

**POLICY ON CONSULTANCY AND OTHER OUTSIDE SERVICES OF  
THASSIM BEEVI ABDUL KADER COLLEGE FOR WOMEN KILAKARAI**

**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 Members of Staff of the College.
- 1.2.** Members of Staff of the College are encouraged to undertake College Supported Consultancy and other similar work provided it does not conflict with the interests of the College. This is because Consultancy:
- 1.2.1.** increases the professional and/or academic competence and experience of the Member of staff and provides a continuing professional education opportunity in the world outside academia and research;
- 1.2.2.** creates and enhances links between the College and external organisations that will aid the College in areas such as increasing research opportunities, and student recruitment and placement, and helps the College achieve its mission of knowledge transfer to improve the local and regional economies; and
- 1.2.3.** may generate additional income for the Member of staff and increased funding for the College.
- 1.3.** This Policy applies to all academic and academic related Members of Staff and administrative Members of Staff at a grade 7 or above.

**2. DEFINITIONS**

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

<b>Authoriser</b>	<b>Member of staff</b>
Heads of College	Academic, academic-related, research or technical staff , or others line managed by the relevant Head of College
Heads 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
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- 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 College.
- 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 Member of staff’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 resources of the College, no use of the name of the College, no College insurance coverage, and no liability on the College. It is undertaken in an area outside of the academic, research or administrative expertise of the Member of staff for which he or she is employed by the College. Occasionally, Private Consultancy may be undertaken within the area of expertise of members of staff when certain conditions are met.
- 2.8. “College”** means THASSIM BEEVI ABDUL KADER COLLEGE FOR WOMEN and in context may mean a subsidiary or affiliate designated as an appropriate entity for the conduct of Consultancy activities.
- 2.9. “College Supported Consultancy”** means Consultancy provided through a contract entered into by the College or one of its subsidiaries with a third party, in which the Consultancy will be performed by a Member of staff within his or her area of academic, research or administrative expertise. This Consultancy is supported by the College and may involve the use of College 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 Members of Staff.

### **4. COLLEGE SUPPORTED CONSULTANCY**

- 4.1.** College Supported Consultancy arrangements are only permitted where the work is distinct from any project or other work undertaken on behalf of the College (in order to avoid a Member of staff competing for contracts with the College).
- 4.2.** A Member of staff may only agree to provide College 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 academic, research or administrative duties of members of staff, and if the Consultancy will not adversely affect the workload of other Members of Staff. Each College or Non-College Based Department is responsible for recording the days a Member of staff devotes to Consultancy.
- 4.4.** A maximum of 30 days per annum may be devoted to College Supported Consultancy.
- 4.5.** The Director's approval is required to ensure compliance with cost recovery guidelines, protection of the IP of College, and the appropriateness of contractual terms including those relating to liability and IP.
- 4.6.** Charges for the use of College resources will normally be based on the full cost of the resources as determined by the Department and agreed by the Member of staff and the Authoriser.
- 4.7.** In his/her discretion, the Director may decline to offer College support for the Consultancy, but allow the Member of staff to perform the work as Private Consultancy. In such cases, the Member of staff must comply with the requirements of Clause 6.
- 4.8.** When the Authoriser or the Director denies a Member of staff authorisation to perform the College Supported Consultancy, the Member of staff may appeal in writing to the Principal. The Principal will have wide discretion to

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

**4.9.** Unless justified, College 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 College; or

**4.9.2.** when such Consultancy would contractually preclude the College 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 College. The College has a "Request for Permission to act as an Expert Witness" form which must be duly signed by the Member of staff, the Authoriser and approved by the Council.

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

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

## **5. COMPENSATION FOR COLLEGE SUPPORTED CONSULTANCY**

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

- 1) The College will receive 30 percent of the gross income as a fee for managing the Consultancy and providing support by the College.
- 2) The College or Non-College Based Department will receive Ten 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 College resources including any bench fees.

4) The remainder will be paid to the Member of staff.

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

**5.2.1.** electronically through the central payroll system of the College 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 College account to be used for any bona fide College activity (e.g. attendance at conferences, acquisition of equipment) but with provision that expenditure from the account will be determined through the College or Non-College Based Department's business plan; or

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

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

It is the responsibility of the Member of staff to provide what the College, 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 Member of staff 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 College.

- 6.3.** In all cases the Member of staff 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 the Consultancy can be undertaken without detriment to the academic, research or administrative duties of Member of staff, and that the Consultancy will not adversely affect the workload of other Members of Staff.
  - 6.3.2** The services of the Consultancy do not fall within the academic, research or administrative expertise of the Member of staff for which he or she is employed by the College, or the Director has given approval for the consultancy to be conducted as Private Consultancy.
  - 6.3.3.** The Member of staff 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 College for the work. An indemnity form, disclaiming the involvement of the College or any financial liability of the College, must be signed by the Member of staff 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 name of the College 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 College is sponsoring the consultancy.
  - 6.3.5.** College resources, such as laboratories, meeting rooms, IT equipment, software, databases or email, will not be used in the Private Consultancy.
  - 6.3.6.** The Member of staff 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 College 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 College from liability, to protect the intellectual property of the College, 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 College and the Member of staff.
- 7.2.** The development of teaching and academic materials and other publications (books and articles) in a Consultancy shall be subject to the policy of College on Intellectual Property, Clause 4.
- 7.3.** This Policy does not govern Consultancy performed by or on behalf of the College or its Colleges or Non-College Based Departments.

## **8. REPORTING**

Members of Staff 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 Principal 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 Charter and any Regulations, Ordinances or other provisions made by Council of the College, (2) this Policy, (3) any procedures established by the Finance Committee, and (4) any directions given by or on behalf of the Principal to adopt administrative processes, guidance, forms and interpretations necessary to effectively implement this Policy and any procedures enacted.