

# **UNIVERSITY OF ROEHAMPTON CONSULTANCY POLICY**

## **UNIVERSITY NON-RESEARCH SERVICES AND PRIVATE OUTSIDE WORK: POLICY AND GUIDELINES**

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## 1. Background

The University encourages members of staff, where appropriate, to undertake high quality work on behalf of public, industrial, commercial, scientific, educational, cultural and international organisations. Such work should be of mutual benefit, demonstrating our wider economic, social and cultural contribution and enhance our research, enterprise, learning and teaching activities.

The University considers it highly desirable that its staff should undertake work under the aegis of the University. Nevertheless, in accordance with staff contractual provisions, University Staff (as defined below) may undertake outside work in a private capacity provided that such work complies with this Policy and Guidelines. Staff on fractional appointments are free to work on a private basis when not employed by the University.

## 2. Definitions

For the purposes of this Policy and Guidelines, the following definitions apply:

**“Consultancy”** means an activity that a member of staff carries out through which their expertise is exchanged with an external organisation, but which does not involve original research work or form part of an accredited programme of learning and teaching;

**“Private Outside Work”** means any work undertaken by a member of staff on behalf of organisations or individuals outside the University in a private capacity;

**“Professional Development”** means learning opportunities that are provided to individuals or groups as part of their employment or personal development. This activity can be self-financed or paid for by employers or other organisations as part of an agreement with the University. It does not normally include full-time accredited programmes leading to an undergraduate or postgraduate degree, but may include components of such programmes undertaken on a stand-alone basis. These may incorporate similar material to that used in accredited programmes but may also include non-accredited materials.

**“RCIL”** means Roehampton Corporate Initiatives Limited

**“Senior Executive Team”** means the Deputy Provosts, members of the Financial Strategy Group and the University Secretary

**“Specialised University Resources”** means laboratory facilities and related services, archives, library resources, data sets and equipment (but excludes personal computers);

**“Staff”** or **“University Staff”** means any employee of the University of Roehampton.

**“University Resources”** means staff, funds, facilities and equipment;

**“University Services”** means any paid-for consultancy, professional development, services rendered, knowledge exchange and knowledge transfer activity provided by a member or members of staff for organisations outside the University and where all contractual, financial and insurance arrangements are managed under the aegis of the University.

### 3. Principles

The following principles apply to both University Services and Private Outside Work:

- 3.1 The University encourages staff to conduct University Services in preference to Private Outside Work as this generally benefits and advances the mission of the University.
- 3.2 University Services must always be of a high standard and make good and effective use of the particular knowledge, skills and standing of the staff involved in the work. The University needs to be assured that its contractual obligations to third parties can be met in the event of a member of staff originally undertaking the work being unable to complete the work for whatever reason.
- 3.3 University Services which do not form part of the University's primary activities must be channelled through the University's trading subsidiary, RCIL. If you are unsure as to the appropriate route for a particular contract you should seek advice from the Finance Department.
- 3.4 Neither University Services nor Private Outside Work may be carried out without the University's prior knowledge and formal approval. Approval must first be obtained from the Head of Department using a P1 Form.
  - (a) Examples of activities which must be channelled through RCIL are:
    - (i) Contracts with commercial sponsors;
    - (ii) Consultancy; or
    - (iii) Conferences for external organisations
- 3.5 The Head of Department will determine whether the demand on the time of the member of staff is reasonable in the context of other University duties. The work must not interfere with the efficient discharge of the staff member's normal duties of teaching, research and/or administration but where appropriate the work may be recognised in the individual's workload.
- 3.6 University Services and Private Outside Work may only be undertaken where sufficient time and other resources are available to enable the effective delivery of the project.
- 3.7 The work should not conflict with terms and conditions relating to other University contracts.
- 3.8 Contracts for University Services must comply with the University's Financial Regulations and Procedures.
- 3.9 The University will provide Professional Indemnity Insurance cover to a member of staff undertaking University Services, provided that prior approval for the work has been granted by the University and that the agreement or contract to undertake the work is between the University and the external body.

Employees are also covered by Professional Indemnity Insurance for undertaking public duties for which formal approval has been obtained.

The University will not be liable for negligence, malpractice or lack of exercise of due care in any case in which work for external bodies is undertaken without prior approval.

