**Understanding Research Impact in Law:**

**The REF and Engagement with UK Governments**

Lawrence McNamara[[1]](#footnote-1)

***Abstract***

*Understanding how impact occurs is critical if research is to effectively inform law, policy and practice. Existing scholarship on impact has theorised the way impact occurs, but there is a dearth of information about practice, especially in law. This article examines the pathways to impact that legal scholars experience, and specifically focuses on the concept of engagement. Studying the REF 2014 data and, through surveys of researchers named in case studies and research directors in UK law schools, the article explores how researchers engage with UK governments, providing insights into access, processes, challenges and resources. It shows that successful engagement and impact in government is far more dependent on chance than is appropriate or necessary and contests the dominance of the ‘research impact’ model, arguing that ‘researcher impact’ provides a better framework. The results suggest that the enhancement of impact requires a better understanding of the interaction underpinning it.*

**INTRODUCTION**

Understanding how impact occurs is critical if research is to effectively inform law, policy and practice. In recent years such understanding has become more important than ever before as research councils have increased emphasis on impact and since impact was added to the UK universities research assessment criteria in the 2014 Research Excellence Framework (REF 2014). With the heavier weighting for impact in REF 2021 (up from 20% to 25%) the importance of understanding impact will not diminish.[[2]](#footnote-2)

These external drivers shape the ways that academics and law schools work. Impact counts for millions of pounds in law school income and expenditure. For example, in 2015, of the £21 million allocated on the basis of research quality (‘QR funding’) distributed to law schools in England, £4.1 million was based on impact.[[3]](#footnote-3) The median cost of preparing an impact case study for the REF was £7,500, representing an investment of around £1.3 million by English law schools.[[4]](#footnote-4) Consideration of impact activities is now commonplace in recruitment and impact is a standard feature of research leadership portfolios.[[5]](#footnote-5) It is surprising then that little attention has been paid to examining and understanding how impact works in law. Although previous research assessment exercises have been analysed to examine outputs in the discipline,[[6]](#footnote-6) legal scholarship has paid little attention to the wider scholarship around theory and measurement of impact, and conversely this wider literature has seldom analysed what happens in law.[[7]](#footnote-7)

In this article, I examine the pathways to impact that legal scholars experience, and specifically focus on the concept of engagement. Studying the REF data and the experience that lies behind it can inform both legal and wider social science scholarship and practice, addressing needs identified by researchers who have argued that the literature is ‘over-theorized, but inadequately substantiated or operationalized’ and ‘pleaded for more qualitative research on the interaction mechanisms deployed by academic researchers’.[[8]](#footnote-8) This article aims to address those gaps and to explore how the needs of researchers and research users might be met by looking at *how* impact occurs, using a methodology that focuses on engagement – that is, the interactions between the producers and the potential users of legal research – to examine the conditions and strategies for achieving impact. Aligning with a significant body of international research and theory, the focus on engagement helps address a significant shortcoming identified in the literature: knowledge about the interaction process ‘is scarce and it is certainly undervalued and underused’.[[9]](#footnote-9)

The focus is on engagement with governments in the UK, with particular attention to central government. Engagement with governments in the UK is of particular interest for at least three reasons: the wide reach of the state means government or its agencies potentially have an interest in a wide range of research; that power of the state means that impact in government has a potentially sweeping and substantial influence; and interaction with government is an important part of impact for law academics, with 24% of REF 2014 Law impact case studies referring to informing government policy.[[10]](#footnote-10) From a practical perspective, too, there is a need to set boundaries though any number of areas of engagement would be worthy of attention, including legislatures, industry and European institutions.[[11]](#footnote-11)

In this article, I analyse data from a survey of researchers named in REF 2014 case studies to explore the ways they engage with UK governments, particularly seeking insight into access, processes and challenges. I also present results from a survey of directors of research in UK law schools, looking at how resources are being devoted to impact and how law schools can aid access to government.

The next sections explain the analytical framework and methodology, followed by mapping the engagement with government reported in the impact submissions for Law in REF 2014. I then examine the researcher experience of engaging with UK governments through the researcher survey data and present findings from the directors of research survey. The final section draws conclusions and suggests avenues for possible future research.

By using an engagement methodology, the study reveals that the way impact occurs is frequently at odds with the model of impact that underpinned assessment in REF 2014. It challenges the dominance of the ‘research impact’ model and argues that there is strong evidence for distinguishing and incorporating ‘*researcher* impact’ when evaluating the impact of academic research, at least in government. Moreover, it shows that successful engagement with UK governments and impact in government is far more dependent on good fortune than is appropriate or necessary given the significance of impact in the REF and funding allocation, and the importance of government policies and actions being informed by excellent researchers and research.

**UNDERSTANDING AND ENHANCING IMPACT: AN ENGAGEMENT APPROACH**

To understand and improve the ways legal scholars can and do have impact, this article focuses on ‘engagement’. To show why this is conceptually and practically the most fruitful vehicle for the inquiry, it is helpful to begin by distinguishing impact from engagement.

1. **Impact and engagement**

In simple terms and defined by the REF, impact is ‘an effect on, change or benefit to the economy, society, culture, public policy or services, health, the environment or quality of life, beyond academia’.[[12]](#footnote-12) Building this up, impact under the REF:

includes, but is not limited to, an effect on, change or benefit to:

* + the activity, attitude, awareness, behaviour, capacity, opportunity, performance, policy, practice, process or understanding
	+ of an audience, beneficiary, community, constituency, organisation or individuals
	+ in any geographic location whether locally, regionally, nationally or internationally.[[13]](#footnote-13)

Other impact policies can help give substance to those definitions. For instance, the Economic and Social Research Council (ESRC) identifies different types of impact:

* Instrumental: influencing the development of policy, practice or service provision, shaping legislation, altering behaviour.
* Conceptual: contributing to the understanding of policy issues, reframing debates.
* Capacity building: through technical and personal skill development.[[14]](#footnote-14)

To achieve impact it will almost certainly be necessary – but not sufficient – for researchers to interact with the potential users of research. That interaction is what constitutes engagement. Potential users may be stakeholders to whom the research is relevant, such as government, business, civil society organisations, parliament, the courts, and perhaps the media (as an avenue of getting organisation and institutional attention).[[15]](#footnote-15) Engagement may be direct researcher–user interaction, or it may be via a third party, who may also be a user, who conveys research forward, whether in its original form or in a way that will better suit particular user audiences. But, while necessary, engagement will not be sufficient because there needs to be some effect from that engagement. That will rarely be easy; no matter the evidence that research produces, or its importance, it will not necessarily change things. A research user may of course draw on academic research without the academic ever being involved after publication, but the active involvement of the academic should increase the likelihood, scope and effects of impact. Strategically, engagement will also be important for explaining impact plans and for securing evidence of impact, which are standard demands of funders and assessors.

1. **Engagement in models of impact**

The interactions that lead to impact are complex and variable, not least because it is difficult to identify or isolate specific interactions that result in impact. What matters, though, is engagement is essential for impact. As Lemay and Sá have noted, ‘the most widely accepted framing of research use is that meaningful interaction between researcher and user is critical for effective uptake of research’.[[16]](#footnote-16)

Bastow et al., defining impact as ‘an auditable or recordable occasion of influence’,[[17]](#footnote-17) manage the difficulty of measuring actual influence by focusing instead on:

establish[ing] that a *potential* for influence … on external audiences occurred, in a way for which evidence exists. This is a deliberately minimalist or first-stage approach. An occasion of influence arises when we can show that an outside decision-maker or actor was in contact with and aware of academic work or of research. But we go no further than that up the causal chain. … To do more is methodologically infeasible in the inherently complex, multi-causal environments of action ….[[18]](#footnote-18)

This is a low threshold if it were to be understood as a proxy or substitute for impact because clearly it is not looking at effect. A higher threshold can be found in Australian work where engagement is ‘the interaction between researchers and research organisations and their larger communities/industries for the mutually beneficial exchange of knowledge, understanding and resources in a context of partnership and reciprocity’.[[19]](#footnote-19) However, with the focus on interaction, it is still not impact in the REF sense of effect.

I am not proposing that engagement should be viewed as impact or should replace any REF definitions. Rather, I am suggesting that, to understand and enhance impact, the most productive path will be to enrich our understanding of the interactions between researchers and research users.

