

CONSULTANCY, CPD & TRAINING SERVICES POLICY NOVEMBER 2019

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1. Introduction

This policy reflects the Oxford Brookes' underpinning values of confidence, enterprising creativity, connectedness and generosity of spirit. It aims to contribute to the delivery of the University's Five Year Plan, particularly the objective of diversifying income streams. The delivery of the policy will be monitored by the Knowledge Exchange Steering Group.

Oxford Brookes' Research and Knowledge Exchange Strategy states that the University "*will pursue opportunities for research and knowledge exchange with industrial, commercial, public sector partnerships*" and includes a commitment to establishing the appropriate infrastructure and services to support knowledge exchange. The University will identify priority areas for providing this support as set out in the Institutional Knowledge Exchange Strategy and Plan for Higher Education Innovation Fund (HEIF) funding or similar strategies.

The potential benefits of knowledge exchange are wide-ranging:

- For staff: informing research, feeding into teaching practice, raising profile/reputation and contributing to career pathways, potential collaboration, raising awareness, building relationships with industry.
- For students: improved learning experience, potential contacts with businesses, relevance of learning (eg case studies).
- For society: improving the human condition in Oxfordshire and around the world, supporting economic growth and contributing to communities nationally and internationally
- For faculties and the University: delivering research impact, raising profile, financial contribution, enhancing reputation.

2. Scope and definitions

This policy covers knowledge exchange activities which generate commercial revenues, specifically consultancy and CPD and training services. It does not cover the exploitation of intellectual property (see [Intellectual Property Policy](#)), contract research or the delivery of Knowledge Transfer Partnerships. The policy provides a framework which focuses on work carried out on behalf of the University, however it also sets out the requirements around the delivery of private consultancy. It applies both to academic, professional and support staff.

The key risks identified and managed through this policy include reputational risks around poor quality delivery, managing potential conflict of interest, and prejudicing the delivery of the workload plan.

Clients for these services are varied to reflect the strengths of the University and the needs of the market; they may include commercial businesses, charitable organisations, national and local government, non-governmental organisations; they may be UK or internationally based.

Consultancy can include a wide range of specialist advice, analysis and guidance which draws on the expertise, knowledge and skills of University staff. Examples include data evaluation and analysis, expert witness services, laboratory-based testing, evaluation and service reviews.

CPD and training can include a wide range of activities:

- Workshops, short courses or other activities which are either bespoke for a particular client, or are a generic offer to the market.
- Short courses or similar which are recognised by professional bodies but not accredited (ie are not credit bearing) by the University.

In addition, and as covered by the [Quality and Standards Handbook](#):

- Short courses which are accredited by the University and may be delivered for specific clients or as an open course
- Short courses which are delivered collaboratively with other organisations and institutions and are accredited by the University
- The accreditation by Brookes of courses delivered by other organisations.

3. Policy statement

1. The University recognises the value of consultancy, CPD and training activities¹, and so wishes to provide a framework within which staff are encouraged and able to develop this area of their activity, and deliver good quality services.
2. The University will ensure that the risks and opportunities associated with the development and delivery of consultancy are balanced through the implementation of this policy.
3. Faculties/Directorates are responsible for the development and delivery of consultancy including strategic and operational decisions about the type of consultancy and its target market, its financial appraisal, resourcing, and quality assurance.
4. The University will provide support in the development and delivery of consultancy services through:
 - a. Recognising the importance of knowledge exchange within workload planning processes, and so creating delivery capacity.
 - b. Rewarding staff appropriately for winning and delivering consultancy projects when it is additional to their normal workload.
 - c. Offering development opportunities for staff to enhance their knowledge exchange skills and expertise, and providing support to those who wish to pursue knowledge exchange as a career pathway.
 - d. Providing advice and support at all stages of the consultancy process both within individual faculties/directorates and centrally through the Research and Business Development Office (RBDO).

¹ In the remainder of this policy the term “consultancy” includes consultancy and all other externally provided activities which are in scope unless otherwise described.

4. Development and delivery of consultancy

4.1 Approval of consultancy work

There are a number of ways that staff can become involved in consultancy work, including:

- a) An opportunity is identified through University activity and delivered under a University contract.
- b) An individual identifies an opportunity themselves and brings it to the University to deliver under a University contract.
- c) Consultancy is identified and carried out privately by a member of staff.

The policy for private consultancy (case c) above) is covered in section 5 below. The remainder of this section relates to University contracts (cases a) and b)).

All consultancy and related activities need to be approved in line with the University's Financial Regulations (<https://intranet.brookes.ac.uk/fls-intranet/>) and with the Faculty/Directorate taking into account a financial appraisal, the availability of appropriate resources to deliver in a timely way and to the right quality, and its fit with the Faculty/Directorate's strategic objectives for knowledge exchange. The PVC Dean/Director is responsible for the approval and overall management of knowledge exchange but may delegate authority; references in this policy to PVC Dean/Director may therefore refer to the delegated manager.