- 3.10 In accordance with Section 6, before undertaking any Private Outside Work, the member of staff must, in addition to seeking and obtaining University approval to undertake the work, provide the University (via the relevant Head of Department) with a formal acknowledgement from themselves and the external client that the work is being undertaken in a private capacity *and* that no liability will attach to the University as a result of the work.
- 3.11 In the case of both University Services and Private Outside Work, the member of staff must immediately disclose to the relevant Head of Department any actual or potential conflict of interest with the University arising from his/her involvement in the work and/or interaction with the external client.
- 3.12 Where a member of staff provides University Services for a third party, they should not be involved in determining the final terms of the contract between the third party and the University. Negotiation of the final terms will be undertaken by the Research Office.
- 3.13 Private Outside Work must not conflict in any way with the work of the University itself.
- 3.14 For clarification, the individual carrying out Private Outside Work will be personally responsible for all financial, taxation and insurance arrangements relating to the work.
- 3.15 Work for external bodies should be consistent with the terms and conditions of the University's Intellectual Property Policy.
- 3.16 Credit-bearing professional development provision is managed in the same way as other teaching. Non-credit-bearing professional development provision is managed in line with this Policy.
- 3.17 Failure to comply with this Policy and the following Guidelines may lead to disciplinary action.

#### **4. Scope and Application of the Policy**

- 4.1 Staff on full-time contracts are generally excluded from undertaking Private Outside Work during their normal working hours.
- 4.2 The Policy does not apply to the following categories of activity that may be undertaken by University Staff from time to time:
  - (a) Appointment as external examiner, as an assessor for a higher degree or the qualification of a professional body, as an external validator of degree programmes, as a member of a committee of a learned society, research council or other government organisation, as editor of a scientific or other scholarly publication or as a holder of an office whose duties involve similar occasional editorial work,
  - (b) Publishing, reviewing and refereeing online media, articles and manuscripts in or for websites, journals and books;
  - (c) Occasional contributions to the press, radio or television; and
  - (d) Occasional guest lectures.

- 4.3 Any substantive commitments, such as those associated with ongoing public appointments (e.g. election as a member of parliament or to local government or appointment as a Justice of the Peace) must be discussed with the relevant Head of Department who will inform the appropriate member of the Senior Executive Team.
- 4.4 In arriving at a decision as to whether a member of staff may engage in the provision of University Services or Private Outside Work, the relevant Head of Department will consider the following:
- (a) the value of the activity to the work of the member of staff, to the University and to the discipline, and the potential value of the contribution to society, especially in terms of the research impact agenda;
  - (b) the benefit to the University of increased staff contact with the professions, with industry and with other organisations outside the academic environment;
  - (c) the extent to which the work is consistent with the contractual duties of the member of staff;
  - (d) whether the commitment to the work may be detrimental to the member of staff's contracted University work or may add to the burden of colleagues; and
  - (e) any actual or potential conflict of interest between the member of staff and/or the outside body for whom the work will be undertaken on the one hand and the University on the other.
- 4.5 The University must consider on a case by case basis whether it is able to enter into a formal contract whereby a member of staff gives expert evidence in a Court of Law, a Public Enquiry or to a Parliamentary Committee.
- 4.6 Levels of provision and quality of professional development and consultancy activity will be monitored by the relevant Department and reported regularly to the External Engagement & Internationalisation Committee as part of the annual planning cycle.

## **5. Costing and Pricing a Contract for University Services**

- 5.1 The fundamental principle of pricing contract work is that the negotiation is on **price** and not cost.
- 5.2 The appropriate price for a contract for University Services will usually be determined by the Research Office.
- 5.3 A contract should be priced appropriately taking into account any commercial advantage gained by the third party from the work undertaken.
- 5.4 The full economic cost of the work should be determined in line with the University's procedures for costing and pricing of contracts. The University should recover at least the full economic costs for University Services. Where it is proposed to undertake University Services work at less than the full economic cost, a written justification, signed by the relevant Head of Department must be provided to and agreed by the Director of Finance.

- 5.5 In the case of consultancy and other services rendered, a formal quotation for the work, authorised, usually, by the Research Office, will be issued to the client. Upon receipt of the client's written acceptance (or signature by both parties of mutually acceptable, alternative conditions), the work may then proceed.
- 5.6 Copies of any reports submitted in connection with University Services must be retained in a secure and retrievable record system within the relevant Department. This is a requirement to meet the possibility of litigation against the University at a future date. Such copies should be subject to appropriate security and confidentiality control.

