property and human rights law might change to support prosthesis users.

From 2016 to 2018, Blades explored how to promote legal empowerment for people with war-related disabilities in Sri Lanka (**G4, R6**). Blades worked with VisAbility (which tackles the stigmatisation and disempowerment of disabled people in Sri Lanka) who ran dance workshops with people with war-related disabilities. These enabled the individuals involved to reflect upon their experiences of disability and how it affected their daily lives, citing the value of dance in building self-confidence and resilience. The team developed a practitioner resource (published in English, Sinhala, and Tamil) highlighting the connections between dance and human rights principles.

3. References to the research (indicative maximum of six references)

- R1. Whatley, S. (2007) 'Dance and Disability; the Dancer, The Viewer and the Presumption of Difference'. *Research in Dance Education* 8 (1), 5-25, DOI: <https://doi.org/10.1080/14647890701272639>
- R2. Whatley, S. (2010) 'The Spectacle of Difference; Dance and Disability on Screen'. *International Journal of Screendance* 1 (1), 41-52, DOI: <http://dx.doi.org/10.18061/ijds.v1i0.6144>
- R3. Harmon, S., Brown, A., Popat, S., Whatley, S. and O'Connor, R. (2018) 'Body Extension and the Law: Medical Devices, Intellectual Property, Prosthetics and Marginalisation (Again)'. *Law, Innovation and Technology* 10 (2), 161-184, DOI: <https://doi.org/10.1080/17579961.2018.1526853>
- R4. Whatley, S., Waelde, C., Harmon, S., Brown, A., Wood, K., and Blades, H. (eds.) (2018) *Dance, Disability and Law: InVisible Difference*. Bristol: Intellect Books
- R5. - Whatley S., Waelde C., Brown A., Harmon S. (2015) 'Validation and virtuosity: Perspectives on difference and authorship/control in dance'. *Choreographic Practices* 6(1), 59-83, DOI: https://doi.org/10.1386/chor.6.1.59_1
- R6. Blades, H. (2020) 'Dancing Right(s): Dance, Disability and Legal Empowerment in Post-War Sri Lanka'. *Dance Research* Preprint, 1-16, DOI: <https://doi.org/10.3366/drs.2020.0319>

Research Grants

- G1. Whatley, S. (PI) (January to December 2017) *Moving Matters: Supporting Disabled Dance Students in HE*. Higher Education Academy (HEA): CeMAP/PALATINE. Total grant amount: £8,000.00 Available from <<https://www.advance-he.ac.uk/knowledge-hub/moving-matters-supporting-disabled-dance-students-he-developing-best-practice-resource>> [17 December 2020]
- G2. Whatley, S. (PI) (January 2013 to March 2016) *InVisible Difference; Dance, Disability and Law*. Arts and Humanities Research Council (AHRC): Research Grant, grant number: AH/J006491/1. Total grant amount: £472,270.00. Available from <<https://gtr.ukri.org/projects?ref=AH%2FJ006491%2F1>> [17 December 2020]
- G3. Whatley, S. (PI), Waelde, C. (Co-I), Blades, H. (RA.) (October 2016 to October 2017) *Resilience and Inclusion: Dancers as Agents of Change*. Arts and Humanities Research Council (AHRC): AHRC Follow-on for impact and engagement, grant number: AH/P003702/1. Total grant amount: £70,147.00. Available at <<https://gtr.ukri.org/projects?ref=AH%2FP003702%2F1>> [17 December 2020]
- G4. Blades, H. (Co-I). (November 2016, to August 2017) *Performing Empowerment: Disability, Dance & Inclusive Development in Post Conflict Sri Lanka*. Arts and Humanities Research Council (AHRC): PaCCS conflict and Economic and Social Research Council (ESRC): GCRF theme call, grant number: AH/P008178/. Total grant amount: £80,152.00. Available from <<https://gtr.ukri.org/projects?ref=AH%2FP008178%2F1>> [17 December 2020]
- G5. Whatley, S. (Co-I) (January to December 2016) *Identity and Governance of Bodily Extensions: The case of Prosthetics and Avatars*. Wellcome Trust: Wellcome Seed Award in Humanities and Social Science, grant number: RG.SPCI.108163. Total grant amount:

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£4,824.00. Available from <<https://wellcome.ac.uk/grant-funding/people-and-projects/grants-awarded/identity-governance-bodily-extensions-case>> [17 December 2020]

The scope and range of the peer reviewed publications and competitively awarded research grants are testament to the quality of the research.

4. Details of the impact (indicative maximum 750 words)

In the UK, the community of professional dancers with disabilities forms a small and historically marginalised group. For the first time, the impact from this body of research showed how the visibility of this community and opportunities for its members could be increased through new ways of thinking about dance copyright, property rights, ownership and human rights. Similarly, in Sri Lanka, the potential impact of empowering marginalised individuals with war inflicted disabilities through dance and human rights has been demonstrated.

