

Consultancy Policy

1. Introduction

Consultancy activity can provide a useful enterprise and engagement activity meeting the strategic objectives of the University. As such the University welcomes and wishes to encourage the involvement of its staff in consultancy. Continuing and developing associations with external organisations will benefit the University as well as the individual by:

- stimulating research and scholarship
- increasing the contribution which the University can be seen to be making to society and the economy
- creating an additional income stream to support University activity.

It is the University's wish that such association should be actively fostered to the extent that they accord with the aims, objectives and strategies of the Faculty/Unit and the University, while being compatible with other activities for which staff are employed, and with the standards of the academic profession and the University.

While appreciating the clear benefits of consultancy activity to the University there is a requirement to manage the process effectively to ensure that activity does not breach any other University regulations or agreements and that any risk to the University, both financial and reputational, is adequately managed. The University has adopted the following policy which can be amended from time to time at the University's discretion.

To assist staff to undertake consultancy and to ensure adequate management process the University has identified a number of defined routes through which all external consultancy should be undertaken which are described in Section 4.

2. Definitions of 'Consultancy' and 'Collaborative Research'

There are clear definitions of "Consultancy" and "Collaborative Research" provided by HEFCE which should be followed.

Industrial consultancy work: in which an outside organisation hires the services of a specific, skilled individual member of staff for a directly commercial or industrial purpose. It may be possible to make use of University facilities in this work, provided that it will not impact negatively on the ability of the Unit to conduct its research and teaching and provided that prior approval has been obtained and costing has been undertaken. The expectation is that the consultant will be able to apply their personal skill and experience to help the client to solve problems or deliver services that are specific to the client's business. This kind of work always has clear and well-defined deliverables, and the client company would normally expect to pay a full commercially-based fee, and to own the results of the work.

Research-based consultancy: where an outside organisation hires the services of one or more members of staff because of their acknowledged research-based skills, knowledge, research-based products and experience in application. This work may similarly be paid for at commercial rates, may have short timescales, and always has clearly defined deliverables. Usually the organisation funding the consultancy will own the deliverables, but there will be no restrictions on the publication of the results of this type of consultancy, with prior agreement by the client. Again, prior approval should be obtained as set out in this policy statement, and the work should be costed appropriately.

Collaborative research: i.e. externally-funded academic/scientific research activity based in the University, and using University resources such as scientific equipment, workshops, laboratories, technical and administrative support staff, and one or more researchers. The

expectation is that scientific or academic understanding will be furthered, or that new conceptual ideas and inventions will be created, although the actual outcomes of the work will not be known in advance. Collaborative research of this type is part of the University's core activities, and should be directed through Research and Enterprise Services at the University who will be able to help and advise. The University would normally own the results of the work, and would grant certain rights to the sponsor in return for a share in any commercial success that might follow.

The following are examples of activities which may be considered as "consultancy":

- undertaking a paid advisory role acting for a company or public corporation, whether on a retainer or on a day-rate basis
- undertaking the design or evaluation of a product or system for an outside party, to the client's specification, or assisting with these processes
- directorships of companies or partnerships, whether or not the position is a direct result of the member of staff's position in the University, or whether in an executive or non-executive capacity
- acting as an expert witness
- undertaking regular teaching or training duties for another educational institution or other body
- journalism, whether for the printed, electronic or broadcast media.

Some work performed outside the University which is closely associated with their other university-based duties may be seen as normal activity for members of university staff. This might include:

- acting as an external examiner for another university
- editing or refereeing for learned journals
- involvement in systems of quality audit or assessment within higher education
- presentations to academic conferences.

Participation in such activities will not normally require special permission unless the commitment is particularly heavy. Involvement in research activity undertaken for, or in collaboration with a commercial or industrial organisation in the context of a research grant or contract formally accepted by the University will therefore not be considered to be consultancy, or normally require additional permission.

3. Permission to undertake consultancy work

3.1 Undertaking external work

As a general policy, members of staff may engage in outside work provided that it does not conflict with:

- their contract of employment
- the interests of their Unit
- the University
- legislation including but not limited to the EU Working Time Directive.

3.2 Permissions required

Permission to undertake any outside work must be sought in advance from the Head of the Unit concerned, who would be the Head of School for all academic staff.

The Head of Unit has the responsibility for ensuring that:

- A member of staff is not working beyond their capabilities or expertise
- The proposed arrangements are consistent with other contractual duties and the broader interests of the Unit and the University
- The resources needed will be available
- The distribution of any income is agreed.

