THE UNIVERSITY OF NOTTINGHAM

Policy on External Work

Introduction
1. The University encourages members of staff to undertake external professional work. Interaction with industry, business, public organisations and the community in general (whether regionally, nationally or internationally) has the dual benefit of broadening the experience of (and providing additional income for) staff and enhancing the reputation of the University.

2. External work that is in any way related to the skills and knowledge associated with employment of a member of staff at the University, whether or not remunerated, has to be regulated in order to ensure
   a) that it does not compromise the extent and performance of University duties;
   b) that it does not create a conflict of interest;
   c) that it is consistent with the purposes of the University, and does not expose the University to any liability or endanger its charitable status.

3. This policy applies to staff with University of Nottingham contracts of employment in any of the following staff groups:
   - Administrative, Professional and Managerial APM4-7
   - Technical Services TS 4&5
   - Research & Teaching R&T4a-7
   - Clinical Academic (Lecturer/Consultant/Professor/GP Educators/Research)
   - Fertility Nursing Services

   Academic staff¹ may apply for up to 50 days per year to do external work (see Section 13). All other staff listed above may apply for permission to undertake external work in accordance with this policy. However, it is envisaged that there will be fewer situations where it will be appropriate for the permission to be granted with a time allowance than in the case of academic staff. With the exception of academic staff, this means that the external work must be done outside working hours.

   (The University maintains a register of external interests/appointments held by senior staff and this is updated annually by the Director of Business Engagement and Innovation Services by circular to relevant staff in senior management positions including Heads of Schools, Deans and administrative staff at APM7. A separate register of interests is maintained for members of the Council of the University by the Registrar’s Office).

External work
4. For the purposes of this document, the expression "external professional work" means professional activities, whether or not remunerated, which a member of staff carries out within or closely related to his or her professional field and which are in addition to the teaching, research and other requirements of the University appointment which he or she holds. It includes consultancy work (see paras. 16 and 17), the formation of a company and acceptance of appointment as a company director (see paras. 18 to 20), and the provision of professional advice and services.

5. Without prejudice to the generality of para.4, examples of external professional work include the provision of specialist advice including medico-legal advice; private clinical practice; attending meetings or discussions at the premises of a commercial organisation;

¹ For the purposes of this document and for applying the 50 days per year rule, the term Academic Staff relates to a) staff in Research and Teaching Level 5 and above, whose main focus is research and teaching and b) clinical academics.
reviewing company literature; lecturing or writing papers for a commercial organisation's internal or external purposes; committee membership of bodies such as research councils, government departments, professional associations and training organisations; and acting as a Review Chair for the Quality Assurance Agency;

6. It is the responsibility of an individual member of staff to ensure that any external activities they may wish to undertake are undertaken in accordance with the policies and procedures laid down in this document.

A member of staff needs the permission of the University Council to undertake
a) external professional work; and
b) any other external work where that might conflict with the requirements set out in para. 2.

The Director of Business Engagement and Innovation Services has the authority to approve external work on behalf of the University Council. This is also true for the Dean of the Faculty Medicine and Health Sciences and the Dean of the School of Veterinary Medicine and Science with respect to private clinical practice, medico legal work and holding office in a professional body (see para. 10)

7. This document sets out
a) cases where the University Council grants permission to members of academic staff to undertake certain categories of external professional work, without any need for an application;

b) the procedure by which permission may be sought in other cases; and
c) the considerations that will be taken into account when it is decided whether permission should be granted.

