



CONSULTANCY POLICY AND PROCEDURES

Introduction

Council Regulations set out the conditions under which university employees may hold outside appointments and conduct work outside the University, including holding directorships and/or carrying out consultancies.¹ Under these 'Regulations for the holding of outside appointments and the conduct of outside work', staff (with the exception of Associate Professors who have colleges as their main employer, i.e. former CUF lecturers) are normally limited to 30 days per academic year of consulting or other 'outside work' activity before deduction from stipend is considered. University staff are required to seek prior approval from their head of department, faculty board chairman, or head of division as appropriate for outside activity.²

This policy deals with consulting, that is where a person is engaged by a third party on a personal fee-for-service basis for the primary purpose of obtaining the benefit of professional knowledge, skills or expertise.

Consulting activity is one of the important means by which staff at the University of Oxford can make available their knowledge and expertise to government, public sector organisations, community groups and business. Such interactions in turn benefit the University, as staff bring back to their teaching, research and other roles the insights, experiences and contacts they have gained as consultants.

Staff may elect to undertake consultancies either

- Through the Consulting Services team at Oxford University Innovation Ltd ("OUI") - Option 1, *or*
- Privately/independently, including through privately owned companies, subject to certain requirements - Option 2

subject in either case to prior approval from their head of department, faculty board chairman, or head of division as appropriate.

¹ <http://www.admin.ox.ac.uk/statutes/regulations/198-094.shtml>

² <http://www.admin.ox.ac.uk/personnel/staffinfo/academic/approvaltoholdoutsideappointments/>

The 30-day rule applies to outside work conducted when the member of staff would reasonably be expected to be performing University duties. It is not anticipated that academic staff will conduct consultancy or work associated with outside appointments at weekends. The University believes that all staff should observe statutory rest periods each day and each week and take adequate leave.

Staff who are founders or directors of spin-outs are required to work through OUI for managing consultancies to their spin-outs in the first year following formation of the spin-out.³ After that 12 month period, staff may choose to continue to consult through OUI or to consult privately/independently.

Consulting through Consulting Services at Oxford University Innovation Ltd (Option 1)

The University has established a specialist Consulting Services team at Oxford University Innovation Ltd (“OUI”) to support University staff wishing to undertake consultancies.

OUI provides administrative and transactional support, including

- Agreeing commercial rates for the staff member’s time
- Negotiating the terms and conditions of the consulting agreement
- Assisting with internal forms/procedures
- Managing the project (where appropriate)
- Invoicing the external party and chasing debts
- Paying the individual consultant(s).

A staff member electing to undertake work through OUI

- Is covered by the University's professional indemnity and public liability insurance policies, subject to the current terms and conditions of those policies
- Will be defended by the University in the event of a claim against the staff member, provided they have lawfully, diligently, and conscientiously endeavoured to carry out the work.

The price OUI charges its external clients (the “Client Price”) for providing the advice and expertise of staff includes a contribution to the running costs of OUI. After receiving payment from the external client, OUI makes payment directly to the bank accounts of its consultants of 90% of the Client Price & 100% of allowed expenses.

In their application for approval to their head of department (or equivalent), staff wishing to use OUI must attest that

- The proposed consultancy does not create a conflict of interest with their work at the University (and that they shall comply with the University’s policy on Conflict of Interest); and
- The proposed consultancy is permitted under the terms of any external research grant or contract in which they are involved (staff should seek advice from Research Services if they are in any doubt); and
- They will act in a manner consistent with the University’s Intellectual Property Policy.

³ The date of formation is defined for these purposes as the date on which the Shareholders Agreement with the University (and where applicable the Investors) was signed.

If the staff member wishes to use University facilities in the course of their consulting, they must seek prior approval from their head of department (or equivalent); OUI can assist with this. The University must be reimbursed for the costs of any University facilities used, at a rate approved by the head of department (or equivalent).

If a head of department/faculty is approached by an outside party requesting, in effect, a consultancy by the department (or members thereof), OUI will make the necessary contractual arrangements to cover this “departmental consultancy.”

Private/Independent Consulting (Option 2)

Staff may choose to undertake consultancies privately/independently, that is, not through OUI.

In such cases, they must attest in their application for approval to their head of department (or equivalent) that

- The proposed consultancy does not create a conflict of interest with their work at the University (and that they shall comply with the University’s policy on Conflict of Interest); and
- The proposed consultancy is permitted under the terms of any external research grant or contract in which they are involved (staff should seek advice from Research Services if they are in any doubt); and
- They will act in a manner consistent with the University’s Intellectual Property Policy; and
- They hold appropriate insurance; and
- They indemnify the University against any financial risk; and
- They will make it clear to the client that the University is not involved in the consultancy agreement in any way (ensuring that their clients are aware that they are acting in a private capacity).

If the staff member wishes to use University facilities in the course of their consulting, they must seek prior approval from their head of department (or equivalent). The University must be reimbursed for the costs of any University facilities used, at a rate approved by the head of department (or equivalent).

A staff member undertaking private/independent consulting is not covered by the University’s professional indemnity and public liability insurance, and will not be defended by the University in the event of a claim against the staff member related to that consulting activity.

Approval Process for either option

Staff must seek the prior approval of their Head of Department using a standard form. A Head of Department (or equivalent), Head of Division, Pro Vice-Chancellor, or the Vice-Chancellor seeking to undertake a consultancy should seek approval as below:

- Heads of Department (or equivalent) – from their Head of Division
- Heads of Division – from the Vice-Chancellor
- Pro-Vice-Chancellors – from the Vice-Chancellor
- Vice-Chancellor – from the Chancellor

The staff member and the Head of Department (or equivalent) should each retain copies of approved applications.

Conflict of Interest

Staff undertaking consultancies, whether privately/independently or through OUI, must comply with the University's policy on Conflict of Interest.⁴

Research grant or research contracts conditions relating to consultancy

Staff undertaking consultancies whether privately/independently or through OUI must ensure that the proposed activity is permitted under the terms of any external research grant or contract in which they are involved.

Staff should check the research funding conditions/contract. Staff are encouraged to seek advice from Research Services if they are in any doubt as to the conditions. The responsibility for complying with the research funding conditions/contract rests with the individual staff member.

Intellectual Property

Intellectual property used in or generated in the course of consulting activity must be managed in accordance with the University's Intellectual Property Policy.⁵

Staff engaged as a consultant on a University research project

On rare occasions staff may be engaged by the University as a consultant on a research project awarded to the University. This is not a consultancy with a third-party and is managed under separate guidelines issued by Research Services.⁶

⁴ <http://www.admin.ox.ac.uk/researchsupport/integrity/conflict/policy/>

⁵ <http://www.admin.ox.ac.uk/researchsupport/ip/>

⁶ <http://www.admin.ox.ac.uk/researchsupport/contracts/consulting/engagingconsultant/>