1. **‘Productive interactions’ and engagement**

The focus on interaction as the foundation for impact has been developed extensively in the Netherlands, with the concept of ‘productive interactions’ developed in the ‘Social Impact Assessment Methods for research and funding through the study of Productive Interactions between science and society’ (SIAMPI) methodology, which highlights processes that can achieve impact, rather than focusing on impact itself, so as to learn from and improve these processes.[[20]](#footnote-20)

‘Productive interactions’ are defined as:

exchanges between researchers and stakeholders in which knowledge is produced and valued that is both scientifically robust and socially relevant. … The interaction is *productive* when it leads to efforts by stakeholders to somehow use or apply research results or practical information or experiences.[[21]](#footnote-21)

Productive interactions may be direct (personal), indirect (contact established through ‘some kind of material carrier’, such as a publication, but perhaps also examples, films or exhibitions), and financial (especially sponsoring research).[[22]](#footnote-22)

The SIAMPI approach proposes ‘a shift from a focus on social impact towards a focus on “productive interactions”’ because such an approach is more realistic and more closely reflects actual researcher/stakeholder interaction processes. [[23]](#footnote-23)

In this study I do not explore productive interactions in the full SIAMPI sense. Where in the SIAMPI definition stakeholders are playing a part in knowledge production, I focus on interactions where stakeholders may or may not be engaged in knowledge production and, accordingly, I use the term ‘engagement’. This has the benefit of fitting into either a process-oriented model of impact and impact assessment (such as SIAMPI) or an outcome-oriented model (such the REF), and is a more manageable inquiry with the large REF data set.[[24]](#footnote-24) Engagement does not strictly require direct outreach to and engagement with stakeholders but, in practical terms, that is the focus and the challenge in achieving and enhancing impact.[[25]](#footnote-25) As Spaapen and van Drooge put it, ‘[i]n order to have impact, you’ve got to have contact’.[[26]](#footnote-26)

**DATA AND METHODOLOGY**

1. **The REF 2014 data**

The top line of the REF – the discipline and school profiles – tells us a deal about (as Stern puts it) ‘the wider social and economic activities and achievements’ of law schools.[[27]](#footnote-27) However, it has been rightly observed that the submissions are ‘a rich vein of information that can be tapped’.[[28]](#footnote-28) There has been some high level analysis of the overall REF impact data, some specific analysis of the data in health, psychology, information management, engineering and development, and some comparative work across disciplines.[[29]](#footnote-29) However, no analysis of law has yet appeared either as a freestanding study or in the comparative work.

Two types of impact data were collected in REF 2014: case studies and templates. Case studies provided detailed examples, with one required for approximately each 7.5 staff members included in a department’s REF submission.[[30]](#footnote-30) The case studies are available online and fully searchable.[[31]](#footnote-31) Templates included departmental impact strategies and allowed for mention of impact activities from across the returned staff. The templates are available online but are not part of the searchable database.[[32]](#footnote-32)

REF submissions are made in a ‘Unit of Assessment’ (UoA). A submission to the Law UoA will usually be associated with a university’s law school. Although some law work may be submitted to other UoAs (history or politics, for example) and academics from other departments may be submitted to Law, the Law UoA very largely comprises research from law schools. The REF 2014 database contains 216 case studies for the Law UoA. These came from 68 law schools, each of which also submitted an impact template.[[33]](#footnote-33) Data from these submissions is analysed to identify the scope of law academics’ engagement with governments and provide a context for understanding this engagement.

While the REF data may reveal something about the impact of legal research, it reveals much less about the experience of achieving impact. Importantly, REF submissions are unlikely to talk about struggles or failures, or about what made impact possible or what hampered it. There is also an inherent risk of researchers ‘gilding the lily’.[[34]](#footnote-34)

To understand this experience and gather data the REF does not contain, I conducted a survey of researchers named in the REF case studies. Analysis of this data is the primary focus of this article. A second survey focused on directors of research in UK law schools to look at the effects of the inclusion of impact in the REF.

1. **Survey of researcher experience**

The researcher experience survey aimed to find out more about how researchers from the REF 2014 case studies interacted with government departments, including what worked well, what hurdles were encountered, and the pathways that assist researchers and research users. The survey asked twelve questions, covering:

1. Respondent information: Russell Group / Non-Russell Group (at REF entry); length of career; gender.
2. Researcher view of whether research should have been of relevance and interest to government.
3. Departments and agencies engaged with.
4. Department or agency engaged with most.
5. Who made approaches in the first stages of communication (researcher, government, mutual) and in what circumstances.
6. People, processes and organisations that aided engagement with government.
7. Publications or other outputs that most interested government researchers.
8. Obstacles or difficulties in pursuing engagement or impact.
9. REF awareness and understanding in government.
10. Overall impressions, systems and chance.
11. Comparators: engagement with EU bodies, UK parliamentary committees, private sector, civil society.
12. Further open-ended comments about experience in engaging with government or the extent to which the REF process adequately captures that experience. (This was in addition to the opportunity to provide further information or comments in questions 3–10.)

There were 310 researchers named in the case studies. A survey was emailed to the 288 of those for whom an email address could be located. All named researchers were contacted on the basis that even if a researcher had little or no engagement with government, it was important to find out what their experience was, especially if they thought their research should have been of interest to government. A total of 121 surveys were completed, representing a response rate of 42%. Responses were anonymous.

1. **Survey of law school research directors**

A further survey was emailed to 77 research directors or co-directors in the 68 law schools that submitted to REF 2014. They were asked to complete the survey or pass it to a colleague (for example, an impact lead) who was well placed to comment on impact. Recipients were told that only one or two people should complete the survey so that the results were not distorted by high numbers from individual schools. There were 34 responses and it is likely the data covers 26–30 of the 68 law schools. The survey asked respondents about impact preparation for the next REF, staff expertise in engaging with government, and government outreach to academia, exploring the resources, capacity and relationships that might aid engagement and impact.

1. **Conceptualisation of ‘government’**

This study characterises ‘government’ in a way that has limits, but the characterisation and its scope derive from the practicalities of managing the data and the volume of data associated with smaller areas of government. Two limits are of particular note. First, the study does not consider engagement with local authorities because the numbers in the REF were small; although local authorities deliver major services, only 13 of the 216 case studies reported engagement with a local authority. In addition, local authorities are also likely to be less difficult for academics to access where a university is based in the area because there will be existing relationships with local bodies, especially outside London where universities are likely to be major employers and a significant part of the local or regional economy. Of the 13 case studies that reported engagement with local authorities, only one institution was in London. Important insights could be derived from a study of engagement with different local authorities, but it could not be done practically within this study. Secondly, this study divides central government into component departments and agencies, but does not divide devolved governments in the same way. Instead, the analysis groups engagement in devolved regions, looking at engagement with, for example, Scottish government departments or agencies, or Welsh government departments or agencies. The numbers of responses limit the extent to which subdivision of devolved governments would be useful; the engagement with governments in Wales and Northern Ireland was relatively small (6 and 13 case studies respectively). In Scotland the overall engagement was higher (32) but still difficult to see a breakdown. One might also surmise that major universities in Scotland have well-established links with the Scottish government and so in that smaller jurisdiction access pathways may not be comparable to the challenges that arise in dealing with central government.[[35]](#footnote-35) The experience in devolved nations warrants more detailed attention, but that could not be done in this study.

 While the characterisation of go­­vernment has limitations with respect to devolved and local governments, it captures a very wide range of engagement with government departments and agencies and, especially, with major central government departments where (as will become clear) access can be very difficult.

**ANALYSING THE REF 2014 DATA: ENGAGEMENT WITH UK GOVERNMENTS**

Before examining how law researchers engaged with UK governments, I first used data from REF submissions to get a broad understanding of where engagement was occurring. This helped inform the construction of questions for the survey of researchers and set the scene for the exploration of how engagement occurs. The case study database was searched for department and agency names, abbreviations, substantive issues and geographical areas to identify case studies that potentially showed engagement with government departments and agencies. Each case study returned in searches was checked to see whether it did in fact identify engagement with government.