Classes of external professional work with automatic permission

8. The activities set out in this paragraph are regarded as sufficiently central to the work of academic staff to carry automatic permission. Accordingly, subject to any terms to the contrary in the contract of employment of a member of academic staff or any other agreement between that member of staff and the University, the University Council hereby grants permission in the following cases:

A member of the academic staff may undertake the following (and receive payment):

Group A
- authorship of academic books, articles and papers
- invited lectures and presentations at other universities and academic conferences
- reviewing grant applications for funding agencies
- advising on chair, readership or senior academic-related appointments elsewhere
- advising on NHS appointments

Group B
- membership of the editorial board of a journal (separate permission should, however, be sought before undertaking the role of journal editor)
- occasional media appearances or contributions in an academic expert capacity (staff are encouraged to keep the Public Affairs Office informed of any such appearances and contributions; separate permission is needed if retainer is paid)

Group C
[In these cases, the prior approval of the Head of School must be obtained.]
- external examining or acting as Institutional Auditors for the Quality Assurance Agency
- serving in an advisory capacity to, or on behalf of, professional or Governmental bodies, or serving on committees of such bodies (separate permission is required with respect to holding office with such bodies)
• public duties which qualify for leave (see: http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/civicpublicduties/index.aspx)

The total time devoted to activities within Groups B and C, taken together with activities specifically approved under this policy, must not exceed 50 days per year (1 August to 31 July) (see further, para. 13).

Members of staff may be required to report these activities from time to time to the Head of School or the University in accordance with School or University policies (e.g. appraisal, a School publications database, a University register of interests).

If there is any doubt whether an activity falls within this paragraph advice should be sought from the Director of Business Engagement and Innovation Services or, in the case of the Faculty of Medicine and Health Sciences, the Dean of Medicine. Where it remains uncertain whether an activity falls within this paragraph a formal application should be made under para. 9.

Applications for permission to undertake external work

9. Where permission is needed, and not granted automatically within the terms of para. 8, the member of staff should make an application for permission. The application should be addressed to the Director of Business Engagement and Innovation Services unless it relates to private clinical practice, medico legal work or holding office in a medical professional body (see para. 10).

10. In the case of staff in the Faculty of Medicine and Health Sciences, or staff in the School of Veterinary Medicine and Science the appropriate Dean has the delegated authority of Council to grant permission to undertake
   a) private clinical practice (subject to the conditions set out in Annex A);
   b) medico-legal work;
   c) holding office in a professional body such as a medical Royal College;
   in accordance with the principles set out in paragraphs 12 to 15 below. In any case of difficulty arising under these headings, and in all cases involving other classes of external work the Dean of Medicine will forward the application to the Director of Business Engagement and Innovation Services with his comments.

11. Where an application is received in accordance with para. 9 by the Director of Business Engagement and Innovation Services, he/she will consider it and approve it, provided it falls within the rules set out in this document. If for any reason the application does not appear to meet the rules it will be forwarded, with comments, to the relevant Faculty Pro-Vice-Chancellor, who has delegated power to grant such permission on behalf of Council.

12. All applications must be accompanied by a statement from the Head of School or Professional Services department whether in his/her view the application meets the requirements indicated in para.2. The Head of School or Professional Services department may seek advice from the Director of Business Engagement and Innovation Services. He or she should inform the member of staff whether the application is supported and, if it is not, give the reasons. Permission must be obtained on each occasion and in advance of any commitment being entered into or work undertaken. As much notice as possible should be given. Further details of the application procedure are set out in Annex B.

13. a. In the case of members of academic staff, permission to devote up to a maximum of 50 days a year (1 August to 31 July) (whether paid or unpaid) will normally be

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2 The University currently maintains two registers of interests; one maintained by the Registrar in respect of members of Council, to which the Internal Audit Service, HEFCE and the Registrar have access, and another for senior staff maintained by the Director of RIS to which the Internal Audit Service and the Director of RIS have access.

3 Where the applicant is a Head of School or Dean, the accompanying statement should be made by the Faculty Pro-Vice-Chancellor. Where the applicant is the Chief Financial Officer, Registrar or Chief Information Officer or a Pro-Vice-Chancellor, approval should be obtained from the Vice-Chancellor.
granted where it is judged to meet the requirements indicated in para. 2. Not more than 30 days may fall within University term-time.

b. In the case of clinical academics, honorary contracts with the NHS will often stipulate the time that can be spent on external work. Where this differs from University regulations, no more than the time allowed for external work under the terms of the honorary contract may be taken within clinical sessions. In the case of any proposed absence, it is the responsibility of the individual to ensure that appropriate alternative arrangements are made well in advance.

c. Academic staff currently holding permission to undertake external work under an arrangement whereby they are able to devote “up to 20% of their time to outside paid activities” may continue to do so until not more than three years have elapsed from the date of the most recent permission to do so. Any renewed permission will be subject to the “50 day rule”.

d. The time spent on activities permitted by or under paras. 8 (apart from those set out in Group A), 10, 11, 16, 18 and 19 count towards the 50 day limit.

