

Consultancy Policy

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0.1	Amendment re finance Dept approval EMT Approved 22 May 2024.	0.2
0.2	Reviewed by GB Policy Committee on 5 June 2024, subject to recommended amendments and additions, to recommend for approval by the Governing Body.	0.3
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¹ Internal consultation with other departments within the University should be noted

² Other for instance staff representatives or other stakeholders

Publication Details	
Where	Date
SETU Governing Body Policies website	
All Staff Email	

Feedback or issues arising on implementation of this policy should be communicated to the policy author.	
Policy Author:	Head of Innovation & Commercialisation

Policy Management Framework Compliance Review as requested by EMT all draft policies should be reviewed by the Policy Review Group ³ in advance of review by EMT. Please confirm that the policy was reviewed by the policy review group.	
Date Policy Reviewed:	n/a

³ Contact susan.green@setu.ie or sarah.morrissey@setu.ie

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1. Introduction/Context

SETU encourages staff to engage in external consulting in order to maintain and develop their professional competence, keep up to date with developments and innovations in business and the professions and to support regional economic and social development by sharing the University's scientific and academic knowledge and facilities with business, the professions and the wider community.

The Research Office (RO) provides administration support and has overall responsibility for University Consultancy Services. The Consultancy Policy is in place for transparency and accountability as well as the legal protection of the University and its staff. The Policy should not in any way hinder the establishment of links with appropriate outside institutions, companies and individuals, or involvement in joint research for industry/University co-operation.

2. Definition

For the purpose of this Policy there are two distinct types of University Consultancy:

1. University Consulting with no direct remuneration to a staff member - defined as work which the University has contracted for with a third party, from which revenue is received by the University, but for which the relevant staff member does not receive additional remuneration:
 - a. This consulting would also include consulting undertaken by a Research Centre/Research Institute (RC/RI) which may utilise this revenue for research and education purposes⁴ including procurement of equipment, personnel costs, travel and other activities related to the operations and development of the RC/RI.
2. University Consulting with direct remuneration to a staff member - defined as work which the University has contracted for with a third party, from which revenue is received by the University and from which a staff member may make a claim for payment against approved timesheets.

Consultancy which is conducted outside of University Consultancy, see Section 3 paragraph 2, is considered to be External Work activity.

⁴ Any revenue must be utilised in line with the Universities rules

Consultancy services can include, but is not limited to, Innovation Vouchers, Development Assignments, Service Level Agreements, and Contract Research/Consultancy. It is the responsibility of the staff member to liaise with the RO to seek clarification on the nature of the engagement should there be any ambiguity on same. Prior approval from Finance is required in the case where a staff member is requesting to receive remuneration⁵.

3. Scope of the Policy

This policy applies to all full-time and part-time staff of the University who undertake consultancy work on behalf of the University.

This policy does not cover a staff member who undertakes consultancy work in their own right in a private capacity without recourse to any form of University resources, facilities or insurance indemnification. The remuneration element of this type of consultancy is a matter which is private to the academic staff member and the entity on whose behalf they are undertaking the work.

4. Professional Indemnity

Professional indemnity cover is *only* provided for [consultancy work](#) (approved in advance) undertaken by a staff member that is administered through the RO or an approved RC/RI⁶. Where a staff member wishes to undertake consultancy work privately i.e. without availing of the supports of the RO, they must advise their line manager and have the prior approval of the President through the External Works⁷ [process](#) and comply with the Conflict of Interest Policy, see links below. It is the responsibility of that individual to carry adequate professional indemnity insurance as the University provides no cover and carries no liability for private work, as it is not a party to contracts in these circumstances.

It is incumbent on the staff member engaging in private consultancy work to advise the 3rd party that this work is in no way connected to SETU.

5. Procedures

1. All requests from external bodies for SETU consultancy services should be addressed to the University's RO or approved Research Centre/Research Institute (RC/RI)⁸. Where an individual staff member is contacted directly, they

⁵ This will depend on several factors including when the work is scheduled (typically only possible outside of the academic teaching calendar)

⁶ Approved by the VP of Research, Innovation & Impact.