An External Consultancy Form for this purpose is available from Research and Enterprise Services and a set of guidelines have been prepared to assist Heads of Units make their decision. The completed form, signed by the Head of the Unit (and, where appropriate, by the Vice-Chancellor in accordance with section 3.4 below) should be sent to Research and Enterprise Services who will take the appropriate actions.

3.3 Part time members of staff

Part-time members of staff must similarly seek permission before accepting or retaining any paid employment or consultancy, if any significant University facilities (as defined in 4.1.4 below) are to be used in the course of that work, or if the offer of employment or consultancy derives from the member of staff's status as an employee of the University.

3.4 Time permitted, the "Thirty day rule"

Where the proposed work would result in a member of staff engaging in a total of more than 30 days of consultancy in any one academic year, the request must additionally be approved in advance by the Vice-Chancellor, and due consideration given to the member of staff buying back from the University the time needed to conduct the work.

4. Routes for undertaking consultancy

4.1 Consultancy work undertaken in a private capacity

Permission to undertake entirely private work outside the University will be subject to the following conditions:

- Obtaining the approval of the Head of their Unit and, if appropriate, the Vice-Chancellor as set out in section 3 above
- Registering the work on the University's Register of Consultancy Interests
- Signing a standard-format letter, to be provided by Research and Enterprise Services, confirming that the member of staff will:
 - 4.1.1** tell their client that they are operating in an entirely private capacity, and not as an agent or employee of the University
 - 4.1.2** advise their client if they do not have any professional indemnity insurance cover
 - 4.1.3** sign agreements or other documentation only on behalf of themselves, and not on behalf of their Unit, the University or others
 - 4.1.4** not use any significant University facilities ('significant facilities' would include, but not be limited to, laboratories, workshops, materials, specialist equipment, and the services of any other members of UEA staff)
 - 4.1.5** use only their private address for all correspondence; the use of a University email account, letterheads, business cards, or other printed stationery implying an association with the University is not permitted
 - 4.1.6** not behave in any other way that might reasonably allow the client to believe that the University has any contractual or other obligation to the client
 - 4.1.7** receive payment directly from the client, and personally accept liability for the payment of any additional income tax, National Insurance and VAT, reporting their additional earnings to the Inland Revenue and/or Customs & Excise as appropriate.

Private consultancy cannot be undertaken on projects where significant University facilities are to be used or the initial contact or enquiry was via one of the University's communications systems.

Members of staff should note that very considerable financial liability can potentially arise in connection with the performance of consultancy work, and that where such work is undertaken in a private capacity it is not covered by the University's professional indemnity insurance policy. Members of staff are therefore strongly advised to take professional advice to ensure they have adequately protected themselves.

4.2 Managed Consultancy Service

The University Managed Consultancy Service operates through a wholly owned subsidiary: UEA Consulting Ltd. All contracts with clients are between UEA Consulting Ltd and the client.

The University may facilitate the performance of outside work as a University Managed Consultancy on the basis that the contract is costed, priced and approved in accordance with the procedures administered by Research and Enterprise Services, which will include appropriate commercially-based pricing for any use of significant University facilities, together with a 15% management fee to be retained by UEA Consulting Ltd. (NB the fee is calculated only on the total minus direct costs such as travel or sub-contractor costs.)

The University cannot normally accept a contract retrospectively. Therefore, unless the Head of the member of staff's Unit and Research and Enterprise Services have been involved prior to quotation and contract, the member of staff will be considered to be acting in a private capacity and will be expected to bear full responsibility for any consequences.

The sums received from the client, after deduction of UEA Consulting Ltd's management fee, will be disbursed to the member of staff and, where significant University facilities have been used, to the appropriate School or Unit as agreed prior to the signing of the consultancy contract according to the guidelines issued to Heads of Unit. With the prior agreement of a member of staff and the Head of their Unit, all (or part) of the fees otherwise due to the member of staff will instead be paid to the School or Unit. Individual Academic Units are encouraged to develop their own guidelines on this that are appropriate to their activities and needs.

Copies of all reports submitted in connection with University-Managed Consultancies must be lodged with Research and Enterprise Services for recording and archiving. This requirement will assist in meeting the possibility of future litigation against the University and/or its staff. All material submitted will be subject to security and confidentiality control.

Any fee receivable by an individual will be paid to him/her as a member of University staff and will be taxed under PAYE. Under current USS rules such fee income is not superannuable.