Engagement was often clear; for example, researchers had met with officials or research was cited in a report. Conversely, a mention of government would sometimes clearly not count as engagement – for instance, a reference to a foreign government department did not count. In three areas judgments were more nuanced:

1. Engagement with parliaments or assemblies did not count unless there was a clear government dimension to it. For example, where a select committee responsible for departmental oversight adopted evidence in recommendations about the government’s work, then it was included as engagement with the department. Where influence on legislation appeared as though it must have involved contact with government or take up of research by government, this was counted as engagement.
2. Where engagement was with judicial bodies, training of judges was excluded, but matters to do with courts administration or judicial appointments were included.
3. Where researchers had provided advice to review committees but it was unclear whether executive or parliamentary, these were assessed on a case-by-case basis and where possible were identified with the relevant department or area of government.

In the templates, where descriptions of engagement were inevitably thinner, any mentions of central government departments, departments of devolved governments in Scotland, Wales and Northern Ireland, and agencies (either of the UK or its constituent parts) were counted as engagement.

Where a case study or template mentioned a department or agency twice, it was only counted as one engagement. As noted earlier, engagement with local authorities was not included as engagement with government.

What, then, do the case studies and templates reveal about legal academic engagement with government? Figure 1 shows the engagement reported in the case studies and templates. They are presented in three groups, each in descending order of case study results:

1. Central government departments
2. Devolved governments (including agencies of these governments, except Law Commissions and Courts)
3. Agencies and statutory bodies with more than two hits.

In central government the highest levels of engagement were with the Ministry of Justice (48 case studies, which is 22% of the 216 total) and the Home Office (29 case studies, or 13.5%). For other departments the numbers were much lower. For the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID), template references are relatively high compared to case study references. It could be that there is in fact more engagement across the breadth of a law school’s activity, but it might be that any FCO or DFID engagement was more likely to be reported as it gives a clear international dimension to a template.

Secondly, in the devolved governments Scotland is represented more substantially than Wales or Northern Ireland. This may be explicable on the basis that the Scottish government activities have a wider reach than Wales or Northern Ireland and Scotland a larger population and more universities. The templates show much less engagement with the Scottish government in comparison to the case studies. It could be that while the FCO engagement was reported with a view to giving an international dimension, there was a conscious aim by departments not to appear parochial.[[36]](#footnote-36)

Finally, with regard to agencies, statutory bodies and the like, engagement was highest with police and the Law Commission of England and Wales. Policing engagement is disproportionately represented; just over 17% of case studies included engagement with police, but it is unlikely that 17% of all legal research is in criminal justice or of relevance to police (thus perhaps the much lower presence in the templates).

How do these levels of engagement with government compare with other disciplines? This type of comparison is not within the scope of this article, which focuses its attention on *how* engagement with government is occurring. In addition, there does not seem to be any reliable way to get a clear sense of what might constitute a reasonable or good amount of engagement. However, earlier analysis comparing the level of engagement of various disciplines with a single government entity – DFID – suggests that under-engagement with DFID by law academics may be significant.[[37]](#footnote-37) This finding, while indicative only, emphasises the importance of understanding how law academics engage with UK governments.

In all, the REF 2014 data shows fairly clear patterns about the parts of government with which legal academics engaged and raises the possibility that there is room for much more engagement. However, the data does not tell us how engagement occurred, how productive it was, what facilitated or hampered engagement, or about interactions with government. The next section examines these issues through the survey of researcher experience.

**THE RESEARCHER EXPERIENCE**

1. **Survey respondent profile**

In looking at the respondent profile, three main demographic factors were considered: gender, experience, and whether the researcher’s institution was part of the Russell Group (RG) or not (non-RG). The RG and non-RG distinction, though obviously very broad-brush categories, was investigated because the RG has such comparatively strong research power. For example, the 24 institutions that comprise the RG represent 15% of the UK’s higher education institutions but attract 68% of QR funding, with a further 75% of UK Research Council funding and 82% of UK charitable funding also going to RG institutions.[[38]](#footnote-38) Given these differences, would the researcher experience in this particular respect – legal academics engaging with UK governments – vary between RG and non-RG academics?

Of the 121 responses, around half were from RG institutions. Within those groups, the experience and gender profile was the same: around 60% had been academics for more than 20 years and another 30% for more than 10 years, and around 60% were male (though more evenly split in the RG at 56% male and 44% female, than in non-RG at 65–35). In analysing the data, little difference could be observed in the experience of women and men, or based on the length of service. Some differences did emerge between RG and non-RG respondents and, where those appear, they are noted in the discussion.

1. **Relevance of research to government**

There was an overwhelming view from respondents that their research should have been of relevance and interest to government (Figure 2). In the Russell Group this view was held more strongly (66% of RG respondents compared with 50% of non-RG respondents). Across all respondents, 89.9% believed their research should have been of either high or some relevance and interest to government.

*Note: Government was defined in this survey question as ‘central government, regional government or major government agency’. Respondents were offered five answer choices. No respondents chose ‘probably of no relevance or interest’*.

This should be read cautiously as respondents have of course self-selected. It would be unsurprising if researchers who saw their research as having less relevance to government chose not to respond to the survey, and it could also be that academics are not good judges of what interests government. However, the figures still suggest that the respondents – who are all highly impact aware, given they are in the case studies, and constitute over 40% of case study authors – will have given considerable thought to engaging with government.

1. **Where engagement occurred**

Respondents were asked which departments or agencies they had engaged with and to what extent, choosing from a list of nine central government departments, five agencies (grouped), and devolved governments, and with the option of adding others (results shown in Figure 3). The following descriptors were provided:

**'None'** = no approaches made or received.

**'Limited'** = you made some approaches (e.g., submitted a consultation response, sent work to the department/agency) or were approached by them but, beyond an acknowledgment or brief exchange, the engagement was not pursued.

 **'Moderate'** = you had some engagement with the department/agency and a sense there was some interest in your work, even if your work was clearly not a major focal point of interest for them.

 **'Significant'** = you gave input on a matter of interest to the department/agency or one aspect of your research, and had a sense they were clearly interested in your work and your input.

'**Very significant'** = sustained engagement over more than one issue or more than one aspect of your work and a clear sense it was of substantial interest to the department/agency.

**=n**

*Note: Respondents were provided with a list of departments and agencies and asked to indicate the extent of their engagement with each on a five-point scale. Respondents who answered ‘none’ for all agencies and departments (n=10) or who did not answer at all (n=2) are not included in the chart.*

More than half the respondents reported significant or very significant engagement with at least one area of government, suggesting that government is an important focus for academic researchers. Just over 75% of respondents had engaged to at least some extent with two or more departments or agencies. In addition to the units listed in Figure 3, respondents added over 30 other central government departments or agencies, with levels of engagement from moderate to very significant. Only 8.3% of respondents reported no engagement with government. Respondents were also asked what area of government they engaged with most and responses (not shown) demonstrated a similar profile to the results shown in Figure 3. A further 16 departments or agencies were identified in comments.

Together, the respondent profile and the pattern of engagement with government suggest the following. The respondents are highly experienced academics (as is evident from the length of their academic careers) whose research, given it was submitted as a case study, was in the top 10–12% of their law school’s impact profile. They have engaged with government widely and substantially (and, from comparator questions, over half also engaged with EU bodies, parliament, the private sector and/or civil society). The areas of government with which they engaged suggest they are generally representative of the engagement reported in the REF. Their view of the relevance of their research suggests that even those who have had moderate or limited engagement with government are very likely to have turned their minds to the ways that government might be engaged. Moreover, this is a very well-informed group in comparison to other academics: 55 of 99 respondents strongly agreed or agreed with the statement, ‘I feel that my understanding of how government departments operate and my ability to bring my research to the attention of relevant people in government is as good as or better than most of my colleagues in my law school.’ Only 16 of the 99 disagreed, strongly disagreed or replied ‘don’t know’.

In sum, the respondents as a group are highly expert, engaged and informed. What, then, was their experience of engagement and interaction with government?

1. **The first stages of engaging with government**

Respondents were asked what best described the first stages of their communication with a government department, choosing up to three options from a list divided into four sections:

* A mutual engagement (two options)
* You were approached by them (seven options)
* You made an approach (seven options)
* Not applicable – I was neither approached nor made an approach.

