

Policy for Staff Undertaking Consultancy and Other Work for External Bodies

Introduction

1. The University of Stirling (“our” or “us” or “we”) is committed to, and values, knowledge exchange. It is a fundamental part of our purpose as an organisation and a major opportunity to engage with, and deliver benefit to, our funders, partners and other stakeholders. As a research-led University, knowledge exchange is an integral component of our research and enterprise portfolio.
2. We encourage and support staff engaging in consultancy and other work for external bodies that is consistent with the discharge of their contractual responsibilities to, and objectives of, the University as their employer. We recognise and reward these activities by providing effective support for staff engaged in consultancy and other work for external bodies, attractive and flexible arrangements for sharing income, and in our criteria for promotion.

Definition of Consultancy and Other Work for External Bodies

3. We have adopted a broad definition of consultancy and other work for external bodies.
4. Consultancy is defined as an activity that a member of staff carries out within or related to his or her professional field 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.
5. Other work for external bodies includes activities that may or may not be directly related to the professional expertise of the member of staff, and which potentially involve significant calls upon the individual’s time or impinge upon the individual’s professional engagement with the University in some other way. The definition of other work for external bodies includes public service/duties such as membership of government or public organisations, commercial activities, and work undertaken for other educational institutions. An indicative, but not exhaustive, list of public service/duties covered by the definition of other work for external bodies includes appointment as a Justice of the Peace; member of a local authority; member of National or the European Parliament; member of a statutory tribunal; member of a police authority; member of NHS bodies, including Boards of Health Trusts, Primary Care Trusts and Strategic Health Authorities; member of a prison visitors or prison visiting committee; member of relevant educational bodies; member of a government committee or commission; member of a Non-Departmental Public Body.
6. The following is an indicative, but not exhaustive, list of examples of consultancy and other work for external bodies for which approval must be sought:

- University Consultancies (where the contract is between the University and the external body);
 - Provision of services and/or products (where the contract is between the University and the external body).
 - Employment by external bodies (either paid or unpaid);
 - Directorship of companies;
 - Business or Professional Partnerships;
 - Sole business or professional practice.
 - Professional practice for external bodies;
 - Regular journalistic work.
7. This policy applies to all such activities whether or not payment for services is involved. The definition of consultancy and external work does not include academic book publication; conference attendance or presentations; broadcasting (unless undertaken on a commercial basis), professional service on academic committees such as those operated by research funders; service for academic or professional associations, or external examiner duties. It is expected, nevertheless, that all such activities will be reported to line managers in accordance with normal management arrangements.

Disclosure of Consultancy and Other Work for External Bodies

8. We require that all consultancy and other work for external bodies undertaken by our employees is disclosed and formal approval for such consultancy and other work for external bodies must be given. In addition to the legal duty of an employee to an employer, we have the following reasons for requiring disclosure of such work for external bodies:
- **Public Accountability:** We have to be able to justify the use of public funds in circumstances in which the activity undertaken by its employee is not part of the formal contract of employment supported by public funds. Justification may be required by both internal and external auditors.
 - **Costs:** The full economic cost of any University resources, facilities, services personnel or material must be recovered. No unrecovered costs must fall on the University in respect of work by an employee for an external body, except in specific circumstances and with prior approval.
 - **Income from consultancy and other work for external bodies:** The price charged for work for external bodies should be set at a level so that normally, as a minimum, the full economic costs to the University are recovered and, where appropriate, to generate additional income for the University and the employee.
 - **Contracts:** No work for external bodies should be undertaken that implies any contractual obligations with a third party on the part of the University unless the University has agreed to such obligations.
 - **Propriety:** Work for external bodies should be academically and professionally appropriate and it should not bring the University's good name into disrepute. It must also comply with ethical guidelines. For further information, please see the University's Code of Good Research Practice.
 - **Intellectual Property:** Work for external bodies should be consistent with the terms and conditions of the University's policy on Intellectual Property. For further information and guidance, please contact the Research & Enterprise Office.

- **Probity:** Potential conflicts of interest can only be avoided by full disclosure of work for external bodies. Normally, where a member of staff undertakes external work for a third party, they should not be involved in determining the final terms of any contract between that third party and the University. This negotiation will be undertaken by the Research and Enterprise Office.
- **Quality Assurance:** The University requires to have in place appropriate arrangements to assure the quality of work for external bodies, and to ensure 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.

