



CONSULTING POLICY AND PROCEDURES

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1. POLICY

Academic Staff may engage in up to 50 days per annum remunerated consultancy activities for third parties, either through the University or on a personal basis, and may retain remuneration received from consulting, including benefits in kind and deferred consideration subject to the conditions outlined below. When consultancy is undertaken through the University, it is the University which invoices the client and remunerates the member of staff as appropriate, whereas when consultancy is undertaken on a personal basis it is the member of staff who invoices the client.

Before giving any undertaking to engage in consultancy activities, members of academic staff must seek the prior approval of their Authorising Officer (see 8b) below) to confirm that the work is compatible with the interests of the School/Department and the University; that the total amount of consultancy undertaken by any individual member of staff will not exceed 50 days per annum; that the extent to which any University facilities or resources will be used is clearly defined and has been costed by the Research Support Office and that the University is appropriately indemnified against any financial risk.

Staff other than academic staff may only engage in consultancy activities where specific arrangements have been approved on an individual basis by the Vice-Chancellor. Any such approvals will be notified in writing to the relevant Authorising Officer and to Human Resources as and when they occur.

The University encourages staff to undertake their consultancy activities through the University, and where the consultancy is undertaken on behalf of the University and governed by a contract between the University and a third party, the activity is covered by the University's Professional Indemnity insurance.

Undertaking unapproved consulting activities, or failing to report on consulting activities undertaken when requested will be considered a breach of this policy and may result in disciplinary action being taken.

2. DEFINITION OF ACADEMIC STAFF

As outlined in the University Statutes, academic staff means the Professors, Readers, Senior Lecturers, Lecturers and such members of the research and library staff of the University, and such other categories as the Council on the recommendation of the Senate may from time to time determine.

3. DEFINITION OF CONSULTING

For the purposes of this policy "consulting" is taken to mean the remunerated application of a staff member's professional expertise for the benefit of a third party, typically an industrial, commercial, governmental, or other professional institution. The work might, for example, involve:

- advice
- problem-solving
- direction of research
- teaching

For the purpose of this policy, consultancy does not cover the following types of activity:

- external examining and assessment
- authorship of academic textbooks
- editorship of a professional/academic journal or publication
- office holder of a professional body
- contributing to broadcast media programmes
- public service such as serving on Government public body in the capacity of an expert
- work which falls outside the professional expertise for which the member of staff is employed at Aston, e.g. helping in a family business.
- non-executive directorships (which should be referred directly to the Vice-Chancellor)

The above list is not exhaustive, but serves to provide an illustration of those activities that are outside the scope of the consulting policy. Some cases are likely to be less clear-cut. For example, service on some Government bodies may be very time-consuming, but be remunerated at such a low level that it is not clearly "consulting", and not therefore in addition to the staff member's time commitment to Aston. It is arguable that such service might form an acceptable part of a staff member's Aston duties. Such cases have to be adjudicated on their merits by the relevant Authorising Officer (see 8b) below), or (as a last resort) by the Vice-Chancellor.

4. EXTENT OF CONSULTING

The aggregate consulting commitment for a full-time staff member must not exceed 50 days per year, and must be limited to an average of one day per week during term time.

5. PRINCIPLES OF CONSULTING

The ability to engage in consulting activities is guided by the following principles:

- Consulting is a privilege, not a right
- The University must be safeguarded against conflicts of interest (including IPR), and indemnified against financial risk
- activities undertaken must not detract from the contributions to Aston for which the member of staff is being employed
- If University facilities (including materials and support staff) are used, fair reimbursement must be made to the University

6. PROFESSIONAL INDEMNITY INSURANCE

The University will not be liable for any claims arising out of consultancy work undertaken by academic staff on a personal basis, and staff are required to complete form C2 to indemnify the University from any claims. Staff are therefore strongly advised to take out Professional Indemnity Insurance before undertaking personal consulting or similar professional activities, and to provide evidence of this to the appropriate Authorising Officer (see 8b) below).

For the avoidance of doubt, where the consultancy is undertaken on behalf of the University and governed by a contract between the University and a third party, this is covered by the University's Professional Indemnity insurance.

7. INDEPENDENCE OF CONSULTING ACTIVITIES FROM THE UNIVERSITY

Where permission has been given for a member of staff to undertake work other than through the University, it must be made clear to the client, by the member of staff that the University is not involved in the contract in any way.

