

This statement should be read alongside the statement for Main Panel J and the generic statement.

Absences of chair and declaration of interests

1. In cases of planned or unforeseen absence of the chair, the sub-panel has elected a deputy chair who will act on the chair's behalf. Where consensus cannot be reached, decisions will be deferred until the deputy chair has an opportunity to consult with the chair. The deputy chair may also represent the chair in cases of planned absence when reporting to the main panel.
2. Members will declare in advance any conflicts of interest. Members will not participate in any aspect of the assessment of a submission from an institution in which they have declared a major interest, and will withdraw from the meeting whenever it is discussed. In the case of the chair's declaring an interest, the deputy chair will lead discussion for that item. Should the chair and deputy chair declare an interest in the same institution, the panel will elect a member to lead discussion for the item.
3. The chair will decide whether members should participate in assessing submissions from institutions in which they declare a minor interest. In the case of the chair's declaring an interest, the deputy chair will make this decision. Should the chair and deputy chair declare a minor interest in the same institution, the panel will elect a member to make the decision.

UOA descriptor

4. The UOA includes all doctrinal, theoretical, empirical, comparative or other studies of law and legal phenomena including criminology.

UOA boundaries

5. All areas of law as described above fall within the boundaries of the UOA.
6. Normally the sub-panel will itself assess work of an interdisciplinary nature. This includes research on legal education.
7. Where any submitted outputs fall outside the expertise of the sub-panel, the advice of specialists will be sought (see paragraphs 52-55 of the generic statement). The need for these will

initially be identified following the survey of submission intentions.

8. Specialist advisers will assist the sub-panel in its assessment of outputs relating to Scottish law. An *ad hoc* group will be chaired by a member of the sub-panel with appropriate knowledge and experience. It will include up to four advisers with expertise in Scottish law. Another member of the sub-panel (normally the chair) will participate. The specialist advisers will provide advice to enable the sub-panel to reach an informed decision on the assessment of those outputs. Outputs may be referred to this group of specialist advisers where departments have requested this in RA2, or where the sub-panel considers it is appropriate to do so.

Research staff

9. The outputs of staff in Categories A and C will be assessed according to the same criteria.
10. In the case of Category C staff, departments should use RA5c to demonstrate the sustained commitment of individuals to the research activity of the department. Examples of such commitment might include: co-authorship with Category A staff, co-directorship of externally funded research grants, supervision of research students, or participation in graduate training programmes. The contribution of any Category C staff deemed to be insufficiently integrated into the research activity of a department will be discounted from all components of the submission. The inclusion of insufficiently integrated Category C staff in a submission may have an adverse effect on the quality profile for the research environment.
11. Staff in Categories B and D will be considered in respect of their contribution to the research environment and esteem as described in RA5a.
12. The contribution of newly recruited staff (other than early career researchers) will be assessed in the same way as that of more established staff within the submission.
13. The sub-panel welcomes the inclusion of early career researchers in submissions. The

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normal expectation of four outputs (see paragraph 26) will be relaxed in relation to staff new to an academic post since 1 August 2003. Early career researchers appointed between 1 August 2003 and 31 July 2005 are expected to submit a minimum of two outputs; those appointed after 1 August 2005 are expected to submit a minimum of one output.

14. The sub-panel will take account of other circumstances where the evidence in terms of the volume of research outputs may be less than the norm (see paragraph 39 of the generic statement and paragraph 26 below). Where fewer than four outputs are submitted, an appropriate adjustment will be made to ensure that departments are not disadvantaged by including staff who have been absent from research for reasons listed in paragraph 39 of the generic statement, such as ill-health, career breaks, non-research leave and secondment. The sub-panel will take account of part-time status in the same way. Where there is evidence that disability (including temporary incapacity that lasts for more than 12 months) has had a substantial impact on the research activity of individual staff submitted, the sub-panel will make proportionate adjustments in constructing the submission's quality profile.

Research outputs

15. All forms of research output will be treated equally. The sub-panel recognises that scholarly work of significance, originality and rigour may be found across all forms of output (including non-print media).

