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Appendix 1 – Overview of Framework Process Appendix 2 – Activities Out With Scope of Framework* Research, Innovation & Enterprise (RIE) will provide support and advice with the application of the Framework and answer any questions that you may have. Please speak to your School’s Business Development and Relationship Manager, contact details can be found [here](https://staff.napier.ac.uk/services/research-innovation-office/contact/Pages/contact.aspx).
* For queries relating the payment of fees, please contact Payroll: payroll@napier.ac.uk

This Framework does not form part of your contract of employment with the University and may be subject to change at any time.The Framework covers the consultancy and commercial activities as outlined throughout the document. The framework does not cover Transnational Education (TNE) activities. While these vital activities do generate commercial income, it is recognised that that in nearly all cases they are planned in line with the Workload Allocation Framework.  |

**1. Introduction**

The Framework has been developed to encourage and incentivise staff to undertake consultancy and non-credit bearing bespoke CPD activities in support of knowledge exchange and external collaboration. These activities have career and reputational benefits for the staff member and will support the delivery of the University’s strategic objectives. If the activity is undertaken out with WAM, the staff member has the option to claim an additional payment.

This document intends to outline the information, governance and processes for the management of activities and seeks to ensure the benefits, whilst minimising risks and protecting the interests of both the University and staff. An overview of the high-level process can be found in Appendix 1 and full related guidance can be found on the RIE intranet pages.

The application of this Framework offers substantial benefits to staff members who will be supported with accurate costing, pricing, contractual negotiation and insurance. The University will manage the risk of the project and will be responsible for invoicing the client for the agreed fee as well as collecting payment. Activity will enhance the reputation of the academic and be relevant for submission for career promotional purposes.

1. **Eligibility**

All staff (academic and professional services) ***excluding*** honorary staff, associate staff, research students and staff who perform any of these activities as a major part of their role (e.g., RMP), are eligible to undertake activity which will be rewarded with an additional payment when undertaken out with workload allocation model (WAM).

1. **Activities Within Scope of Framework**

The following activities are within scope of the Framework:

**Consultancy** is defined as the undertaking of work within or related to the staff member’s professional field through which their expertise is exchanged with an external organisation for a fee, but which does not involve original research work or creation of new knowledge. This activity will normally be short-term in nature.

**Non-credit Bearing Bespoke CPD Courses** is defined as training programmes for learners already in work, who are undertaking the course for purposes of professional development whereby the bespoke provision is tailored specifically to an organisation’s workforce and skills development needs or for a professional body’s membership. Normally, the employer pays the fees for employees to enrol as learners and is invoiced directly.

In accordance with the definitions above, all activity that arises naturally from, and is related to employment at the University, should be carried out through the Consultancy and Commercial Activities Framework to ensure additional payment eligibility. Activity must be approved in accordance with the required process and governed by a contract signed off by RIE with the external organisation, whereby due diligence has been undertaken and which ensures appropriate insurance covers applies.

Please see Appendix 2 for a list of activities that are out with scope of the Framework.

1. **Costing and Pricing of Activities**

All activity must be costed using full economic costing and priced in conjunction with RIE Business Development & Relationship Managers at market rate to ensure compliance with State Aid rules. Approval by either the Dean of School, Director of Service or Delegate Approver is required in advance of a final quote being issued to the client. Indicative client quick quotes can be provided in advance of a final quote; however, these are only for information and not legally binding. For indicative day rates contact Business Development & Relationship Managers.

The full economic cost of the project will include the following four components:

* **Directly Incurred Costs - Costs which are explicitly identifiable as arising from the conduct of a project.**

Consumables

Travel and subsistence

Any equipment and software

Any other identifiable direct costs (e.g. administration costs, research and technical assistant costs (non-academic staff), professional services)

* **Directly allocated costs - Costs of resources used by a project that are shared by other activities.**

Staff time, including on-costs (Employer’s national insurance and pension contributions)

* **Estate and Indirect Costs – Non specific costs charged across all projects (E.g admin, finance, Business Development).**
* **Surplus**

The Surplus on consultancy and commercial activity is based on the following three price components: the academic time, the estates and indirect costs and any profit uplift.

1. **Division of Fees**

After the deduction of any directly incurred costs (including any associated Estate and Indirect costs related to Directly Incurred staff), employer’s national insurance and potential pension contributions, the distribution of income will be made as follows:

* **75% to Staff Member**
* **25% to University**

Once the activity has been concluded and the invoice has been issued, the additional payment will be made via Payroll. It is the staff member’s responsibility to check with the External Project Officer their claimable amount and raise a payment claim through HR Connect, within two months of the completion of the work, or forfeit the opportunity of an additional payment. This will be subject to tax and national insurance deductions in the normal way via PAYE. If more than one staff member is involved in a project, then division of fees and surplus will be relative to the time spent on project as approved by relevant line management and on Worktribe.

