

# CONSULTANCY POLICY



This document sets out the University's policy governing consultancy.

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<b>Officer Responsible for Policy/ Procedures</b>	Richard Billingham, Executive Director of Human Resources and Organisational Development
<b>Consultation Process</b>	Joint Union Consultative Committee
<b>Date of Approval and Committee and/or Executive Officer</b>	Joint Union Consultative Committee

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# 1. POLICY PRINCIPLES

This procedure has been agreed by the Joint Unions Consultative Committee in consultation with the University.

The University recognises the importance of academic staff undertaking consultancy work linked to their area of expertise, and understands the benefit to the University and its students of such work taking place. This policy is intended to regulate the basis on which academic staff undertake such work, in order to ensure that it does not conflict with an academic's primary role.

The key principles of this policy are as follows;

- Consulting is a privilege, not a right
- The University must be safeguarded against conflicts of interest (including in respect of intellectual property rights), 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

# 2. SCOPE OF POLICY

This procedure applies to all new academic staff within the University. A transitional process will apply to existing staff with agreements which pre-date 2021, provided these arrangements are raised for case by case consideration as soon as practical. A member of academic staff is defined as an individual engaged for the purposes of both teaching and research. Teaching or research only staff are not academic staff for the purposes of this policy.

It is the responsibility of the manager to ensure that the procedure is followed and that staff are aware of this procedure. All staff can access the policy on the Aston University intranet.

# 3. CONSULTANCY WORK

Academic staff may engage in up to 20 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 below). Consultancy work will only be authorised where:

- the work is compatible with the interests of the School/College and the University;
- the total amount of consultancy undertaken by any individual member of staff will not exceed 20 days per annum;
- the extent to which any University facilities or resources will be used is clearly defined and has been costed by Research Finance; and
- 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 Authorising Officer. Any such approvals will be notified in writing to Human Resources as and when they occur. It is expected that such requests will be authorised on an exceptional basis only, where there is a clear benefit to the University of the individual undertaking such activities. Where approval is granted to staff other than those on teaching and research contracts, the requirements to request and report this activity on an annual basis will be in line with that for teaching and research staff.

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.

## 4. 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 i.e. excluding Aston University', 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 or acting as an external advisor or panel member
- 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)
- work carried out on behalf of Aston

## 5. EXTENT OF CONSULTING

The aggregate consulting commitment for a full-time staff member must not exceed 20 days per year. This maximum entitlement will be pro-rated for part-time members of staff. In all cases, a consulting commitment must be limited to less than one day per week during term time. For the avoidance of doubt, all consultancy, regardless of time commitment, by all staff in scope of this policy, regardless of whether they are full-time or part-time, must be approved by the relevant Authorising Officer.

## 6. INSURANCE

The University will not be liable for any claims arising out of consultancy work undertaken by academic staff on a personal basis. It must be made clear to the client by the member of staff that their work is carried out independently of the University and that there is no contractual relationship between the client and the University. Staff are required to complete form C2 to indemnify the University against any claims.

Staff are 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 below). Where no such evidence is provided to the Authorising Officer, the Authorising Officer should take the advice of the University's insurance team before any consultancy activity is authorized.

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. CONSULTANCY PROCEDURES

### 7.1 Approval to Undertake Consulting Activities

Members of academic staff must seek the prior approval of their Authorising Officer. There is a form (C1) which should be completed for this purpose. Form C2, which indemnifies the University against any claims arising from the consulting activities must also be completed for each consultancy project proposed. These forms should be uploaded to the Core HR Portal following approval by the Authorising Officer.

### 7.2 Authorising Officers

Relevant Authorising Officers are as follows:

For	Authorising Officer
Non-academic staff (on an exceptional basis)	Relevant Executive Dean or Head of Professional Services Department (or their delegated nominee)
Lecturers, Senior Lecturers and Professors	Relevant Executive Dean (or their delegated nominee)
Pro-Vice-Chancellor, Executive Deans, Vice-Chancellor	Vice-Chancellor
	Pro-Chancellor

### 7.3 Responsibilities of the Member of Staff

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

- approach their Authorising Officer for approval and must complete the online approval request in the staff portal, as well as form C2 (to indemnify the University from any claims) and an Invoice Request Form (where University facilities or resources are to be used)
- confirm to their Authorising Officer whether the consultancy will be undertaken through the University or on a personal basis
- clearly define any University facilities or resources to be used to undertake the consulting activity and arrange for a costing to be produced by Research Finance
- 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 along with their online request to undertake consulting

- 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
- approach their Authorising Officer for approval each academic 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
- complete a declaration via the staff portal at the end of each academic year with the dates on which consultancy work took place.

#### **7.4 Responsibilities of the Authorising Officer**

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

- that the work proposed properly falls under the definition of consulting
- that it is clear whether the work is being undertaken through the University or on a personal basis
- that the work will not detract from the staff member's College/School duties
- that the work is compatible with the interests of the College/School and the University
- if undertaken through the University, that client charges and staff reimbursement arrangements are appropriate and satisfactory
- that the total amount of consultancy undertaken by any individual member of staff will not exceed 20 days per annum, and will not take up more than one day per week of an individual's time in term time
- that the extent to which any University facilities or resources will be used is clearly defined and has been costed by the Research Finance
- 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
- 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
- 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

Academic managers may be granted discretion by the Authorising Officer to accept or refuse requests at short notice where the nature of the work will meet the criteria for acceptance. The scope of the activities that can be accepted in this way should be agreed in writing. A formal request via the portal must still be submitted at the first opportunity.

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

- that appropriate systems are in place to maintain records of consulting activities agreed and refused, and to report annually the number of days of consulting carried out by each eligible staff member in their Colleges
- that staff who carry out consultancy work update Core HR to report the number of days consultancy completed during the year and for which organization(s) at the end of each academic year.
- that eligible staff are reminded annually of their responsibilities under the Consulting Policy and Procedures



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