16. The sub-panel expects to examine in detail (albeit not necessarily reading in their entirety) virtually all the outputs submitted. Outputs will be assessed on their own merits in the context of the submitted work of the department as a whole. The sub-panel will consider whether any adjustment to the overall quality profile should be made to reflect the presence within the submission of items of exceptional scale and scope.

17. Departments are encouraged to submit the highest quality outputs published within the assessment period.

18. The sub-panel will assess the quality of the output in terms of its originality, significance and rigour. Significance will be interpreted in a way that takes into account the diversity of academic research in law.

19. In judging outputs against the quality levels, the sub-panel will consider the following characteristics in relation to the criteria of originality, significance and rigour:

- a. **4*** – **quality that is world-leading in terms of originality, significance and rigour.** This standard will be achieved by a research output that is, or is likely to become, a primary reference point of the field or sub-field.
- b. **3*** – **quality that is internationally excellent in terms of originality, significance and rigour but which nonetheless falls short of the highest standards of excellence.** This standard will be achieved by a research output that is, or is likely to become, a major reference point that substantially advances knowledge and understanding of the field or sub-field.
- c. **2*** – **quality that is recognised internationally in terms of originality, significance and rigour.** This standard will be achieved by a research output that is, or is likely to become, a reference point that advances knowledge and understanding of the field or sub-field.
- d. **1*** – **quality that is recognised nationally in terms of originality, significance and rigour.** This standard will be achieved by a research output that makes, or is likely to make, a contribution to knowledge or understanding of the field or sub-field.
- e. **Unclassified** – **quality that falls below the standard of nationally recognised work or which does not meet the published definition of research for the purposes of this assessment.**

20. The sub-panel will use these criteria to assess all forms of research. To ensure that new and emerging areas are not disadvantaged, the

benchmarks of excellence will be applied flexibly when assessing research at the cutting edge of the research area. The sub-panel will ensure that it does not apply criteria in a way that the 4* quality level is only attainable by certain types of research or certain types and sizes of department.

21. Student textbooks and books written for the legal or other professions will be regarded as research output provided that they incorporate significant scholarly research (as defined by the RAE) and make a contribution to knowledge and understanding of the subject. Books consisting of a collection of primary sources will not normally be regarded as research output, unless they include a significant proportion of scholarly contribution.

22. The sub-panel will base its assessment of a new edition of an existing book on the extent to which the edition has been significantly revised. There is no objection to the inclusion of more than one edition of the same book as distinct items of research output.

23. The sub-panel has not established a list of the relative standing of journals. Like other types of output, articles, review articles and notes in journals will be assessed solely on the basis of their own merits.

24. Book reviews will not normally be treated as research output, nor will editing a book or journal without making an identifiable scholarly contribution. Where such a contribution may not be evident, it should be explained in the 'Other relevant details' field of RA2 (maximum 50 words).

25. The sub-panel recognises that many outputs will be jointly authored, and will assess their quality by the standards that apply to all outputs. It expects that a member of staff who returns jointly authored work will have made a substantial contribution to it. Departments are invited to provide information in the 'Other relevant details' field of RA2 on the proportionate contribution of individual researchers to jointly authored works (maximum 50 words). The sub-panel also accepts that a jointly authored output may be listed by more than one individual in a

department's submission. In such cases it will be assessed at the same quality level. Where it appears that the number of jointly authored works in the submission indicates a lower than normal overall volume of research activity, the sub-panel will make appropriate proportional adjustments in constructing the submission's quality profile.

26. The sub-panel regards submission of four outputs for each researcher as the normal expectation for this assessment period. RA5b must be completed for all researchers who cite fewer than four outputs. Where fewer outputs per researcher are submitted, the sub-panel will consider each case on its merits in the context of information provided by departments in the narrative parts of the submission (RA5b), particularly with reference to early career researchers, staff absences and other special circumstances (see paragraphs 13-14 and 41-43). Where there is evidence that such circumstances explain the submission of fewer than four outputs per researcher, the sub-panel will make appropriate proportionate adjustments in constructing the submission's quality profile.

Research environment

27. The sub-panel will assess the quality of the research environment in terms of the extent to which it supports or is capable of supporting research activity as defined in the quality levels. While in many cases the sub-panel expects that the quality profile for environment will be consistent with that for outputs, it recognises in relation to emerging departments the importance of the research environment in developing the potential for the future production of high quality outputs.