Results are shown in Figure 4. Unsurprisingly, commissioned research occupies a substantial place here; one would expect such research to have good prospects for impact and thus likely to be included in case studies. What is more interesting and striking is that so many approaches were made on the basis of expertise generally. In just over a third of those approaches, neither particular research nor a consultation response was cited alongside that general expertise. Only six of those respondents indicated that they had made a response to a formal consultation. These patterns seem to suggest that government is looking for experts who can meet the needs and questions it has at any given time, rather than picking up on specific research that has been conducted by those experts. A number of comments also indicated that the approaches did not link to specific outputs but sat within frameworks of wider contact, including ‘long, ongoing relationships’.[[39]](#footnote-39) Similarly, it was observed that ‘impact can occur before the research is complete, and certainly before the publications are produced’ and that the ‘non-linear’ nature of the processes needed more emphasis and exploration.[[40]](#footnote-40) There was considerable criticism of the failure of REF 2014 to take account of these issues, with one respondent arguing that the case study required ‘artificial’ links to research.[[41]](#footnote-41)

This is one of the clearest messages from the researcher survey: academics may have impact that is less easily characterised as ‘*research* impact’ and more appropriately viewed as ‘*researcher* impact’. A person is approached to apply their skills and expertise to a new problem because of their standing in a field rather than a piece of research that is of interest to policy-makers. This is clearly different from the premise of the REF 2014 impact assessment model that tied impact to specific outputs but, equally clearly, academic researchers are having an impact on policy. Stern observed that linking key outputs to impact means that some impact is not being captured and, following that and consultation, REF 2021 will see a substantial change that removes the requirement to connect impact to specific outputs; instead it must be linked to ‘underpinning research’.[[42]](#footnote-42)

That approaches from governments were based on general expertise is consistent with the literature. As Bastow explains, work for government advisory committees ‘often draws on [academics’] cumulative, lifetime experience of a research field, and not on any one single … research output or discovery’.[[43]](#footnote-43) Viewed from the government side, ‘We rely on [academics] to get good, sound expert advice at key stages … That kind of advice based on a range of evidence, the knowledge of the researcher rather than just a single individual project, can be key in influencing policy thinking’.[[44]](#footnote-44)

**=n**

1. **What outputs were of interest to government?**

Respondents were asked what outputs most interested government users. Figure 5 shows the responses as percentages, in descending order by the combined total of ‘very interested’ and ‘interested’.

Research reports attracted most interest. Consultation responses were highly regarded, though that would be expected as government was by definition wanting responses. Of traditional publications, peer-reviewed journal articles were of more interest than books or chapters. Of shorter publications, policy briefs were of substantial interest. Though they vary widely in form and name, these are typically 2–10 pages (perhaps up to 20 pages) and usually with a structure and layout designed to make research relevant, accessible and quickly digestible for policy audiences. Blog posts were of less interest, though this may have changed since REF 2014 with anecdotal evidence of some greatly increased readership.[[45]](#footnote-45) While policy briefs were more highly ranked than peer-reviewed articles in interest terms, far fewer academics produced policy briefs than produced articles. Both, though, are clearly important; research councils encourage succinct, policy-relevant summaries of research and the evidence here suggests that these will attract interest.[[46]](#footnote-46)

There are clear implications for academics seeking impact because their scholarly readership and government readership have different demands of format. Producing additional or alternative formats takes time, and for reports there is an added challenge of managing first publication in journals while timing report publication for maximum impact effect. A policy brief might be produced to accompany an article, but is unlikely to attract the same interest as a report. The skill in crafting work for different audiences should not be underestimated. A male RG respondent who was a senior academic and had engaged with government in ‘multiple stage[s] and multiple ways’ stated that:

A crucial step … is the translation process of taking the academic research findings and turning them into digestible and self-evidently relevant “nuggets” for stakeholders. Academics must become adept at writing for a range of audiences. Moreover, “translation” here does not mean “dumbing down” the conclusion from the peer-review[ed] article. It is a much more nuanced and sophisticated process. More work is required on this process and what it entails.[[47]](#footnote-47)

Although the REF output submissions permit the inclusion of reports, the established pattern is that academics and departments are reluctant to take risks with the REF demands and so the preference for articles may be hard to overcome.[[48]](#footnote-48) However, as REF 2021 has a lower minimum number of publications required for submission, academics may have a better opportunity to balance traditional and impact-oriented outputs.[[49]](#footnote-49)

1. **What was helpful in engaging with government?**

Respondents were asked how helpful each of 14 factors was in engaging with government. Total responses for each varied from 77 to 90. Figure 6 shows these results in descending order, based on combined responses of ‘very helpful’ and ‘helpful’.

Responses break down into four tiers. The first tier comprises three factors that, without question, were the most helpful in engaging with government: the research was relevant to government needs at the time; the researchers had pre-existing contacts in government agencies; and encountering a particularly receptive individual in government. In the next tier are: introductions from colleagues; pre-existing government contacts; intermediary contacts; and approaches seeking participation in research. The third tier comprises formal access protocols, funder networks and parliamentary committees, though in many instances these were not used or not applicable. Finally, social media, professional and industry contacts were not seen as providing pathways into government (or were rarely used). University press offices were not pathways to government, though that is not their function.[[50]](#footnote-50)

Question 10 in the survey put the proposition that, ‘Legal academic associations (e.g., SLS, SLSA, UK Constitutional Law Association) are bodies that provide good assistance to academics seeking access to government’. Of 97 responses, none strongly agreed, 5 agreed, 30 were neutral, 20 disagreed and 18 strongly disagreed. ‘Don’t know’ attracted 24 responses. While that is not necessarily part of the remit of those bodies, given their wide reach – SLS alone has 3,000 members – it suggests a potential that is under-utilised.

1. **What hampered engagement?**

Lack of time was the biggest obstacle to engagement (Figure 7). Universities, said one mid-career female respondent from a non-RG university, ‘need to provide adequate support (essentially time) within an individual’s working time period to enable [engagement] with government and policy makers’, and noted that the time demands of impact work can have disproportionate effects on academics who are part-time and/or have caring responsibilities.[[51]](#footnote-51) There was little difference between RG and non-RG responses in that regard, but RG researchers did not rate other obstacles as highly: researcher fatigue due to ‘other reasons’ was much lower, and funding was less of a concern. They also had less difficulty in identifying the relevant individuals in departments (an issue noted by respondents in comments). Whereas academics and university contact points are clear and accessible, there are usually few contacts available on government websites and rarely are there specific or named contacts (other than government media contacts).[[52]](#footnote-52) This difficulty is exacerbated by staff turnover in government, respondents reporting that this was ‘one of the main inhibitors’ and causes a ‘discontinuity of knowledge’.[[53]](#footnote-53)

**=n**

Just as in the data about early engagement with government, the importance of an established body of research, rather than a particular research output, emerged in this analysis of what legal academics see as helping (or hindering) engagement with governments. Overall, the responses illuminate two key challenges. First, the timeline of the research and publication cycle does not always match the policy timeline. Government will often need responses to policy questions on a tighter scale than academics can deliver them. There will be a substantial (even if unplanned) advantage if one has built a body of research that becomes of relevance to government, because it helps provide needed evidence or makes the researcher well placed to address policy questions speedily and authoritatively. It is likely that ‘right place, right time’ has an effect on impact for some or even many researchers. Having said that, as the findings in Figure 4 indicated, academics appear to be more commonly called on to provide expert input into policy based on their general expertise in the field.

Secondly, there is little to suggest that engagement results from strategy that runs across organisations. Individual researchers may have been systematic and strategic in aims, approaches and the use of time, but open-ended comments did not reveal any systemic or strategic approaches driven by institutions or the bodies they engage with. Faculty, university and funder networks are not especially helpful for most people. Rather, pre-existing contacts and introductions are important, and striking a particularly receptive individual will make a difference.

In all, successful engagement with government is highly dependent on individual circumstances, and the individual does not necessarily have a great deal of control over those circumstances.