⁷ <https://www.cognitofirms.com/WIT8/SETUWaterfordExternalWorkingActivityForm>

⁸ The Research Centre should seek advice from the Research Office to manage queries.

should, in the first instance, contact their line manager and then the RO or the relevant RC/RI and outline details of the services requested. The RO/RC/RI will evaluate the request for consultancy services and decide if the request is viable.

2. When work is sourced by an individual SETU staff member, and/or a client requests a particular staff member to complete work on their behalf, where feasible, the contract is awarded to the relevant SETU staff member or RC/RI. In all other instances consultancy work is managed internally to University staff through the School structures.
3. A consultancy contract⁹ between SETU and the external client will be created by the RO or the RC/RI prior to the commencement of the work.
4. The University will take no responsibility and provide no indemnity for work carried out in the absence of a contract signed by all of the relevant parties. All contracts must be signed in advance of work commencing.
5. The staff member must obtain approval from their relevant line-manager in advance of committing to the consultancy and advise a proposed start date. In the case of a RC/RI approval must be sought from the Centre Manager or relevant line-manager.
6. Academic and non-research staff member's total approved consultancy activities shall not exceed two sessions per week or 20% of working time. Research staff in RC/RIs may spend up to 100% of their time on consultancy activities with the approval of the Centre Manager or relevant line-manager.
7. Staff members outside of RC/RIs must engage with the RO on the preparation of a proposal for the provision of a consultancy service for a client. Proposals typically will outline the scope of work, timelines, deliverables and prices including VAT @ 23%¹⁰.
8. A contribution to indirect costs in the region of 30% (this may be adjusted for RC/RI) is applicable to all consultancy work and will be taken at the outset of the contract and, in discussion with the RO, utilised for developing research capability and capacity in the University. It is the responsibility of the staff member to engage with the RO to agree the appropriate overhead rate.
9. Where applicable, a charge/fee for use of specialist SETU equipment and facilities is applied. The RO can advise on state aid rules.
10. The RO or RC/RI will issue the proposal to the client for their agreement. Upon the client's acceptance of the proposal, a standard contract is drawn up by the RO or RC/RI⁵ between the University and the client. The contract must be signed on behalf of the University by either the Vice President Research Innovation &

⁹ This may be a purchase order or quotation for RCs. The RC will issue the standard SETU T&Cs.

¹⁰ Subject to the prevailing rate.

Impact, a Manager within the Office of Research or the Centre Manager and an authorised representative of the client organisation. Each contract is allocated a unique identification number.

- a. For the avoidance of doubt, when an RC/RI receives a purchase order or work order this can be progressed without issuing a standard contract. This only applies to specific engagements to be directed by the RO annually. The RC/RI will always issue the standard SETU T&Cs.

11. Budgets as specified in the contract must be adhered to. All items to be purchased as part of a consultancy agreement will be processed in accordance with the SETU procurement procedures.
12. Once work has been completed, the staff member notifies the RO or Centre Manager and requests (by email) an invoice is issued to the client. The RO or RC/RI completes a 'request for invoices to be issued' form and submits it to the Finance Office. All invoices are issued by the Finance Office.
13. Clients are requested to forward all payments to the Finance Office. When payment is received from the client, the RO or RC/RI will administer the payment.
14. A staff member wishing to claim a payment for a consulting project should complete a claim form to claim payment and/or to recoup all expenses incurred to complete the consultancy work. Travel and Maintenance expenses incurred are claimed using the standard University procedures. If money has been expended on equipment or consumables items for the project, receipts for purchases must be provided.
15. The balance of the consultancy payment (if any), after all payments have been settled, will be assigned to the relevant staff member's Academic Department and administered by the Head of School or RC/RI to be used in the current financial year and managed via a detailed plan agreed with the Finance Department.

6. Responsibility and Authority

The Vice President Research, Innovation & Impact is responsible for implementing and monitoring this Policy and for the provision of training.

7. Compliance

It is expected that all employees of the University, including all members of the research community will comply with this policy.

