

**SWANSEA UNIVERSITY'S
POLICY ON CONSULTANCY AND OTHER OUTSIDE SERVICES**

1. INTRODUCTION

1.1. The purpose of this Policy is to set out the principles and procedures governing Consultancy and other Outside Services undertaken by Staff Members of the University.

1.2. Staff Members of the University are encouraged to undertake University Supported Consultancy and other similar work provided it does not conflict with the interests of the University. This is because Consultancy:

1.2.1. increases the professional and/or academic competence and experience of the Staff Member and provides a continuing professional education opportunity in the world outside academia and research;

1.2.2. creates and enhances links between the University and external organisations that will aid the University in areas such as increasing research opportunities, and student recruitment and placement, and helps the University achieve its mission of knowledge transfer to improve the local and regional economies; and

1.2.3. may generate additional income for the Staff Member and increased funding for the University.

1.3. This Policy applies to all academic and academic related Staff Members and administrative Staff Members at a grade 7 or above.

2. DEFINITIONS

2.1. "Authoriser" means the individual set out in the table below:

Authoriser	Staff Member
Chair of Council	Vice Chancellor
Vice Chancellor	Registrar and Pro Vice Chancellors
the appropriate Pro Vice Chancellor	Heads of Colleges or Heads of Institutes
Registrar	Senior Administrators and Heads of Non-College Based Departments

Heds of College	Academic, academic-related, research or technical staff, or others line-managed by the relevant Head of College
Heds of Institute	Those who are line-managed by the relevant Head of Institute
Senior Administrator	Those who are line-managed within the relevant administrative division

2.2. “Consultancy” means generally the application of existing knowledge, expertise and skills, and includes other activities which are analogous to consultancy activities such as business partnership or ownership, external appointments, and includes teaching commitments undertaken outside the University.

2.3. “Department” means the Department of Research and Innovation.

2.4. “Director” means Director of the Department of Research and Innovation.

2.5. “Outside Services” means the other ancillary and occasional use of a Staff Member’s expertise and knowledge that is normally expected of academics, such as guest lecturing, presentations at conferences, serving on scientific advisory boards, research councils or other professional associations, or performing charitable and community work.

2.6. “Policy” means this Policy on Consultancy and other Outside Services.

2.7. “Private Consultancy” means Consultancy undertaken in the strictly personal and private capacity of the Consultant with no use of the University’s resources, no use of the University’s name, no University insurance coverage, and no liability on the University. It is undertaken in an area outside of the academic, research or administrative expertise of the Staff Member for which he or she is employed by the University. Occasionally, Private Consultancy may be undertaken within the Staff Member’s area of expertise when certain conditions are met.

2.8. “University” means Swansea University and in context may mean a subsidiary or affiliate designated as an appropriate entity for the conduct of Consultancy activities.

2.9. “University Supported Consultancy” means Consultancy provided through a contract entered into by the University or one of its subsidiaries with a third party, in which the Consultancy will be performed by a Staff Member within his or her area of academic, research or administrative expertise. This Consultancy is supported by the University and may involve the use of

University resources, such as professional indemnification insurance, intellectual property and other resources.

3. GENERAL APPLICABILITY

This Policy governs the Consultancy and other Outside Services engaged in by Staff Members.

4. UNIVERSITY SUPPORTED CONSULTANCY

- 4.1.** University Supported Consultancy arrangements are only permitted where the work is distinct from any project or other work undertaken on the University's behalf (in order to avoid a Staff Member competing for contracts with the University).
- 4.2.** A Staff Member may only agree to provide University Supported Consultancy services with the written consent of the Authoriser and in accordance with terms and conditions approved by the Director.
- 4.3.** The Authoriser may only approve consultancy or other outside services if the Consultancy can be undertaken without detriment to the Staff Member's academic, research or administrative duties, and if the Consultancy will not adversely affect the workload of other Staff Members. Each College or Non-College Based Department is responsible for recording the days a Staff Member devotes to Consultancy.
- 4.4.** A maximum of 30 days per annum may be devoted to University Supported Consultancy.
- 4.5.** The Director's approval is required to ensure compliance with cost recovery guidelines, protection of the University's IP, and the appropriateness of contractual terms including those relating to liability and IP.
- 4.6.** Charges for the use of University resources will normally be based on the full cost of the resources as determined by the Department and agreed by the Staff Member and the Authoriser.
- 4.7.** In his/her discretion, the Director may decline to offer University support for the Consultancy, but allow the Staff Member to perform the work as Private Consultancy. In such cases, the Staff Member must comply with the requirements of Clause 6.
- 4.8.** When the Authoriser or the Director denies a Staff Member authorisation to perform the University Supported Consultancy, the Staff Member may appeal in writing to the Registrar. The Registrar will have wide discretion to

resolve issues regarding Consultancy and may appoint an independent senior Staff Member to review the decision.

4.9. Unless justified, University Supported Consultancy will not be allowed in the following circumstances:

4.9.1. when the Consultancy services are to support projects, such as research projects, being conducted by the University; or

4.9.2. when such Consultancy would contractually preclude the University or its Staff from engaging in other research or other Consultancy.

4.10. When the Consultancy calls for the rendering of expert evidence in Courts of Law, in Arbitrations, or before Parliamentary Committees, the Consultancy may only be undertaken with the express authorisation of the Council of Swansea University. The University has a "Request for Permission to act as an Expert Witness" form which must be duly signed by the Staff Member, the Authoriser and approved by the Council.