1. **Establishing the evidence chain**

Obtaining evidence of impact is vital for being able to demonstrate impact as part of the REF. This can be straightforward and helpful if research is cited in reports or other materials in the public domain, but on other occasions research that is relied upon may not be directly credited in government documents.[[54]](#footnote-54) Moreover, a reference to research would rarely ‘be clear about how data has been used and provide some narrative as to the benefit of the research to decision making / policy development / practice change’.[[55]](#footnote-55) These benefits may be complex and nuanced; rather than producing evidence as the basis for policy, research may change the way issues are discussed, alter the terms of debate, or compel stakeholders to look more closely at data or related matters. Evidence of that kind might then be in private communications, such as a letter from someone in an organisation that used research.[[56]](#footnote-56) As Figure 8 shows, very few researchers received useful material for evidence without asking (9% agree / strongly agree). When researchers did ask then they generally – though not always – received helpful documents (71% agree / strongly agree), but comments brought out some of the difficulties researchers faced in securing evidence.

It may not be easy or comfortable to seek evidence, especially where users are not aware why evidence is needed. Respondents reported that they ‘did not like pestering civil servants for evidence’, or found it ‘embarrassing [and] didn’t enjoy seeking out the support’.[[57]](#footnote-57) There were positive experiences: ‘[We] found that people were happy to provide letters of impact when asked, and many say wonderful things about you in meetings [or] at events, but few think of putting this in writing. It's important to be pushing and ask!’ (mid-career female academic from an RG university).[[58]](#footnote-58) However some experiences were more negative; for example while some agencies were good, ‘central government departments were much worse and didn’t provide evidence even when asked’ (early-career male from a non-RG university).[[59]](#footnote-59) But even if asking, there may be limits to what can be provided. It was noted that ‘civil service advice to politicians is often confidential so there is no way of knowing if your research has been used in advice’.[[60]](#footnote-60) Just as staff turnover inhibited engagement, it similarly inhibited evidence gathering.[[61]](#footnote-61) An extension of the turnover problem was that civil servants who knew the work but had retired ‘would/could not … give a reference’.[[62]](#footnote-62) Seeking evidence ‘is time-consuming and [the use made of research is] not always immediately obvious at the time the research is carried out’.[[63]](#footnote-63) Concerns were also raised about the difference between what mattered and what constituted impact for government and for academics. Media coverage, for example, held different significance: ‘[The department] view being on TV as [the] main indicator of “impact”, when from a REF point of view unless being on TV led to some policy or real world change, that itself would not be [an] indication of impact’.[[64]](#footnote-64)

It is possible that some of the difficulties in obtaining evidence may relate to the low awareness and understanding of the REF in government. Only 34% of respondents agreed or strongly agreed that the people they dealt with in government were aware of the REF and just 12% agreed or strongly agreed that they understood it (Figure 9). However, to some extent the data suggests that people in government do not need to understand or be aware of the REF, but rather that they need to understand and respond positively to academic needs for evidence. However, an appreciation of why academics need evidence, and what they need evidence of, may not only see it provided more readily but may help foster good academic–government relationships. This will not solve the problems created by personnel changes, but awareness could result in better responsiveness while an individual is in the relevant post.

The generally positive response from government when asked by researchers to provide evidence is consistent with the RAND evaluation of the preparation of impact submissions. In that evaluation, universities expressed concerns that obtaining evidence of impact was the most difficult aspect of the process and the impact assessment put a burden on stakeholders, but the RAND team found that this was not borne out in the experience of obtaining evidence and in their interviews with stakeholders.[[65]](#footnote-65) Nonetheless, the academic view was that there needed to be a much greater buy-in to the REF from outside higher education institutions so that evidence was more effectively and systematically recorded and produced.[[66]](#footnote-66)

1. **Systems and chance in REF 2014**

Respondents were asked to consider some propositions related to the overall difficulty they experienced when engaging with government, including the role that systems (or conversely chance or good luck) play. As Figure 10 shows, engagement is not easy and good fortune plays an important role.

**=n**

RG researchers were more likely to agree/strongly agree that research can be brought to the attention of the relevant people within central government ‘without too much difficulty’ (37% as opposed to 20% of non-RG researchers, and 52% of non-RG disagreed/strongly disagreed as opposed to 37% RG). On clear contact points, non-RG respondents were more inclined to disagree, but the difference was not as noticeable as for the first proposition.

However, there was almost no difference in RG and non-RG responses to the proposition that ‘successful interaction with government is heavily dependent on chance and good fortune’. Just one of the 97 people who answered that question strongly disagreed with that statement, and only 9 disagreed. Conversely, 69% of respondents agreed (54%) or strongly agreed (15%) with the statement.

A number of comments addressed these issues, especially in terms of time constraints. For example, one male academic with over 20 years’ experience said:

[It is] difficult finding people in the organisations who have time to assist. Cuts mean that government officials have little time to do anything other than core business and fire fighting. Building up contacts takes a huge amount of time. Getting to the right person is very hit and miss.[[67]](#footnote-67)

The time pressures apply on both sides:

universities are not always amenable to enabling researchers to spend a long time building up networks and creating relationships which are necessary to underpinning impactful work.[[68]](#footnote-68) (mid-career female academic from an RG university)

There is wide acknowledgment in the literature that research impact results not merely from systematic and planned engagement, but from good fortune, perhaps in the research itself but also in the serendipity associated with networks and engagement.[[69]](#footnote-69) However, the relative importance of chance as it has been experienced by this sample of legal researchers seems quite remarkable given the cohort of respondents is accomplished and experienced in dealing with impact and engagement, including in government. It suggests systemic engagement with government is more ambition than reality, even for this group. If the significance of chance is applied to the portrayal of department strategies through the templates, it does not necessarily bear out some concerns raised by assessors across the REF that some impact templates were ‘fairy tale-like’, ‘a cosmetic exercise’, did ‘not reflect reality’ or were ‘a figment of the author’s imagination’, but it would seem consistent with the view expressed that they were ‘little more than aspirational statements’.[[70]](#footnote-70) There is nothing to suggest that case study authors were ‘gilding the lily’, but there is everything to suggest that the case studies and the impact templates do not tell us what we need to know if we are to learn how research impact in government can be pursued and enhanced.

Before considering what these findings may suggest for how law academics could engage with governments going forward, I will turn first to the survey of research directors, which explored issues of engagement post-REF 2014 from a law school perspective.

**AFTER REF 2014: IMPACT IN LAW SCHOOLS FOR REF 2021**

Strategic changes in universities emerged quickly in response to the inclusion of impact in the REF.[[71]](#footnote-71) This might be partly due to the weighting of impact in the REF and its significance for QR funding. While REF 2021 will differ from REF 2014 in terms of both specific weightings and the shape of submissions, putting energy and resources into impact, and especially into case studies, will still yield rewards comparatively far greater than those that come from improving outputs. For example, a 4\* case study is worth over four times as much as a 4\* output, or for a moderately performing school seeking to improve performance, 17 of its 2\* publications would need to become 3\* for roughly the same benefit as one impact case study that went from 2\* to 4\*.[[72]](#footnote-72)

This study’s survey of law school research directors in mid-2016 – just a year and a half after publication of the REF 2014 results, and around five years before the next REF was expected – reveals how law school resources have been committed to impact from very early in the REF cycle and explores the extent to which schools could position or support researcher engagement with government. The challenges faced by researchers in the last REF and the weighting of impact make it important that the prospects of successful engagement are improved as we move ahead. It was important to seek information from research directors to get a sense of school-level approaches. Perspectives from a school level can reveal information that may not be available from individual researchers about systematic approaches to engaging with governments, including a consideration of the broader spectrum of school and university-wide resources.

1. **Research directors: respondent profile**

Of the 34 survey responses received, 9 respondents were from RG universities, 24 from non-RG, and one chose not to say. Half the respondents had academic careers of 11–20 years and a third more than 20 years. The gender split was even. The RG respondents tended to have had careers longer than 20 years and about two-thirds were female.

The law school sizes were evenly balanced, with 16 responses from schools with 16–40 FTE staff, 16 responses from schools with 41 or more staff, and two responses from schools with fewer than 16 staff. There was a spread of rankings of law schools (as shown in Figure 11). RG responses were unsurprisingly ranked at the upper end but there were still 9 non-RG responses from the top 30.