Members of staff should note that the University's professional indemnity insurance policy generally extends to cover University-Managed Consultancy contracts. However, exclusions or limitations apply to certain specific types of work, or the insurers may require an additional premium to provide the cover needed. The staff of Research and Enterprise Services can advise on these matters.

4.3 School-based consultancy

A Head of Unit may permit an individual or small group of staff to undertake consultancy activity through the Managed Consultancy Service where all of the income from the consultancy activity is paid directly to the Unit. The income from consultancy may be used under these circumstances to fund the post of the consultant.

4.4 Managed Consultancy Cluster

To take advantage of opportunities which cannot be realised by an individual either due to the scale of the project or the range of expertise required, the University has established a number of Managed Consultancy Clusters. These may operate through the Managed Consultancy Service or one of the subsidiary companies described in Section 4.5. Managed Consultancy Clusters may have their own clear identity, including logo, but are not separate legal entities. Work undertaken through a Managed Consultancy Cluster will be covered by the rules of the particular cluster which will reflect the level of support provided to the cluster and its strategic fit with the Units involved. Any member of staff undertaking consultancy through one of the Managed Consultancy Clusters should ensure that they understand the financial model being used by the Cluster before agreeing to undertake the consultancy activity.

4.5 University Subsidiary Companies

In addition to UEA Consulting Ltd there are a number of other UEA subsidiary companies active in the consultancy field. Two of these, DevCo and SYSCo are tightly linked to individual schools. Others such as the Low Carbon Innovation Centre (LCIC), InCrops and NeueAg have been established as focal points for the University's commercial activity in certain areas in a similar fashion to the Managed Consultancy Clusters but with an independent legal existence and wider remit. In common with the Managed Consultancy Clusters each subsidiary company will have its own guidelines for income distribution. Any member of staff undertaking consultancy through one of the subsidiary companies should ensure that they understand the financial model being used by the company before agreeing to undertake the consultancy activity.

5. Private trading

Members of staff should note that private trading activities may not be carried out from University premises without the express permission of the Vice-Chancellor, and that staff must not imply any association between a private trading activity and the University.

The following table is new to the revised policy document:

Policy Summary	Private (4.1)	Managed Consultancy Service (4.2)	School (4.3)	Managed Consultancy Cluster (4.4)	University Subsidiary Company (4.5)
Consent Channels and eligibility					
Declaration of Interest required	Yes	Yes	Yes	Yes	Yes
Prior consent required	Yes	Yes	Yes	Yes	Yes
Eligibility					
Academic staff (ATR and ATS)	Yes	Yes	Yes	Yes	Yes
Enterprise and Commercialisation Team and Subsidiary Company staff	No	No	No	No	Yes if part of core duties
Other Admin/support (ALC) staff	No	Yes	Yes	Yes	Yes
RAs	No	Yes	Yes	Yes	Yes
Commercial					
Contract is between Client and	Individual consultant	UEA Consulting Ltd	UEA Consulting Ltd	UEA Consulting Ltd	UEA Subsidiary Company
The contractual arrangements are managed by	Individual consultant	UEA Consulting Ltd	UEA Consulting Ltd	UEA Consulting Ltd	UEA Subsidiary Company
University facilities and resources may be used, and charged in line with the guidelines to Heads of School/Unit	No	Yes	Yes	Yes	Yes
Business may be conducted from University premises, including the use of University postal or email address	No	Yes	Yes	Yes	Yes
The University logo may be used	No	Yes, in conjunction with that of UEA Consulting Ltd	Yes, in conjunction with that of UEA Consulting Ltd	Yes, in conjunction with that of UEA Consulting Ltd, and any brand identity being established for the cluster	Yes, in conjunction with that of UEA Subsidiary Company
Consulting activity is covered by University insurance	No	Yes	Yes	Yes	Yes
Financial and Remuneration					
Net income distribution	Individual consultant	Defined beneficiaries	School	According to individual cluster arrangements	According to individual subsidiary arrangements
Taxation and national insurance administered by	Individual consultant	University	University	University	University
Days allowed	Up to 30 days by agreement with Head of School/Unit and on declaration of Private Consultancy Form	Up to 30 days by agreement with Head of School/Unit, any longer with permission of Vice-Chancellor	At discretion of Head of School/Unit	Up to 30 days by agreement with Head of School/Unit, any longer with permission of Vice-Chancellor	Up to 30 days by agreement with Head of School/Unit, any longer with permission of Vice-Chancellor. N/A for core subsidiary staff where consultancy is identified as one of their duties.