## **6. Private Outside Work**

- 6.1 Members of Staff may undertake Private Outside Work. In each case, permissions to undertake such work must be obtained in writing prior to any agreement to do such work.
- 6.2 The demand made on the Staff Member's time must not interfere with the efficient discharge of the Staff Member's contractual duties to the University.
- 6.3 Private Outside Work must not conflict with terms and conditions relating to any University work, which may include consultancy or contract research work.
- 6.4 When undertaking Private Outside Work, a member of staff must not use University space or resources and in particular University headed notepaper, title, email accounts or any other medium whereby the name of the University might inadvertently become associated with the Private Outside Work.
- 6.5 Prior to undertaking Private Outside Work, the Staff Member must provide the University with a formal acknowledgement that they have made clear to the client that the work is carried out in a private capacity and that no liability will attach to the University for the work.
- 6.6 The Staff Member is responsible for ensuring that full legal and financial responsibility for the activity are accounted for, including all insurance cover that may be required for the work. Professional indemnity cover is not provided under the University's insurance policy for any Private Outside Work.
- 6.7 Subject to compliance with this Policy and the Guidelines, a Staff Member is entitled to all earnings arising from Private Outside Work and the University will have no interest in any rights arising from the activity. Staff are reminded of the need to declare any such earnings to the relevant authorities, including Her Majesty's Revenue & Customs.
- 6.8 Any income recovered from University non-research services will be distributed according to the following schedule.

## **7. Breach of Policy**

Any Private Outside Work undertaken without permission may lead to disciplinary action.

## 8. Schedule of Income for University non-research Services

	Scope & Definition	Suggested Costing and Pricing Policy
<p><b>University Services</b></p> <p><b>Objective:</b></p> <p>Grow levels of <i>knowledge exchange / enterprise</i> activity in line with University strategies.</p>	<ul style="list-style-type: none"> <li>• Work undertaken by an individual or team within a department, research centre or centre for professional practice for an external client that requires specialised staff expertise.</li> <li>• May involve specialised University equipment, facilities, research (and therefore may be used as evidence of research impact) or other expertise.</li> <li>• Contracted by the University and covered under its insurance.</li> <li>• Treated as part of the individual's academic activities or responsibilities, possibly linked to research impact and so built into workload patterns where possible.</li> </ul>	<ul style="list-style-type: none"> <li>• Costed using full economic costing</li> <li>• Price agreed with Research Office</li> <li>• Income sharing as follows: <ul style="list-style-type: none"> <li>• Indirect Costs to University</li> <li>• Balance of funds to the Department to be utilised with 18 months of receipt</li> </ul> </li> </ul>
<p><b>Academic Consultancy</b></p> <p><b>Objective:</b></p> <p>Encourage as an alternative to private consultancy.</p>	<ul style="list-style-type: none"> <li>• Work undertaken by a staff member, with the approval of their Head/Director of Department/School, in a University of Roehampton capacity.</li> <li>• Fully covered by University insurance.</li> <li>• Staff able to use University phone, e-mail address, logo, stationery, etc.</li> <li>• Access to appropriate resources permitted with appropriate permission and budget provision.</li> <li>• May be defined as research impact as above.</li> <li>• Workload allowances normally take account of the time required for this work and changes are made accordingly.</li> </ul>	<ul style="list-style-type: none"> <li>• Costed using full economic costing</li> <li>• Price agreed with Research Office</li> <li>• Income sharing as follows: <ul style="list-style-type: none"> <li>• Indirect Costs to University</li> <li>• Balance of funds to the Department to be utilised within 18 months of receipt</li> </ul> </li> </ul>
<p><b>Private consultancy</b></p> <p><b>Objective:</b></p> <p>Reduce overall levels through encouraging the <i>Academic Consultancy</i> option.</p>	<ul style="list-style-type: none"> <li>• Work undertaken by a staff member, with the approval of their Head of Department, in a personal capacity.</li> <li>• Not covered by University insurance.</li> <li>• <i>Waiver Request</i> form required to be signed by the individual's client acknowledging the University's non-involvement before approval is deemed granted.</li> <li>• No use should be made of University resources (incl. phone, e-mail address, logo, stationery, etc).</li> <li>• Work is undertaken outside of normal workload allocations and so no changes to usual patterns of work are required.</li> </ul>	<ul style="list-style-type: none"> <li>• Not Applicable — fee set and retained by the individual.</li> </ul>
<p><b>CPD activity</b></p> <p><b>Objective:</b></p> <p>Grow levels of <i>knowledge exchange / CPD</i> activity in line with University strategy.</p>	<ul style="list-style-type: none"> <li>• Work undertaken by an individual or team within a department, research centre or centre for professional practice for an external organisation.</li> <li>• May involve specialised University equipment, facilities, research or other expertise.</li> <li>• Contracted by the University and covered under its insurance.</li> <li>• Treated as part of the individual's academic activities or responsibilities, and so built into workload patterns where possible.</li> </ul>	<ul style="list-style-type: none"> <li>• Costed using full economic costing</li> <li>• Price agreed with Research Office</li> <li>• Income sharing as follows: <ul style="list-style-type: none"> <li>• Indirect Costs to University</li> <li>• Balance of funds to the Department to be utilised within 18 months of receipt</li> </ul> </li> </ul>