Requirement for Formal Approval to Undertake Consultancy and Other Work for External Bodies

9. Engaging in Consultancy and other work for external bodies is subject to formal approval in advance by the employee's Dean of Faculty, given the potential impact on the time and resources of the individual and/or facilities, resources, reputation and responsibilities of the University. The University does not prescribe a maximum limit on the amount of time spent by employees on these activities provided that they do not negatively impact on, or compromise, the discharge of the employee's contractual responsibilities to the University. Ultimately, we must be satisfied that the individual will continue to perform all the duties required of them by their contract of employment with the University and that the consultancy and other work for external bodies does not conflict with the interests of the University. If this is not the case, permission to undertake the activity will be withheld.
10. In some circumstances, consultancy and other work for external bodies can also be undertaken on a private basis (see "Private consultancy" below). Permission to undertake such work is also subject to formal approval in advance by the University, given the potential impact on the time of the individual and their contractual responsibilities to the University.
11. Failure to disclose or obtain formal approval for consultancy and other work for external bodies as required by this policy shall be regarded as a disciplinary matter, and subject to the University's regular disciplinary procedures. In addition, members of staff will not be indemnified or insured by the University in circumstances where formal approval for consultancy and work for external bodies has not been obtained.
12. If an employee is in any doubt as to whether the work they propose to do falls within the definition of consultancy and other work for external bodies within this policy, and therefore whether such work should be disclosed and approval sought, the employee should seek the advice of the Research & Enterprise Office.

University Consultancy

13. In recognising the value of consultancy and other work for external bodies, the University provides supportive arrangements through which such work can be undertaken and encourages all staff to utilise them. Our criteria for promotion and progression also take full account of participation in knowledge exchange activities.
14. The University will offer Professional Indemnity Insurance to a member of staff undertaking consultancy or work for other external bodies as defined by this policy, 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 (private consultancy is, therefore, explicitly excluded from these provisions). We will also provide Professional Indemnity Insurance for our employees undertaking public duties for which formal approval has been obtained. The University disclaims all liability for negligence, malpractice or lack of exercise of due care in every case in which work for other external bodies is undertaken without prior approval. The holding of a University post in a particular discipline could be held as evidence of professional competence in that discipline. Despite the disclaimer above, therefore, the University might be pursued for damages in respect of alleged incompetence of a member of staff undertaking work for external bodies where permission has not been granted. This would result in a situation where not only the individual, but the University could find itself uninsured against the risk.

15. We maintain standard Consultancy and Other Work for External Bodies contract terms and conditions for reasons of good governance, simplicity and efficiency. Where possible, consultancy and outside work should be undertaken under these terms and conditions. However, it is recognised that contract terms and conditions may require to be varied from time to time in some circumstances to meet sponsor requirements. In every case, contract terms and conditions are subject to acceptance on behalf of the University by a person authorised by the University Court to accept contracts.
16. Consultancy activity may not be approved where there are other constraints on the member of staff's time and availability or where it is not in the best interests of the University to undertake the activity at that time.
17. The University's name may not be used without approval. Requests for use of the University name by third parties in endorsing Consultancy work being funded by the third party, or any output or outcomes from that Consultancy, should be referred to the Research & Enterprise Office. While it is unlikely that any such request arising from approved Consultancy will be turned down, possible misuse of the University's name in endorsing Consultancy output means that prior agreement is required.

Private consultancy

18. As noted above, there are some circumstances where permission may be granted to a member of staff to undertake consultancy or other work for external bodies as a private individual. In undertaking such work, the member of staff must make it clear to the external body that they are doing so as a private individual rather than a University employee. The individual will be required to indemnify the University should any costs, claims, damages or expenses be incurred by the University as a consequence of the work. The individual will not be covered by Professional Indemnity Insurance or any other insurance provided by the University and must ensure that there is no interference with or compromise of their contractual responsibilities to the University. The individual is responsible for declaring any income from such work on all relevant tax returns and the University will have no responsibility for any tax, national insurance, interest or penalties payable in connection with the work. No use may be made of facilities, resources, equipment or premises belonging to the University whilst undertaking private work. The University's name and/or endorsement (including use of headed paper, university business cards, and other branded materials) cannot be used in connection with private consultancy.

Use of Income from Consultancy and Other Work for External Bodies

19. Except where permission is given to undertake consultancy or other external work on a private basis, we make it a condition of approval of work for external bodies that details of time commitments of such work, and any earnings generated by the work are disclosed to the University.
20. All revenues from consultancy and other work for external bodies undertaken in the name of the university must be paid by the external bodies directly to the University.
21. Any income recovered from consultancy or other external work will first be used to meet the full economic costs incurred by the University. (For further information, please see the University's Pricing Policy for Research and Knowledge Transfer). Such income will be distributed to Faculties through the normal resource allocation and budget setting procedures. Deans of Faculties are encouraged, in their internal use and allocation of resources, to recognise the contribution made to their budgets by members of their staff undertaking consultancy and other external work. Any income received which is in excess of that required to meet the University's full economic costs will be allocated to the Faculty(s) of the individual(s) undertaking the work. The Head(s) of those Faculty(s) shall have discretion, in consultation with the individual(s) concerned, over whether to make such income available as an additional personal payment, or to have it placed into a departmental discretionary fund which shall then remain available to support the research and enterprise work of the individual(s) concerned, or a combination of the two. Any additional personal payments will be made in accordance with the University's normal payment arrangements and subject to the deduction of Income Tax and National Insurance contributions, and any other deduction required by law.
22. **Further information and assistance** is available from the Research and Enterprise Office, University of Stirling, Stirling FK9 4LA; website <http://www.research.stir.ac.uk>; telephone 01786 467041; fax 01786 466688; email research@stir.ac.uk.