14. In considering whether to grant permission, the Director of Business Engagement and Innovation Services may seek advice from the Faculty Pro-Vice-Chancellor, the Pro-Vice-Chancellor for Human Resources, or other appropriate officers, e.g. the Pro-Vice-Chancellor for Research and the Director of Human Resources, and will take into account the factors listed in para. 2 above. Where granted, permission will be given for periods of not more than three years for any one activity. Applications may be made for a permission to be renewed. Reminders of renewal dates will be issued by the Director of Business Engagement and Innovation Services.

15. The level of private remuneration received for external work is not normally subject to regulation by the University. However, applicants are required to disclose the level of remuneration at the time of applying for permission to undertake external work in order to satisfy the University’s reporting requirements to funding agencies such as HEFCE. It is stressed, that staff involved in external work, carried out privately, must arrange their own insurance cover since the University can only authorise external work if it is fully indemnified against any associated risks. This is particularly relevant in relation, for example, to professional consultancy advice upon which the external client relies. The requirement for a disclaimer may be waived at the discretion of the Director of Business Engagement and Innovation Services where there is no associated prospect of any risk to the University. Members of staff who wish insurance and contractual matters to be arranged on their behalf are encouraged to use Nottingham University Consultants (see para. 16).

Additional information concerning particular classes of external professional work

Consultancy work through NUC

16. Many members of staff possess skills and knowledge which are valuable to external clients. The University has established a business, Nottingham University Consultants (NUC), to act as a vehicle for supporting external consultancy work. Staff permitted to undertake consultancy are strongly encouraged to conduct that consultancy via NUC. Members of staff may obtain permission from the Director of Business Engagement and Innovation Services to register with NUC for renewable periods of three years. NUC provides a range of support services for staff registered with it, including insurance, financial servicing and contract negotiations. Permission to act as a NUC consultant covers all the projects undertaken in that capacity during the currency of the permission. NUC will keep records of the time spent on consultancy which will count towards the “50 day rule.” Full details are available from the Director of Business Engagement and Innovation Services.

University facilities and other University staff resources

17. Where consultancy is undertaken, whether or not through NUC, University facilities and resources must not be used without the express permission in writing of the relevant Head
of School or Professional Services department. Where University facilities and resources are used, they should be accounted for as a Services Rendered activity which at least covers their direct and indirect costs. Staff acting as consultants do so in a personal capacity and those that do not go through NUC must not use University notepaper, fax or email facilities or in any way associate the University with the advice being offered to the client. Any activity requiring association with the University should be undertaken through NUC or as a Services Rendered activity through the academic school or department.

**Companies and directorships**

18. Subject to the granting of permission by the Faculty Pro-Vice-Chancellor on behalf of Council, staff may be appointed as non-executive directors to commercial companies, or directors of not for profit companies outside the University.

19. Staff may also, with the permission of the University’s Management Board on behalf of Council, form their own companies or become directors of University owned or controlled companies or companies where the University has an equity holding. Staff wishing to do so should contact the Director of Business Engagement and Innovation Services to discuss their proposal and to develop the business plan.

20. Application for approval under para 18 and 19 must be made on a separate form, available from the Director of Business Engagement and Innovation Services. Such permissions will be subject to the 50 day rule and will be considered in the light of the factors in para. 2 above. They will also be subject to clear arrangements with the University in respect of any University-owned intellectual property and access to facilities, which the companies concerned may wish to exploit. External work applications associated with the directorship require renewal every three years.

**Intellectual property rights**

21. Staff should take care that the University’s interest in any potentially valuable intellectual property is not compromised, e.g. via private consultancy. Advice is available from the Director of Business Engagement and Innovation Services.