8. Useful Links

Conflict of Interest Policy see policies page [SETU | Statements & Policies](#)

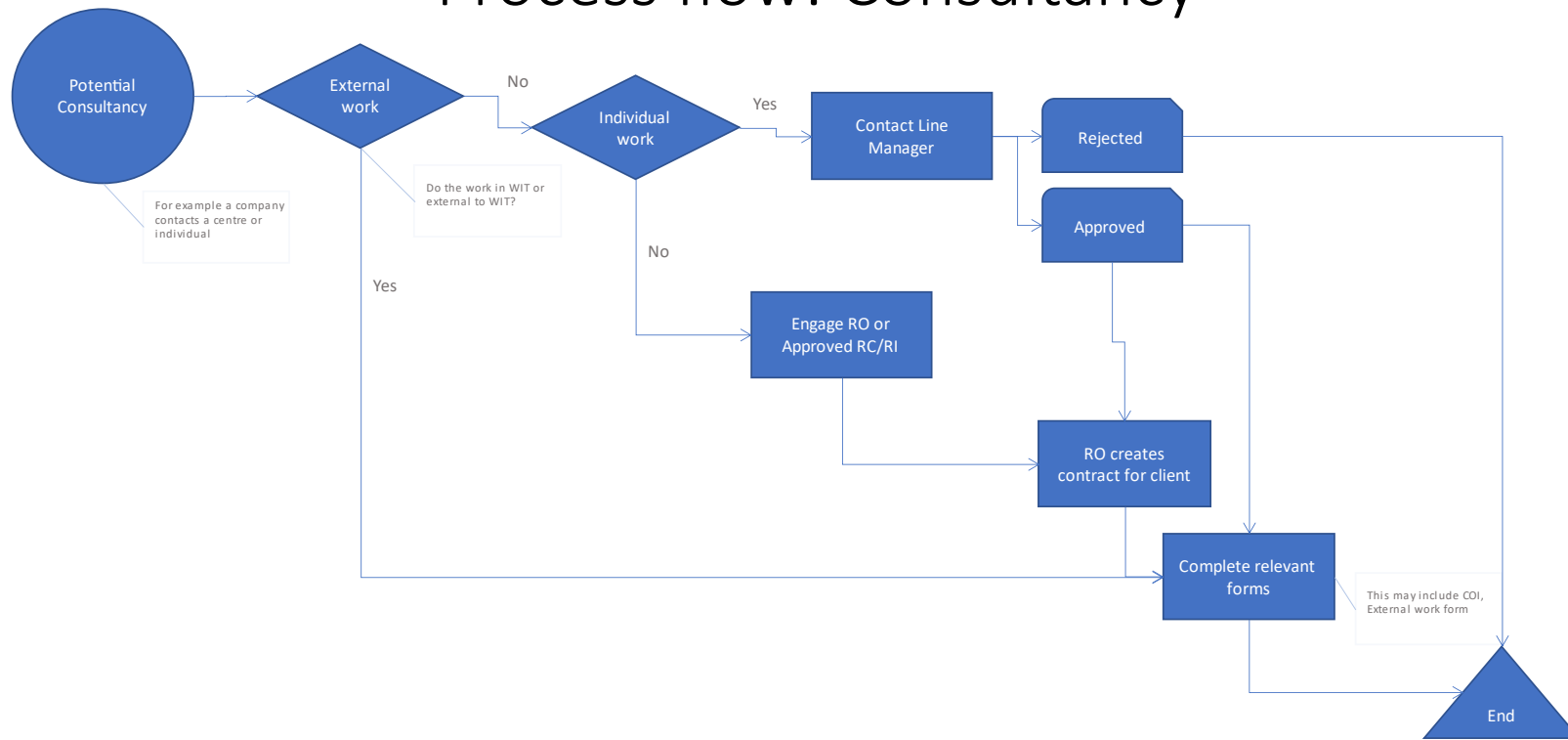
9. Review of Policy

This policy will be reviewed in advance of the review date 5 June 2027, and/or as soon as possible following new or updated legislation, national or sectoral policy.

10. Policy Author

The author of this policy is the Head of Innovation & Commercialisation. Any feedback or issues arising on implementation of this policy should be communicated to the policy authors. They are responsible to ensure that the Policy Owner is aware of these comments when reviewing the policy.

Process flow: Consultancy



Commercial Conflicts Process

Process flow: Commercial Conflicts