4.11. In undertaking a University Supported Consultancy, the Staff Member will be indemnified for the work undertaken in accordance with the terms of the University's Professional Indemnity Insurance. Such insurance is not provided in Private Consultancy (see Clause 6, below).

4.12. Staff Members must declare annually in their Declaration of Outside Interests the number of days spent on University Supported Consultancy services, and comply with all relevant University Policies such as those governing conflicts of interest or intellectual property

5. COMPENSATION FOR UNIVERSITY SUPPORTED CONSULTANCY

5.1. Income from University Supported Consultancy will be allocated in the following manner:

- 1) The University will receive 20 percent of the gross income as a fee for managing the Consultancy and providing the University's support.
- 2) The College or Non-College Based Department will receive five percent of the gross income as an administrative fee.
- 3) All expenses incurred in the project will be paid from the balance. Such expenses, for illustration purposes, could include payments to sub-contractors, procurement costs, leasing of supplies, consumables, and fees for use of University resources including any bench fees.

4) The remainder will be paid to the Staff Member.

5.2. Payment of fees to Staff Members may, at the Staff Member's option, be made:

5.2.1. electronically through the University's central payroll system subject to appropriate PAYE and National Insurance deductions (both the employee and the employer contribution – the cost of the employer's contribution should be included in the fee for the Consultancy);

5.2.2. into a named University account to be used for any bona fide University activity (e.g. attendance at conferences, acquisition of equipment) but with provision that expenditure from the account will be determined through the College's or Non-College Based Department's business plan; or

5.2.3. gross, if one of the following conditions is met:

- 1) the Staff Member has registered with the Inland Revenue as self-employed; or
- 2) the Staff Member is acting through a limited company; or
- 3) the relevant tax inspector has authorised in writing payments directly to the Staff Member without PAYE or National Insurance deductions.

It is the Staff Member's responsibility to provide what the University, in its sole discretion, considers to be satisfactory evidence that the conditions in Clause 5.2.3 are met.

6. PRIVATE CONSULTANCY

6.1. All Private Consultancies must be reported to, and approved by, the Authoriser and the Director to ensure compliance with this Clause 6.

6.2 Unless authorised pursuant to Clause 4.7 or 4.8, a Staff Member may only perform Private Consultancy in areas outside his or her academic, research or administrative expertise for which he or she is employed by the University.

6.3. In all cases the Staff Member must obtain the approval of the Authoriser and the Director. Such approval shall be given only if all of the following conditions have been met:

- 6.3.1.** The Authoriser has determined that that the Consultancy can be undertaken without detriment to the Staff Member's academic, research or administrative duties, and that the Consultancy will not adversely affect the workload of other Staff Members.
- 6.3.2** The services of the Consultancy do not fall within the academic, research or administrative expertise of the Staff Member for which he or she is employed by the University, or the Director has given approval for the consultancy to be conducted as Private Consultancy.
- 6.3.3.** The Staff Member informs the client, and the client agrees in writing at the outset, that the work is to be carried out in a personal capacity and that no liability will attach to the University for the work. An indemnity form, disclaiming the involvement of the University or any financial liability of the University, must be signed by the Staff Member and the client. The indemnity form will be in the form prescribed by the Department.
- 6.3.4.** Other than on the indemnity form, the University's name will not be used or be present on any document (such as stationery, or on email, web pages or other electronic media) in connection with the Private Consultancy and there must be no implication, oral or written statement that the University is sponsoring the consultancy.
- 6.3.5.** University resources, such as laboratories, meeting rooms, IT equipment, software, databases or email, will not be used in the Private Consultancy.
- 6.3.6.** The Staff Member assumes full legal and financial responsibility for the activity, including insurance requirements, all tax and similar payments due on his or her earnings, and any insurance requirements. The University will not provide professional indemnification or other insurance for a Private Consultancy.
- 6.4.** The prohibitions expressed in this clause and the provisions under which Private Consultancy may be performed are essential to protect the University from liability, to protect the University's intellectual property, and to ensure compliance with Conflicts of Interest Policy. Accordingly, violation of this prohibition is grounds for a disciplinary action.

7. OUTSIDE SERVICES NOT COVERED BY THIS POLICY

- 7.1** Outside Services as defined in Clause 2.5 are not covered by this Policy and the income from such Outside Services is not subject to the rules on allocation between the University and the Staff Member.

7.2. The development of teaching and academic materials and other publications (books and articles) in a Consultancy shall be subject to Swansea University's Policy on Intellectual Property, Clause 4.

7.3. This Policy does not govern Consultancy performed by or on behalf of the University or its Colleges or Non-College Based Departments.

8. REPORTING

Staff Members must report their Consultancy and Outside Services to their Authoriser annually, and to the extent required, make disclosures required by the Conflicts of Interest Policy or Declaration of Outside Interests.

9. IMPLEMENTATION AND PROCEDURES

9.1. The responsibility for the implementation of this Policy shall lie with the Vice Chancellor who may delegate that responsibility to another person.

9.2. Procedures which are not inconsistent with this Policy may be adopted by the Finance Committee.

9.3. The Department of Research and Innovation shall have wide authority and discretion, within the confines of (1) the University's Charter and any Regulations, Ordinances or other provisions made by Council, (2) this Policy, (3) any procedures established by the Finance Committee, and (4) any directions given by or on behalf of the Vice-Chancellor to adopt administrative processes, guidance, forms and interpretations necessary to effectively implement this Policy and any procedures enacted.