**Data protection**

22. Subject to para. 23, information provided by a member of staff for the purposes of the application of this policy will be regarded as confidential to the officers mentioned.

23. Information provided by a member of staff for the purposes of the application of this policy may be disclosed

   a. where such disclosure is necessary for the University to demonstrate its involvement with external agencies; in these circumstances the names of individuals will not be disclosed without the consent of the relevant individual; or
   b. where such information is already in the public domain; or
   c. where Management Board determines that such disclosure is in the interests of the University.

**Approved by Council - 10 December 2002**

**This version amended December 2006**

**Amended November 2007, July 2010 & April 2012**
Annex A

Conditions Applicable to Private Clinical Practice

The member of clinical academic staff undertaking private practice will:

1. Maintain full cover by a Medical Defence Organisation for private clinical practice.

2. Indemnify the University in respect of any claim arising out of the operation of their private practice. Before undertaking private practice the member of clinical academic staff must lodge a signed copy of the form of indemnity shown overleaf with the Director of Business Engagement and Innovation Services.

3. Make it clear to patients when an appointment is made that the consultation and any treatment are given in a private capacity. Any written communications with the patient should state clearly that the consultation and any related treatment are given in a private capacity. University headed paper must not be used in respect of private consultations.

4. Ensure that all consultations take place on appropriately licensed and equipped premises.

5. Ensure that all facilities and equipment are in good working order.

6. Make payment to the University for access to University facilities including, but not limited to, secretarial assistance, equipment, phone and fax facilities, and accommodation. All such payments must be agreed with the appropriate Head of School and made through the University’s Services Rendered procedures. In the event that the member of clinical academic staff undertaking private practice is a Head of School then payment for access to University facilities shall be agreed with the Dean of the Faculty of Medicine and Health Sciences.

7. The member of clinical academic staff shall be responsible for their liability for income and any other taxes and for properly accounting for the same to the relevant authorities.

8. The member of clinical academic staff shall be responsible for their own invoicing of private patients.

9. In the event that the member of staff wishes to make additional financial contributions to the University this can be undertaken in the most tax effective manner through the use of Gift-Aid. Guidelines on Gift-Aid are available from the Development Office.
DISCLAIMER and INDEMNITY - PRIVATE PRACTICE

The University is only prepared to authorise the carrying out of any personal consultancy or private practice by its academic staff upon condition that it shall have no liability whatsoever (whether in contract, for negligence, breach of duty or howsoever framed) for any loss, damage, cost, or injury no matter how the same shall arise out of or in connection with such private work.

In particular and without prejudice to the generality of the foregoing

I agree that:

- I shall maintain full cover by a Medical Defence Organisation in respect of any private clinical practice I undertake; and
- I will indemnify the University against any claim or liability whatsoever arising from my private clinical practice and the resultant treatment of patients.

Signed

Name

Date
Annex B1

Applications for permission to undertake external work (other than work listed in para 10)

1. Applications should be addressed to the Director of Business Engagement and Innovation Services

2. All applications should be in the following format:
   - Summary of proposed activity
   - Client
   - Amount of time required (with dates if known)
   - Remuneration
   - Number of days of other outside work being undertaken (including work automatically approved by Council under para. 8, apart from authorship and invited lectures)

And should include the following statements:

A. "I confirm that the proposed external work is a personal activity and that the use of any University/School facilities will be paid for. The consultancy will not result in a conflict of interest with any of my University duties or responsibilities."

   Signed .......................................................... (Applicant)

B. Authorisation by the Head of School/Professional Services department
   "I support the above application and confirm that the work will not interfere or constitute any conflict of interest with the applicant's duties or responsibilities to the University."

   Signed .......................................................... (Head of School / Professional Services department)

3. As the activity will be personal to the applicant a disclaimer must be completed by the client and enclosed with the application (copy attached and available from the Director of Business Engagement and Innovation Services).