G1-3, Whatley and Waelde have continuously engaged with the disabled dance community. The launch of the *Resilience and Inclusion* toolkit (**S9**) in September 2017 (**G3**), which followed on from their work on the *InVisible Difference* project (**G2**), brought together dancers, venue programmers and managers, and education specialists. These engagements and processes have informed thinking about copyright in dance and human rights, and how they can be used to empower the community. The Artistic Director of Candoco, an integrated dance company, has used the research for ‘*reframing the contractual arrangements with choreographers and artists*’ (**S1**) and has changed the company’s contractual agreements with major venues and the BBC (**S1**). An internationally renowned disabled dance artist (**S2**), and important interlocutor on **G2** and **G3**, says that increased awareness of the importance of copyright and establishing ownership of dance material has significantly altered her practice, changing her collaborations, and negotiations with organisations, for example with the Elvis Presley Estate for permissions for the work *Thank You Very Much* (2019) (**S2**). Dance artist 1 (**S3**) said of her work, “*being involved with these projects has given me the confidence to have important conversations centred on copyright and ensure that consensus is built into the process. Previously this was left unsaid which sometimes led to disappointment and exploitation... this increased knowledge has been empowering; I feel much more visible in all stages of the creative process.*” Blades’ work in Sri Lanka has been instrumental in demonstrating the impact that movement workshops incorporating human rights education (**S7**) (**G4**) can have on empowering disabled participants in giving them the confidence to assert their rights when negotiating with authorities, underpinning the realisation that they had ‘*equal rights*’ (**S7**).

The importance of greater knowledge and understanding of copyright and human rights has been articulated by a number of organisations. The CE of *One Dance UK*, (**S4**) stated that the *Resilience and Inclusion* toolkit has “*helped dance practitioners gain a better understanding of the legal frameworks that support their work*”, and supported the company as it “*makes the complex areas of copyright law and human rights law accessible for non-experts*” (**G3**). *One Dance UK* is now able to advocate more effectively for organisations to establish inclusive practices and policies. The ED of *People Dancing* (**S5**), states that these projects have resulted in a better awareness of the law as it relates to institutions working with and for disabled dancers, “*I am ... now better informed and confident in challenging institutions who fail to meet the legal standards*”. Similarly, (**S1**) notes: “*I and the dancers themselves, have greater knowledge of the legal implications of their collaborations, and where they stand in terms of the ownership of the work that is made on the dancers in the company in the eyes of the law*”. Before *VisAbility*’s involvement in *Performing Empowerment* (**G4**, **R6**), the CEO (**S6**) said they ‘*struggled to combine ... dance and rights education*’ but now have a ‘*stronger approach to the embodied learning of the laws through dance movements, as well as the integration of legal terms (e.g. discrimination) into the dance sessions.*’ (**S6**)

Dance artists have gained confidence to claim recognition and support for their creative contributions through their involvement with **G2** and **G3**. Following Dance artist 1 (**S3**) collaboration (**R4-5**, **G2-3**), she established a solo practice allowing her to explore her own “*ideas in relation to the disabled dancer’s body ...*” Subsequently she was appointed to the Arts

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Council *Change Makers* programme, and collaborated with national arts-participation organisation, *Metal*, to choreograph her work (S3), “I was made aware of this opportunity with *Metal* through my interactions with the academics at C-DaRE and if it had not been for this collaboration, I may not have pushed myself to seek such opportunities nor found the confidence to make my own choreographic work.” Similarly, Dance artist 2 (S8), who worked with Whatley and Waelde on G2 states that her engagement with the *Invisible Difference* project motivated her to create her own work exploring disability in her life (S8).

5. Sources to corroborate the impact (indicative maximum of 10 references)

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- S1. Artistic Director, Candoco Dance Company (2020) *Testimonial evidence letter* to Coventry University
- S2. Internationally renowned disabled dance artist (2020) *Testimonial evidence letter* to Coventry University
- S3. Dance artist 1 (2020) *Testimonial evidence letter* to Coventry University
- S4. Chief Executive, One Dance UK (2020) *Testimonial evidence letter* to Coventry University
- S5. Executive Director, People Dancing (2020) *Testimonial evidence letter* to the Director of the Centre for Dance Research, Coventry University
- S6. Co-Chief Executive Officer, VisAbility (2020) *Impact of ‘Performing Empowerment’ on VisAbility e.V. testimonial letter* to Coventry University
- S7. Blades, H. and Waldorf, L. (2018) *Performing Empowerment: Disability, Dance and Inclusive Development in Post-War Sri Lanka: Performing Empowerment Interviews* [online] available from <<https://www.youtube.com/watch?v=aXtW5EEf9ps>> [17 December 2020]
- S8. Dance artist 2 (2020), *Testimonial evidence letter* to Coventry University
- S9. Centre for Dance Research (C-DaRE) *Resilience and Inclusion Online Toolkit* [online] available from <<http://dancetoolkit.coventry.ac.uk/>> [17 December 2020]
- S10. Centre for Dance Research (C-DaRE) (2019) *A conversation around copyright, ownership and intellectual property on the AHRC funded project Resilience and Inclusion: Dancers as Agents of Change* [Filmed discussion]. Source is available upon request from the HEI.