**=n**

*Note: Overlaps were provided between the bands on this survey question because of the variation in rankings in different published tables.*

1. **Impact preparation for the next REF**

Respondents were asked how far along, in mid-2016, was their law school in preparation for the impact for the next REF. The results indicate that impact was a very prominent consideration for law schools as far as five years before the next REF. Thirty-six per cent reported being ‘very advanced’, having an impact lead or group targeting potential case studies, providing teaching relief or funding for likely case study researchers, and strategic development of impact support across the school. A further 30% identified as ‘advanced’, with one or two of those things in place. Almost all the remaining respondents reported that moves in these directions were underway. No respondents reported little or no preparation. All RG respondents reported being very advanced or advanced in preparation. Outside the RG there was greater variation, but half of those law schools were just as prepared as those in the RG, and most others not far behind.

It makes sense for schools to put substantial time and resources into impact preparations because of the financial benefits a strong impact case study can bring. Importantly, as it is inherently uncertain what research will have impact, more potential case studies need to be supported than can ultimately be submitted.

1. **Staff expertise in engaging with government**

Two questions were asked to gauge expertise in government engagement, especially so that researchers with less exposure to government might benefit and so that good, policy-relevant research might better reach government. First:

*If an early career researcher in your law school was seeking advice about how to bring their research to the attention of people in a UK government department, how many academic staff in the law school would be able to provide good and well informed advice about the best ways to access and engage with government?*

The responses (Figure 12) revealed that good advice could be found in all law schools, though those in RG universities were often better positioned.

**=n**

Secondly, staff training and development were explored. All law schools had access to university training on impact skills and strategies generally, but government engagement was not a regular focus. Outside the RG, 7 out of 24 respondents chose the option of ‘an occasional or ad hoc session’ with substantial attention to government, and another 9 reported that such a session had run ‘rarely or never in the last five years’ .

1. **Government outreach**

To what extent does government make itself accessible? The issue of access and identifying the right people, which the researcher survey had revealed to be so problematic, was explored in several questions. Only around 27% of respondents said they were aware of a department or agency that had ‘good information and clear contact points that would enable an academic to bring research to the attention of relevant people’. Most respondents reported that ‘maybe once a year’ or a little less often a programme would include a government speaker who would speak to how academic work could inform government and what government needed.

Prompted by a comparison with the resources available to journalists, who can readily access media contacts for every government department and agency, respondents were asked two questions about whether a source that provided systematic access could be useful for academics.

*Are you aware of a list of contacts for HMG government departments & agencies (or a devolved government & agencies) that is available to academics wanting to bring research to the attention of Government?*

Three respondents had seen a resource for a single department or agency, but 30 chose the option, ‘I have not seen any such resource, either consolidated or for a single agency.’ When asked whether such a list would be of use, 65% said ‘very useful’ and the remaining 35% said ‘somewhat useful’. None selected the ‘not very useful’ option.

1. **Systems and chance: redressing the imbalance**

In considering how law schools might balance the role that chance and good fortune seem to play in engagement with governments, results from the survey of research directors are illuminating. For example, while successful engagement and impact requires much more than identifying the right contact person, systems enabling academics to identify the right people in government could be vastly improved. Similarly, despite generally very high awareness in law schools of the significance of impact, and substantial resources that are being devoted to increasing impact, it is not clear that there is concomitant development of systemic improvements in the networks or frameworks that will enhance opportunities for impact in government. However, one significant development has followed the UK government’s acceptance of recommendations of the 2015 Nurse Review of Research Councils.[[73]](#footnote-73) The recommendation was to provide a more strategic approach to research and development programmes, a more sophisticated dialogue with academia, and documents that set out the most important research questions facing each department.[[74]](#footnote-74) In May 2017 central government departments began publishing areas of research interest with specific contact details for the department. At the time of writing, over a dozen departments have published such documents.[[75]](#footnote-75) This is a welcome, and the survey data suggests, much needed step forward, but it is just a step on a longer path. It remains to be seen what effects these will have.

**CONCLUSIONS**

It is increasingly important that we understand how impact occurs within our disciplines. This article has sought to enhance that understanding methodologically and substantively by studying legal academics’ engagement with UK governments.

The inclusion of impact in the REF has in some ways compelled a better understanding of these matters. The best example of this is the REF 2021 decoupling of impact from specific outputs. As the experience of law researchers shows, approaches by government were often made not because any specific research was relevant to current policy needs, but because the academic’s expertise meant they were well-placed to address policy questions that government wanted answered. This ‘researcher impact’ – rather than ‘research impact’ – is a crucial dimension of understanding both engagement and impact. The REF change goes a considerable way towards recognising that, but the submissions in REF 2021 and further survey work around the experience of researchers in undertaking impact and in drafting case studies could be a fruitful source of data to see how effectively this change maps on to the researcher experience.

There is much about engagement and impact in law that remains to be understood and addressed. Chief among the concerns is the extent to which chance plays a role. While the respondent researchers might have underestimated the extent to which their own outreach and energies were important, and individuals can and do plan engagement as far as they can, and chance will always be a factor, it is unsatisfactory and unnecessary that the prospects of successful engagement and impact are so dependent on good fortune. The development of clear and systematic pathways between government and academics should be a priority for both communities. The publication of Areas of Research Interest by UK government departments is a positive step, but nobody could claim it is a panacea. There is strong evidence that buy-in from government needs to be increased, especially in enabling access and providing evidence of impact for researchers. On the academic side, more work in building or using informal legal academic networks that provide a pathway into government departments is a potentially fruitful avenue, but more systematic approaches are likely to have greater effect. In law, scholarly associations might well do more to facilitate government access to expertise. At a discipline level this would be especially valuable because while universities have outward-facing expertise databases that list their own experts (often to provide access for journalists seeking comment), there is no discipline-based access point to expertise. For example, if people in government could access an SLS or SLSA database of academics where expertise is identified by subject area then that is likely to more effectively and efficiently provide government and other research users with a wide, accessible range of relevant experts.

Academic outputs sometimes need to be in formats that suit the needs of research users, and may need to address policy issues of importance to government, if they are to have impact. Both these problems are well-recognised in the literature. As Stevens has noted, with so much material available – an ‘oversaturation of evidence’ – and much academic work not suitable for answering policy questions, it is likely that these are among the reasons why engagement could be less than expected or less than possible.[[76]](#footnote-76) Addressing this issue may require significant time and perhaps also further development or a new application of findings to make them more directly policy-relevant. There is a need, though, to be cautious and aware of the burden on users and the possibility of user fatigue; increased burdens and poorly directed engagement attempts may risk disengagement with the academic community or increase gatekeeping that makes access to government more difficult.

Engagement should not be a substitute or a proxy for impact outcomes, but it deserves more attention than it has received. Examining impact through an engagement model draws attention not merely to the importance of interaction, but on what might be a *productive* interaction. The insights that can be derived from applying an engagement methodology provide the basis for enhancing impact and evidence of impact, with benefits flowing to academic and government communities and to the public at large as research informs policy more effectively. That in turn draws attention to the scope of this study and further research questions it prompts. First, this study focused on the experience of academics. A study of how government research users engage with legal academic research and researchers would further enrich our understanding of how impact occurs and might be enhanced in discipline-specific ways.[[77]](#footnote-77) This could include an examination of what lies behind the apparent lack of outreach by UK government entities to legal academics, exploring from a government perspective the level of awareness of what legal academics may have to offer, why they would offer it, and the ways government could benefit. Secondly, this study examined the experience of engaging with UK governments. There is room to drill further into that experience and a study of engagement with other UK sectors (such as parliament, civil society, or business) could yield rich insights. In the same vein, the experience of engaging with UK governments should not be extrapolated to apply to engagement with foreign governments or international bodies.[[78]](#footnote-78) However, even absent such further research, it is clear that without effective avenues in place for engagement, and without a strong understanding – and meeting – of mutual needs and of what makes interactions productive, it seems an inescapable conclusion that the public benefit of research is not what it could be.