4. When required, the Director of Business Engagement and Innovation Services will advise the Faculty Pro-Vice-Chancellor, who will consider whether to grant permission on behalf of Council. The applicant will receive a direct response from the Director of Business Engagement and Innovation Services normally within 10 working days. The response will be copied to Human Resources to be put on the personal file of the member of staff and to the Head of School/Professional Services department.

   Failure to provide any of the required information will result in a delay in consideration.

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1 If the Head of School/Professional Services department does not support the application, the applicant must be informed and given reasons. If the applicant decides to proceed with the application the Head of School/Professional Services department will be asked to report the reasons to the Faculty Pro-Vice-Chancellor.
To [Client Company]

LIABILITY – PERSONAL CONSULTANCY
The University of Nottingham (“the University”) consents to [Name of Academic] carrying out work or research consultancy or similar projects (“Consultancy Work”) in their own capacity subject to [Client Company] agreeing with the University as follows:-

1. The University does not accept any liability (except in the case of fraudulent misrepresentation or death or personal injury caused by its negligence) for any costs, actions, claims, demands, liabilities, expenses, damages or losses (including without limitation consequential losses and loss of profit and all interest, penalties and professional costs and expenses) arising out of or in connection with the Consultancy Work therewith;

2. The University makes no representation or warranty express or implied as to the veracity, accuracy or correctness of any opinion, advice, report, analysis, test, drawing, plan, experiment or certificate or other output whatsoever arising out of or in connection with such work or projects, and accepts no responsibility for any use which may be made of any such output; and

3. That [Name of Academic] is responsible for arranging his/her own professional indemnity insurance in connection with the Consultancy Work.

Please confirm your acceptance of the above terms by signing and returning the enclosed duplicate of this letter to us.

We hereby confirm our acceptance of the above terms and conditions.

SIGNED for and on behalf of
[Client Company]

Print Name .............................................

Date ..................................................
Applications for permission to undertake external work as listed in para 10 for staff in the Faculty of Medicine and Health Sciences and the School of Veterinary Medicine and Science

1 Applications should be addressed to the Dean of the Faculty of Medicine and Health Sciences.

2 All applications should be in the following format:
   - Summary of proposed activity (e.g. private practice, medico-legal, consultancy etc)
   - Client
   - Amount of time required (with dates if known)
   - Remuneration
   - Total number of days of other outside work being undertaken (including work automatically approved by Council under para. 8 (apart from those activities set out in Group A).

And should include the following statements:

3 "I confirm that the proposed external professional work is a personal activity and that the use of any University/School facilities will be paid for. The external professional work will not result in a conflict of interest with any of my University duties, clinical service or other responsibilities."

   Signed  ........................................................................................................................................
   (Applicant)

4 Authorisation by the Head of School

   "I support the above application and confirm that the work will not interfere or constitute any conflict of interest with the applicant's duties or responsibilities to the University."

   Signed  ........................................................................................................................................
   (Head of School)

5 As the activity will be personal to the applicant a disclaimer must be completed by the client and enclosed with the application (copy attached and available from the Director of Business Engagement and Innovation Services). In the event that the external professional work is private clinical practice then the alternative disclaimer should be completed (also available from the Director of Business Engagement and Innovation Services).

6 The Dean will consider the application and consult as appropriate with the Director of Business Engagement and Innovation Services and the Faculty Pro-Vice-Chancellor. The applicant will receive a direct response from the Dean or the Director of Business Engagement and Innovation Services on behalf of Council normally within 10 working days. The response will be copied to Human Resources to be put on the personal file of the member of staff, to the Head of School/non-academic Department and to the Registrar for formal notification to Council.

   Failure to provide any of the required information will result in a delay in consideration.

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1 This is required solely for the purposes of satisfying the University's reporting requirements to funding agencies such as HEFCE. NB - staff should look to arrange their own Professional Indemnity insurance for personal consultancy activities or work through NUC.

2 If the Head of School/Professional Services department does not support the application, the applicant must be informed and given reasons. If the applicant decides to proceed with the application the Head of School/Professional Services department will be asked to report the reasons to the Faculty Pro-Vice-Chancellor.