Research students and research studentships

28. The number of research students and the amount or source of studentship income will be considered as indicators of quality only to the extent that they contribute to the department's strategy to build research capacity and develop the research environment.

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Research income

29. Evidence of research income will be noted as an indicator of the extent to which the research environment reflects and is capable of supporting work of the quality defined in the quality levels. The source of the income, whether it was obtained by competition or peer review, and the distribution of research income between staff will also be considered where this is relevant to the field of research. Departments should therefore indicate in RA5a the number of individual researchers awarded external research grants during the assessment period. However, the sub-panel recognises that not all areas of legal research lend themselves equally to external funding.

Research structure

30. Account will be taken of evidence that the environment will continue to sustain and develop the level and quality of the demonstrated research activity.

31. Departments should demonstrate, with appropriate illustrations and verifiable evidence, and examples of outcomes, that their arrangements are effective and sustainable in promoting and supporting research. Evidence should relate to the research culture at the departmental level. This should include information about the following:

- a. The nature and quality of research infrastructure, including facilities for both staff and research students.
- b. Availability of access to research facilities, including libraries.
- c. The effectiveness of support for any research assistants, research students or academics in the early stages of their academic careers in enabling them to flourish as researchers (even if the individuals no longer work within the institution), for example support for attending conferences and other research support.
- d. Arrangements for supporting interdisciplinary or collaborative research.
- e. Relationships and any collaborations with research users.

- f. The operation and activities of any research groups or clusters.
- g. The strategic management of research careers and use of resources to support this.

Staffing policy

32. Departments should demonstrate, with appropriate verifiable evidence and examples of outcomes, how current arrangements for developing and supporting staff in their research, at both departmental and institutional levels, help to sustain an active and vital research culture.

33. This should include evidence of:

- a. How the arrangements facilitate research in conjunction with other non-research duties.
- b. Measures to promote equality of opportunity in the context of research activity.
- c. Arrangements for study leave (evidence may include numbers of staff and length of period of leave in the assessment period).
- d. Arrangements for developing research of less experienced members of staff, and integrating them into a wider, supportive research culture.
- e. How the departure of Category B and D staff has affected the strength, coherence and research culture of the department.
- f. How the demographic profile of the department affects current and future management of research activity.

Research strategy

34. Departments should discuss trends in their research performance over the seven years of the assessment period (2001-07), including projects anticipated at the end of the last assessment period, and any ongoing research work that has not yet produced visible outcomes. Instances where the RAE census year is exceptional in relation to long-term trends, such as in numbers of studentships, in staffing or in grants awarded, should be indicated. The sub-panel will evaluate the extent to which sustainability of research activity is addressed within the strategy.

35. Departments should provide a statement outlining their main research objectives and activities over the next five years.

36. Departments should provide evidence of the contribution of each member of Category C staff to the research environment during the assessment period.

Esteem indicators

37. The sub-panel will assess the quality of esteem indicators in terms of the extent to which they reflect research activity as defined in the quality levels. The sub-panel recognises that the level and range of esteem indicators may vary according to the different career stages of the staff submitted.

38. Evidence should be provided of the esteem attached to the department as a whole, its centres or its staff. Among the factors relating to staff, a submission could indicate:

- editorships of journals and learned publication series
- keynote addresses or prestigious public lectures given
- membership of Research Council committees, or advisers to select or other parliamentary committees
- appointments as members or advisers to statutory and non-statutory bodies
- competitive research fellowships received
- international recognition, eg, international research collaborations, visiting research posts in overseas institutions, advice to international organisations (including non-government organisations, NGOs).

39. In relation to journal editorships, departments should highlight any that make a major contribution to the advancement of research and scholarship in the discipline.

Applied research and practice-based research

40. There are substantial levels of applied research and practice-based research activity in the UOAs within Main Panel J. This may include

action research and participatory research. The sub-panel will assess the outputs of this research, which may include confidential reports. The sub-panel recognises this type of research and will assess its quality against the same indicators of excellence as other forms of research, ie, in relation to its originality, significance and rigour.