Consultancy must not involve activities that may bring the University into disrepute, that conflict with the interests of the University, School or Directorate, or that contravene University policy (including meeting the [Code of Conduct](#)).

The University maintains a commercial subsidiary called Oxford Brookes Enterprises Ltd (OBEL) through which consultancy and certain forms of CPD and training is contracted, accounted for and delivered. All consultancy activity carried out using University facilities, resources or name must be carried out under an institutionally-authorized contract. Support is provided for these processes through faculty or directorate-based knowledge exchange, finance, and research staff, and through RBDO. Legal agreements for properly approved activity will be set up by the RBDO contracts team, or by Legal Services.

There may be intellectual property rights created in the course of consultancy activities. The extent to which these are vested with the client or remain with the University will need to be agreed with the client as part of the contract negotiation and must be in line with the [Intellectual Property Policy](#). Advice is available from RBDO on all intellectual property issues.

All short courses accredited by the University will be approved through the appropriate University processes as set out in the [Quality and Standards Handbook](#). The approval of non-credit bearing short courses rests with the Faculty/Directorate managing the provision (currently through Faculty QLEC's), and the Faculty/Directorate should maintain their own register of non-credit bearing provision. The Faculty/Directorate should also ensure that certificates issued to students follow University guidance for a formal record of the achievement of attendance outside of a formal qualification.

It is important that all consultancy activity is recorded through University systems to maximise the potential impact on University profile and the potential for additional income (notably through the Higher Education Innovation Fund).

4.2 Delivery of consultancy work

4.2.1 Resources

Faculties/Directorates will consider the following in making decisions about how to resource specific projects:

1. The preferred option is that any consultancy activity will be resourced as part of normal workload (for both full and part time staff). The allocation of time may reflect individual job roles, areas of expertise and research interest, individual KE or other plans, and the requirements of the Faculty/Directorate as determined by the PVC Dean/Director or a delegated manager.
2. Where there is no capacity within the agreed workload plan, this should be discussed with the PVC Dean/Director who, following consultation with the line manager, may agree to reschedule or reallocate other duties to accommodate the consultancy work. The cost of backfilling academic time will not be charged to projects.
3. If there is no practicable option to vary the workload plan, and it is financially viable to do so for a specific project, the PVC Dean/Director may agree to the staff member working extra hours in their own time (including for full time staff leave taken for the purpose of undertaking the consultancy work) for an additional payment (see Payments below). Faculties are responsible for monitoring the cumulative extra hours worked by individuals on projects to ensure this is feasible and acceptable. If this requires staff members to work more than an average of 48 hours a week over a rolling 17 week period, and they wish to do the work, they must sign an [opt-out agreement](#) in order to comply with The Working Time Regulations (1998).
4. Alternatively an associate researcher contract or variable hours contract can be used to employ new staff on an hourly paid basis, using current hourly pay rates as a starting point. Hourly paid contracts should not be offered to existing staff as they should use the additional payment form (see 3 above).
5. Finally, it may be necessary to commission external consultants to work alongside staff in delivering consultancy so as to bring in specialist skills and knowledge; external consultants will be managed by staff (whose time will be costed and attributed to the project). The commissioning of external consultants will follow University procurement guidelines. Brookes' staff carrying out consultancy work may not be contracted with as external consultants but the options outlined above, including the use of additional payments, should be used.

4.2.2 Payments

1. Where payment is being made to staff (full or part time) for a specific project to be carried out in addition to their workload plan or normal working hours, the starting point will be a daily rate based on staff salary. However an additional payment may be set at the discretion of the PVC Dean/Director taking into account the nature of the work to be carried out, the skills level required, market rates for equivalent work (but taking into account University employment benefits), and project feasibility.

2. Additional payments will be made through the University payroll with normal deductions.
3. Alternatively additional payments may be gifted to the University and added to the staff member's Academic Trust Fund to support academic activities, such as conference attendance; in these circumstances no deductions will be made.
4. There may be circumstances where a staff member:
 - a. Secures a consultancy opportunity individually;
 - b. It is to be carried out through the University by the staff member, and in circumstances where an additional payment would be payable to them; and
 - c. The value of the work is low (normally £5,000 or below).

Where all of these apply, the PVC Dean / Director may approve a simplified costing and approval procedure, and payment of the total value of the work into the staff member's Academic Trust Fund without normal payroll deductions or any contribution to university overhead. Deductions would be made for any externally sourced consumables or services required to carry out the consultancy, where appropriate. The work will be recorded on the University costing tool.