1. York Law School, University of York, and Bingham Centre for the Rule of Law, BIICL. Email: lawrence.mcnamara@york.ac.uk. I am grateful to Rosemary Auchmuty, Tracey Booth, Rob Gleave, Simon Halliday, Chris Hilson, Robert McCorquodale, Justine McNamara and Jenny Steele for comments; to Sapna Raheem for research assistance; and to all the survey respondents for their time and willingness to complete the survey. The usual caveat applies. All URLs were accessed and current at August 2018 unless otherwise indicated. [↑](#footnote-ref-1)
2. N. Stern, *Building on Success and Learning from Experience: An Independent Review of the Research Excellence Framework* (2016), 21-22, 27; HEFCE, *Consultation on the Second Research Excellence Framework 2016/36,* December 2016, [126]; REF 2021, *Draft Guidance on Submissions* (2018), [58], [117]. [↑](#footnote-ref-2)
3. HEFCE, *Annual Funding Allocations for 2015-16, ‘*Quality-related funding data 2015-16’, ‘Mainstream QR funding broken down by institution and subject’, <http://www.hefce.ac.uk/funding/annallocns/1516/research/> (filtered by impact and UoA). [↑](#footnote-ref-3)
4. C. Manville et al., *Preparing impact submissions for REF 2014: An evaluation – findings and observations* (RAND Europe, 2015), 9-11 on median cost. Calculation extrapolated based on 175 case studies submitted by English law schools. [↑](#footnote-ref-4)
5. Research Councils UK, ‘Pathways to Impact’ <https://www.ukri.org/innovation/excellence-with-impact/>; T. Penfield et al., ‘Assessment, evaluations, and definitions of research impact: A review’ (2014) 23 *Research Evaluation* 21, 30; Manville, id., 23. [↑](#footnote-ref-5)
6. K. Campbell et al., ‘Ranking of United Kingdom law journals: An analysis of the Research Assessment Exercise 2001 submissions and results’ (2006) 33 *J of Law and Society* 335. [↑](#footnote-ref-6)
7. The pilot case studies ahead of the REF did not include any from law: HEFCE et al., ‘Research Excellence Framework impact pilot exercise: Findings of the Expert Panels’, November 2010, Annex A. Law was among the disciplines examined by S. Bastow et al., *The Impact of the Social Sciences: How Academics and their Research Make a Difference* (2014), but only one law academic was included at the detailed stage. A Dutch pilot study considered law: M Pen and J Spaapen, *ERiC – Evaluating Research in Context: Pilot Studie Faculteit Rechtsgerleerdheid VU – Eind rapport – vertrouwelijk [Final Report – confidential*], March 2010 (in Dutch) (cited with the author’s permission); in English, see S de Jong et al., ‘Evaluation of research in context: an approach and two cases’ (2011) 20(1) *Research Evaluation* 61, 63, 66-71. In Australia, pilot work in 2006 did not progress to discipline case studies (J Grant et al., *Capturing Research Impacts: A review of international practice*, RAND Europe, 2010, 8) and a 2017 pilot did not include law (‘EI: Pilot Overview’ <http://www.arc.gov.au/ei-pilot-overview>). [↑](#footnote-ref-7)
8. M. Lemay and C. Sá, ‘The use of academic research in public health policy and practice’ (2014) 23 *Research Evaluation* 79; S. de Jong et al., ‘Understanding societal impact through productive interactions: ICT research as a case’ (2014) 23(2) *Research Evaluation* 89, 91. See also K. Husbands–Fealing, ‘Assessing impacts of higher education institutions’ in A. Dean et al., (eds.), *7 Essays on Impact: DESCRIBE Project Report for JISC* (2013), 46; Penfield, op. cit., n 5, 26; L. Bornmann, ‘What is societal impact of research and how can it be assessed? A literature survey’ (2013) 64 *Journal of the American Society for Information Science and Technology* 217. [↑](#footnote-ref-8)
9. J. Spaapen and L. van Drooge, ‘Introducing ‘productive interactions’ in social impact assessment’, (2011) 20(3) *Research Evaluation* 211, 212. [↑](#footnote-ref-9)
10. Kings College London and Digital Science, *The nature, scale and beneficiaries of research impact: an initial analysis of Research Excellence Framework (REF) 2014 impact case studies* (2015), 56. REF guidelines do not privilege any particular type of impact and assessors were very conscious that all impact types should be assessed equally: C. Manville et al., *Assessing Impact Submissions for REF 2014: An Evaluation* (RAND Europe, 2015), 30. [↑](#footnote-ref-10)
11. There is an emerging body of work on research impact in parliament (C. Kenny, ‘The impact of academia on parliament’ LSE Impact Blog, 19 October 2015, <http://blogs.lse.ac.uk/impactofsocialsciences/2015/10/19/the-impact-of-uk-academia-on-parliament/>); K. Dommett et al., *A Recipe for Parliamentary Impact? An Academic Guide to Effective Engagement* (2016)). [↑](#footnote-ref-11)
12. REF 2021, op. cit., n 2, [291]; HEFCE, *Assessment Framework and Guidance on Submissions*, (updated Jan 2012), Annex C, 48. [↑](#footnote-ref-12)
13. REF 2021, id, [292]. [↑](#footnote-ref-13)
14. ESRC, ‘Types of Impact?’ Impact Toolkit, <http://www.esrc.ukri.org/research/impact-toolkit/what-is-impact/>. [↑](#footnote-ref-14)
15. Public engagement is of itself seen as a form of impact but is not addressed here as it raises myriad issues beyond the scope of this study; HEFCE, op. cit., n. 2, [78], [81]; HEFCE *Initial Decisions on the Research Excellence Framework 2021* (2017), [21]. [↑](#footnote-ref-15)
16. Lemay and Sá, op. cit., n. 8, 80. [↑](#footnote-ref-16)
17. Bastow, op. cit., n. 7, 37. [↑](#footnote-ref-17)
18. Id., 53 (emphasis in original); L. Meagher et al., ‘Flows of knowledge, expertise and influence: a method for assessing policy and practice impacts from social science research’ (2008) 17 *Research Evaluation* 163. [↑](#footnote-ref-18)
19. Australian Government et al., *Engagement and Impact Assessment Consultation Paper* (2016), 6, citing Academy of Technological Sciences and Engineering, *Research Engagement for Australia: Measuring Research Engagement Between Universities and End Users* (2015), 7. [↑](#footnote-ref-19)
20. ‘The SIAMPI approach’, 24 July 2012 <http://www.siampi.eu/642.bGFuZz1FTkc.html>; J Spaapen et al., *SIAMPI final report* (c2012), <http://www.siampi.eu/Content/SIAMPI_Final%20report.pdf>. [↑](#footnote-ref-20)
21. Spaapen and van Drooge, op. cit., n 9, 212 (emphasis in original); Spaapen et al., id, 2-4. [↑](#footnote-ref-21)
22. Spaapen and van Drooge, id., 213. [↑](#footnote-ref-22)
23. Id., 216. [↑](#footnote-ref-23)
24. Cf. the de Jong SIAMPI study, op. cit., n 7, which took one academic department, interviewed 22 researchers and 8 stakeholders, and conducted document analysis. [↑](#footnote-ref-24)
25. Manville, op. cit., n. 10, 34 [↑](#footnote-ref-25)
26. Spaapen and van Drooge, op. cit., n 9, 213. [↑](#footnote-ref-26)
27. Stern, op. cit., n. 2, 9. [↑](#footnote-ref-27)
28. Bastow, op. cit., n. 7, 66; Kings College London and Digital Science, op. cit., n. 10, 59. [↑](#footnote-ref-28)
29. T. Greenhalgh and N. Fahy, ‘Research impact in the community-based health sciences: an analysis of 162 case studies from the 2014 UK Research Excellence Framework’ (2015) 13 *BMC Medicine* 232; D. Kelly et al., ‘Impact case studies submitted to REF 2014: The hidden impact of nursing research’ (2016) 21 *Journal of Research in Nursing* 256; G. Samuel and G. Derrick, ‘Societal impact evaluation: Exploring evaluator perceptions of the characterization of impact under the REF 2014’ (2015) 24 *Research Evaluation* 229; T. Baguley, *Psychology Research Excellence Framework 2014 Impact Analysis* (British Psychological Society, 2017); P. Robbins et al., ‘Mapping Engineering and Development Research in the UK: An Analysis of REF 2014 Impact Case Studies’ (2017) 29(1) *Journal of International Development* 89; R. Marcella et al., ‘Beyond REF 2014: The impact of impact assessment on the future of information research’ (2016) 42(3) *Journal of Information Science* 369; R. Pullinger and O. Varley-Winter, *The impact of academic statistics as shown through “impact case studies” submitted to the 2014 REF* (Royal Statistical Society, 2017); G. Chowdhury et al., ‘Measuring the Impact of Research: Lessons from the UK’s Research Excellence Framework 2014’ (2016) 11 (6) *PLOS ONE* e0156978, <https://doi.org/10.1371/journal.pone.0156978>. [↑](#footnote-ref-29)