Individual staff circumstances

41. Departments should note any special circumstances which have significantly affected an individual staff member's contribution to the submission. Departments are invited to comment in RA5b on the timing, duration and impact of such circumstances in relation to an individual researcher's activity, and explain their contribution to the department's research activity. In the case of part-time staff, departments are also asked to indicate the proportion of an individual researcher's FTE across the assessment period.

42. Where the cited circumstances explain the submission of fewer than four outputs per researcher, or where they are judged to provide partial dispensation, a proportional volume adjustment will be applied to the submission when calculating the quality profile for outputs.

43. In assessing submissions, the sub-panel will take account as a minimum of the circumstances described in paragraph 39 of the generic statement where the quantity of outputs may have been affected.

Working methods

44. The sub-panels of Main Panel J have sought to achieve a consistent approach to working methods and criteria where appropriate, unless the context of the discipline requires additional or alternative approaches.

45. In line with other Main Panel J sub-panels, the weighting accorded each element will be as follows: outputs 75%, environment 20%, and esteem 5%.

46. The sub-panel will assess the quality of the research environment in terms of the extent to which it supports or is capable of supporting research activity as defined in the quality levels.

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47. The sub-panel will assess the quality of esteem in terms of the extent to which it reflects research activity as defined in the quality levels.

48. The quality profile for outputs will be calculated as follows:

- a. Where there are four outputs per researcher, these will be assessed and assigned quality levels. These quality levels will then be carried forward to the overall departmental profile.
- b. If an individual researcher has produced fewer than four outputs, an evaluation will be made of the reason for this on the basis of information within the department's submission.
- c. If there is a valid reason for the submission of fewer than four outputs, only the quality level(s) attached to the submitted output(s) will be carried forward into the overall departmental profile.
- d. If there is no valid reason for the submission of fewer than four outputs, the 'missing' outputs will be regarded as Unclassified.
- e. After taking into account any reductions in volume of outputs due to individual staff circumstances as described above, and assessing the quality of all the submitted outputs, the sub-panel will consider whether any additional adjustment to the quality profile should be made to reflect the submission of items of exceptional scale and scope.

49. The percentage of outputs falling into each quality level will then be calculated to form the overall departmental profile.

50. In respect of research environment and esteem, the sub-panel will reach a holistic judgement of the quality of the research environment and esteem as portrayed in a department's submission. The sub-panel will initially assign 100% of the profile allocated to each element to one of the quality levels (4*, 3*, 2*, 1* or Unclassified). Where there are clear differences in the quality of aspects of the research environment or esteem (eg, between studentships and research culture, or for different research

groups or departments within the submission), the sub-panel may decide to allocate a profile across two or more quality levels.

51. The assessment will be one of peer review based on professional judgement, representing the collective decision of the sub-panel and reflecting the quality of outputs as a whole. The sub-panel does not envisage using quantitative approaches to assess the evidence presented, other than those mentioned above in relation to research students, studentships and income.

52. All sub-panel members will read each submission as a whole. Each submission will be allocated to at least one member of the sub-panel. The allocated members will examine outputs cited across the submission and introduce the discussion of the submission as a whole when the sub-panel comes to assess it. The sub-panel will then undertake the assessment of research outputs, with each output being assessed in detail by two or more members. The sub-panel will proceed to assess research environment and esteem. Again, at least two members of the sub-panel will assess these elements of the submission. Items that require the views of other sub-panels or specialist advisers will be identified, noting information included in RA5a where departments have identified research of an interdisciplinary nature.

53. Where work developed or undertaken jointly by departments in two or more institutions is submitted for assessment as a coherent whole in the form of a joint submission, the institutions involved should provide a brief description in RA5a of the nature and extent of the collaboration leading to the joint submission. Joint submissions will be assessed in the same way as submissions from single institutions.

54. The sub-panel will form its judgement through deliberation and consensus. Where differences remain, decisions will be reached by a simple majority vote of the sub-panel and, in the event of a tie, by the chair's casting vote. The pattern of quality profiles will be reviewed to ensure consistency, and final quality profiles will not be confirmed (for recommendation to the main panel) until the sub-panel's final meeting.