5. Where significant consultancy income is brought in and delivered by a member of staff personally, the University will consider paying a share of the net income brought in by the KE project instead of the enhanced daily rate. This will be subject to negotiation and agreement between the individual, the PVC Dean/Director and the PVC Research and Global Partnerships.

4.2.3 Cross faculty/directorate collaboration

There will be projects which will benefit from cross department/faculty collaboration to draw on a range of skills and expertise from across the University. In these cases, one faculty will take the lead for the development of the proposal/bid, and will be responsible for the delivery overall, including the relationship with the client. Staff time from collaborating faculties/departments will normally be charged to the lead faculty at the cost of employment plus a proportion of indirect costs as may be determined from time to time by the Director of Finance and Legal Services. Net income generated by collaborative projects will normally be attributed to the lead faculty in recognition of the risk associated with this role.

4.3 Financial appraisal including pricing

All consultancy and related projects will be financially appraised before being approved in line with the University's Financial Regulations. This appraisal process will take into account the University's costing procedures and tools, as well as consideration of market conditions, entry into new markets, and fit with Faculty/Directorate Knowledge Exchange plans. Advice and support on market research, pricing and business development more generally will be available through RBDO.

Pricing will be set to maximise return in the market and be in line with the following pricing principles:

1. The price will cover all direct costs associated with a specific project, ie:
 - a. The cost of staff time (and/or external consultants) spent on the delivery of the consultancy.
 - b. Costs relating to other resources required for the delivery of the project (such as travel, equipment, external venue hire).
 - c. Actual cost of any specialist University facilities.

2. The price will normally include a contribution to overheads.
 - a. Each faculty/directorate will ensure that their portfolio of projects in a given year recovers a minimum of 50% attributable overheads (estates and general) as costed by the university costing tool.
 - b. Open non-credit bearing CPD courses which have not been costed using the university costing tool are expected to follow this general principle and be included in the portfolio of projects.
 - c. Where an individual project recovers less than 50% of attributable overheads, there should be a clear rationale for the price to be set at this level for this project.
 - d. Where professional and support staff act in the role of an academic or are otherwise responsible for the delivery of consultancy (for example, a technician carrying out materials testing) the cost of such staff should include an overhead contribution as if they were an academic.
 - e. Where external consultants are engaged to deliver university consultancy no overhead contribution should be applied to their cost.

Decisions about the final charge to be agreed with the client for any specific project rests with the PVC Dean/Director in agreement with the Head of Faculty Finance or central Finance teams.

4.4 Quality assurance

The quality of any consultancy activity will have a direct impact on the University's and Faculty/Directorate's reputation in delivering knowledge exchange (and so the potential for repeat business, or attracting new clients) and potentially more widely across other University activities. Responsibility for the quality assurance of consultancy, and any associated improvement activity, rests with the PVC Dean/Director. This includes ensuring there are appropriate mechanisms for monitoring quality, and receiving regular feedback from clients. It is likely to include feedback from individual participants on training activities; formal and informal feedback from clients; feedback from those delivering consultancy themselves. Issues for consideration in ensuring quality include: robust project management including the ability to respond flexibly to project issues; regular communication with the client; levels of service including responsiveness to project/client requirements; the skills and expertise of delivery staff.

All short courses accredited by the University (ie credit bearing) will be approved and quality assured through the appropriate University processes as set out in the [Quality and Standards Handbook](#).

5. Consultancy carried out privately

Staff wishing to undertake external consultancy work independently of the University need to declare this to their PVC Dean/Director and certify that this is compatible with their University employment (including meeting the [Code of Conduct](#)), and provide supporting evidence if this is required.

Specifically, staff should ensure compliance with the following:

- There is no conflict of interest (see https://www.brookes.ac.uk/services/hr/handbook/terms_conditions/conflict.html)
- There is no competition with the University.

- Work will be carried out in their own time (ie outside of workload plan time) and without prejudice to the delivery of workload plan activities.
- Work will not entail the use of any University assets, facilities, proprietary materials or branding.
- Liability for this activity rests with entirely with the individual and not with the University. The University reserves the right to request evidence that the client acknowledges that liability does not rest with the University nor that work is covered by University insurance.

Where it is not possible to reach agreement as to whether the proposed private consultancy is compatible with University duties and obligations, the PVC Dean/Director will discuss how the work could be carried out as a University contract, if appropriate and in line with Faculty/Directorate Knowledge Exchange Plans.

Staff knowingly undertaking external consultancy work which conflicts with their obligations and duties to the University and the requirements of this policy will be subject to disciplinary action.

6. Customary academic services

Academics may undertake customary academic services such as journal editing and examining, and receive an honorarium without declaring this as private consultancy.

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