30. HEFCE, op. cit., n 12, 28; cf. Stern on ‘gaming’ to maximise staff returned for the fewest impact case studies, op. cit., n. 2, 13, 17. [↑](#footnote-ref-30)
31. <http://impact.ref.ac.uk/CaseStudies/Search1.aspx> [↑](#footnote-ref-31)
32. REF 2014 Results and Submissions: <http://results.ref.ac.uk/Results> [↑](#footnote-ref-32)
33. Nine case studies were not published for confidentiality reasons. [↑](#footnote-ref-33)
34. A. Milat et al., ‘A narrative review of research impact assessment models and methods’ (2015) 13 *Health Research and Policy Systems* 18, 22. Templates were especially problematic, described as often ‘rather unsophisticated’ by the Law sub-panel (REF 2014 *Overview report by Main Panel C and Sub-panels 16 to 26*, 2015, 73). [↑](#footnote-ref-34)
35. A survey respondent (respondent number 64 (R64), from a non-Russell Group university (non-RG)) suggested that with fewer civil servants than in Westminster, devolved governments often ‘rely heavily on input from academics’. [↑](#footnote-ref-35)
36. The methodology, however, may also explain the pattern; a mention of the Scottish government in a template was counted only once even if there were multiple mentions. [↑](#footnote-ref-36)
37. L. McNamara, *Engaging legal academics in law and development programming: opportunities, challenges, strategies*, ROLE UK Lessons Learned Paper (2015). This analysis found that of 6,975 case studies in REF 2014, 226 mentioned DFID but just nine case studies from the Law UoA mentioned engagement with DFID. That is, less than 4% of academic engagement with DFID came from Law, despite 37 Law case studies mentioning DFID priority countries on 75 occasions. [↑](#footnote-ref-37)
38. Russell Group, *Profile*, October 2014, p 7. [↑](#footnote-ref-38)
39. E.g., Respondent number 79, from a Russell Group university (R79 (RG)); also R12, R19, R33, R48, R120 (all RG), R16, R54, R65 (all non-RG). [↑](#footnote-ref-39)
40. R107 (RG). [↑](#footnote-ref-40)
41. R16 (non-RG). [↑](#footnote-ref-41)
42. Stern, op. cit., n. 2, [51], recommendation 6; Manville, op. cit., n. 10, 33; HEFCE, op. cit., n. 2, [98]-[100]; HEFCE, op. cit., n. 15, [26]; REF 2021, op. cit., n. 2, [117], [297]-[298]. [↑](#footnote-ref-42)
43. Bastow, op. cit., n 7, 26. [↑](#footnote-ref-43)
44. Id., 166–167. [↑](#footnote-ref-44)
45. Professor Mark Elliott’s *Public Law for Everyone* blog is widely read. It had 66,913 page views in 2013 rising to 610,231 in 2016 (personal communication with the author). In *Miller*, the Supreme Court stated that the debate on blogs had been valuable: [2017] UKSC 5, [274] (Lord Carnwath). [↑](#footnote-ref-45)
46. E.g., ESRC, ‘Influencing policymakers’, Impact Toolkit, <https://esrc.ukri.org/research/impact-toolkit/influencing-policymakers/>. [↑](#footnote-ref-46)
47. R107 (RG). [↑](#footnote-ref-47)
48. Stern, op. cit., n. 2, [43]; Manville, op. cit., n. 4, 15. [↑](#footnote-ref-48)
49. REF 2021, op. cit., n. 2, [58]. [↑](#footnote-ref-49)
50. RG researchers reported higher percentages in all categories, suggesting slightly better access to government. In NGO and civil society contacts, more RG researchers made use of these in some way (68% as opposed to 54%), and more RG researchers found them helpful/very helpful (43% as opposed to 21%). This may suggest that NGOs that are better connected to government tend to work with RG universities. [↑](#footnote-ref-50)
51. R6 (non-RG). [↑](#footnote-ref-51)
52. The Ministry of Justice, for instance, has 6 named contacts with specialist areas: <https://www.gov.uk/government/organisations/ministry-of-justice/about/media-enquiries>. In April 2017 the same page had 21 named contacts, each with phone number. Before online access, there were for many years named contacts available to journalists in the regularly updated *White Book of Contacts in Government Departments and Agencies*: House of Lords Select Committee on Communications, *Government Communications*, 1st Report of Session 2008-09, HL Paper 7, [131]. [↑](#footnote-ref-52)
53. R17 (non-RG), R78 (RG). [↑](#footnote-ref-53)
54. R6 (non-RG), R26 (non-RG), R87 (RG); cf. positive experiences reported in comments – e.g., R107 (RG), R46 (RG). [↑](#footnote-ref-54)
55. R87 (RG). [↑](#footnote-ref-55)
56. HEFCE, op. cit., n 12, Annex G, 54. [↑](#footnote-ref-56)
57. R5 (non-RG), R54 (non-RG). [↑](#footnote-ref-57)
58. R87 (RG). [↑](#footnote-ref-58)
59. R26 (non-RG). [↑](#footnote-ref-59)
60. R5 (non-RG). [↑](#footnote-ref-60)
61. R17 (non-RG), also R78 (RG). [↑](#footnote-ref-61)
62. R8 (non-RG). [↑](#footnote-ref-62)
63. R6 (non-RG). [↑](#footnote-ref-63)
64. R33 (RG). [↑](#footnote-ref-64)
65. Manville, op. cit., n. 4, 14-20. [↑](#footnote-ref-65)
66. Id., 30. [↑](#footnote-ref-66)
67. R63 (preferred not to say whether RG / non-RG). [↑](#footnote-ref-67)
68. R87 (RG). [↑](#footnote-ref-68)
69. Penfield, op. cit., n 5, 26; Spaapen and van Drooge, op. cit., n 9. 213–215; Bastow, op. cit., n 7, 168, 171 (though they go on to argue that academics need ‘strategies to put themselves in those situations that may seem “serendipitous”’ and to ‘contrive to maximize the potential opportunities for impact – in the hope that this will increase the chances of serendipitous outcomes’.) [↑](#footnote-ref-69)
70. Manville, op. cit., n 10, 38. [↑](#footnote-ref-70)
71. Manville, op. cit., n. 4, 23. [↑](#footnote-ref-71)
72. The calculations cannot predict precise changes because altering the balance of quality in one school would also alter the overall weighted volume measure and the £ per weighted point. M. Reed and S. Kerridge have recently looked at the financial rewards of impact case studies more widely. Value varies across disciplines but they noted that ‘we can expect similar levels of funding per case study’: ‘How much was an impact case study worth in the UK Research Excellence Framework?, Fast Track Impact, 1 February 2017, <http://www.fasttrackimpact.com/single-post/2017/02/01/How-much-was-an-impact-case-study-worth-in-the-UK-Research-Excellence-Framework>. [↑](#footnote-ref-72)
73. P. Nurse, *Ensuring a successful UK research endeavour: A review of UK research councils*, Department of Business, Industry & Skills, BIS/15/625, 2015. [↑](#footnote-ref-73)
74. Government Office for Science and Cabinet Office, *Areas of Research Interest* <https://www.gov.uk/government/collections/areas-of-research-interest>; Id., 23. [↑](#footnote-ref-74)
75. Areas of Research Interest (ARI) collection: <https://www.gov.uk/government/collections/areas-of-research-interest>. [↑](#footnote-ref-75)
76. A. Stevens, ‘Telling policy stories: an ethnographic study of the use of evidence in policy-making in the UK’ (2011) 40 *Journal of Social Policy* 237, 242. [↑](#footnote-ref-76)
77. E.g. M. Reed et al., ‘Five principles for the practice of knowledge exchange in environmental management’ (2014) 146 *Journal of Environmental Management* 337. More generally, J. Ingold and M. Monaghan, ‘Evidence translation: an exploration of policy makers' use of evidence’ (2016) 44 *Policy and Politics* 171. [↑](#footnote-ref-77)
78. This point was made in survey responses – e.g., R114 (RG). [↑](#footnote-ref-78)