1. **Approvals**

Approval for activities must be obtained in advance of the final quote being submitted to the client. This must be through Worktribe and include an approved Consultancy and Commercial Activity Email from the staff member’s line manager. Full details and email template can be found in the guidance document via the RIE intranet. Other relevant departments such as School Support Service, HR and IS should also be informed if relevant support, University resources or facilities are required.

Details of the Worktribe inputs must include the following:

* Project description of the proposed activity.
* Project start and end dates.
* Funder (request for new funder to be added if client not listed)
* Relevant directly incurred costs, staff costs (number of days for project) and surplus (based on market rates) (via budget tab and through advice from RIE).
* Project proposal (via documents tab).
* Checklist (via checklist tab).
* Signed Quality Approval Form (Section 6 in the Quality Framework) (via documents tab) for Non-Credit Bearing CPD Projects.
* Consultancy and Commercial Activity Email (via documents tab).
* How activity will help achieve strategic objectives for the School/University (via benefits tab).
* Data Management Plan or Declaration of No Data Form, whichever is relevant (via templates).

RIE will manage all the contractual and financial requirements for the project.

1. **Balancing Activities Out With WAM and University Role**

Whilst the University acknowledges the benefits derived from these additional activities conducted out with WAM, a balance must be maintained to ensure that there is no impact on a staff member’s wellbeing and their ability to perform their normal day to day role.

To support a healthy work life balance and to ensure sufficient time is allocated to other responsibilities and activities of the staff member, it is recommended that there is a maximum number of 30 days per financial year (1st August – 31st July) permitted for additional activity that is within scope of this Framework (conducted out with WAM). Any exception to this would be agreed by either the Dean of School or Director of Service, an example of this may be where additional activity is in the interest of both parties to enable a more substantive external engagement.

1. **Responsibilities**

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| **Employees** | * Read and follow the Framework and ensure a full understanding of supporting guidance and associated policies.
* Only undertake activity where the necessary due diligence, approval and associated contractual documentation has been completed.
* Submit claims for payments within two months of the activity concluding.
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| **Managers** | * Read and follow the Framework and ensure a full understanding of supporting guidance and associated policies.
* Discuss the relevant activity and benefits for the staff member and University.
* Consider fully and approve via a Consultancy and Commercial Activity approval email, as appropriate and as outlined in the guidance, relevant activity.
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| **RIE** | * Provide guidance to all parties involved on the application of the Framework.
* Support on the due diligence, costing, pricing, market analysis and contractual negotiation of the project.
* Signpost staff members to other relevant departments as required.
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1. **Related Policies**

This Framework should be read in conjunction with:

* Framework Guidance Document
* Intellectual Property (IP) Policy
* Contract of Terms and Conditions of Employment
* Financial Regulations (specifically Bribery Act Policy Statement)
* Disclosure of Other Interests (currently in development)

**Document Control**

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| AuthorDate First ApprovedLast Review DateReview Frequency | Research, Innovation & Enterprise (RIE)01.05.202211.05.20222 years or as appropriate |

**Appendix 1 – Process**

**Appendix 2 – Activities Out With Scope of Framework**

Activities that are out with scope of this Framework are as follows:

* Teaching and other conventional academic activities including Research (including contract research)
* Teaching and Research Quality Assessment activity including external examining, refereeing papers, publication peer review (e.g. journals and books)
* Authorship or royalties from publication of books
* Conference presentations and media appearances
* Any credit bearing CPD provisions
* Open non-credit bearing provisions which require a long marketing lead time and as such should be planned in to the annual WAM
* Professional practice activities (e.g. clinical activities of medical academic staff such as nursing or allied health professional activities)
* Board and Panel Membership
* IP and Commercialisation Projects (e.g. acting as a consultant in any capacity for a commercialisation opportunity that involves exploiting University-owned IP such as a spin out or a licensing deal or using University owned IP with the explicit intent to exploit it or as the main basis for the engagement)

These activities are governed by other relevant institutional processes, policies and staff member’s conditions of employment.

**Please note: activities which are undertaken by a staff member in a personal capacity and completely independently of the University require approval in accordance with relevant University policies. Staff members should always act in accordance with the institutional contractual Standard Terms of Employment in this regard, namely:**

***External Work (Paid or Unpaid) and Other Appointments: The University recognises and encourages the holding of appropriate external appointments/positions which may be of direct or indirect benefit to the University and/or the individual.  However, it is expected that you will devote your whole working time to the work of the University and its interests.  So you should always notify your Dean of School of any such appointments which will be permitted where:***

1. ***there is no conflict of interest;  and***
2. ***the activity does not interfere with the proper performance of your duties***