8. CONSULTANCY PROCEDURES

a) Approval to Undertake Consulting Activities

Members of academic staff must seek the prior approval of their Authorising Officer (see 8b) below). There is a form (C1) which should be completed for this purpose. Form C2, which indemnifies the University from any claims arising from the consulting activities must also be completed for each consultancy project proposed. When duly authorised, a copy of both forms should be retained by both the staff member and the Authorising Officer.

b) Authorising Officers

Relevant Authorising Officers are as follows:

For	Authorising Officer
Lecturers, Senior Lecturers and Professors	Relevant Executive Dean
Pro-Vice-Chancellor(s)	Senior Pro-Vice-Chancellor
Executive Deans and Senior Pro-Vice-Chancellor	Vice-Chancellor
Vice-Chancellor	Pro-Chancellor

c) Responsibilities of the Member of Staff

Before entering any agreement to undertake consultancy, the member of staff must:

- i. approach their Authorising Officer (see 8b) above) for approval and must complete forms C1 (to request approval), C2 (to indemnify the University from any claims) and an Invoice Request Form (where University facilities or resources are to be used)
- ii. confirm to their Authorising Officer whether the consultancy will be undertaken through the University or on a personal basis
- iii. clearly define any University facilities or resources to be used to undertake the consulting activity and arrange for a costing to be produced by the Research Support Office
- iv. complete an Invoice Request Form (available from <http://www1.aston.ac.uk/staff/finance/finance-forms/>) where University facilities or resources are required and send it to their Authorising Officer with the approval form C1
- v. determine whether or not they need professional indemnity insurance, and either provide a copy of their insurance documentation or give a statement as to why cover is not required. Form C2 should be used for

this purpose. It must be completed and provided to the Authorising Officer before any consulting activity is undertaken

- vi. approach their Authorising Officer for approval each year (even where the activity extends beyond one year) and should not enter any agreement to undertake work for a longer period without the express agreement of their Authorising Officer
- vii. complete an annual return **whether or not** they have undertaken any consultancy activities in the previous year, when requested to by their Authorising Officer. Form C3 should be used for this purpose

d) Responsibilities of the Authorising Officer

Before authorising any request to undertake consultancy, the Authorising Officer must ensure:

- i. that the work proposed properly falls under the definition of consulting
- ii. that it is clear whether the work is being undertaken through the university or on a personal basis
- iii. that the work will not detract from the staff member's School/departmental duties
- iv. that the work is compatible with the interests of the School/Department and the University
- v. if undertaken through the university, that client charges and staff reimbursement arrangements are appropriate and satisfactory
- vi. that the total amount of consultancy undertaken by any individual member of staff will not exceed 50 days per annum
- vii. that the extent to which any University facilities or resources will be used is clearly defined and has been costed by the Research Support Office
- viii. that an Invoice Request Form has been completed to reimburse the University for any University facilities or resources used, and that this is returned to the Finance Department if approval to undertake the consulting activity is granted
- ix. that consideration is given to any conflicts of interest which may arise over Intellectual Property Rights (IPR) where the staff member benefits from University-owned IPR, or uses University staff and facilities substantially to generate IPR for consultancy
- x. that satisfactory arrangements for indemnifying the University against financial risk are in place and that documents in approved form have been received by the Authorising Officer before the consulting activity is undertaken

Additionally, it is the responsibility of the Authorising Officer to ensure:

- xi. that appropriate systems are in place to maintain records of consulting activities agreed and refused, and to report annually to the Vice-Chancellor the number of days of consulting carried out by each eligible staff member in their Schools
- xii. that staff eligible to carry out consultancy complete an annual return **whether or not** they have undertaken any consultancy activities in the previous year. Form C3 should be used for this purpose. The Human Resources Department will prompt the collection of annual returns each year

xiii.that eligible staff are reminded termly of their responsibilities under the Consulting Policy and Procedures. Human Resources will prompt this reminder

e) Responsibilities of the Human Resources Department

It is the responsibility of the Human Resources Department to ensure that arrangements are in place for:

- i. prompting the collection of annual returns of consulting activity each year
- ii. collating the returns from each Authorising Officer into a report to be submitted to the Vice-Chancellor and the Audit Committee annually
- iii. prompting Authorising Officers on a termly basis to send a reminder to eligible staff of their responsibilities under the Consulting Policy and Procedures