



Consultancy and Commercial Activity Framework

Table of Contents

- 1. Introduction p.01
- 2. Eligibility p.01
- 3. Activities Within Scope of Framework p.01
- 4. Costing and Pricing of Activities p.02
- 5. Division of Fees p.03
- 6. Approvals p.04
- 7. Balancing Activities p.05
- 8. Responsibilities p.05
- 9. Related Policies p.06

Appendix 1 – Overview of Framework Process

Appendix 2 – Activities Out With Scope of Framework

Who can help?

- ☑ 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](#).
- ☑ For queries relating to additional payment via PAYE, please contact Payroll: payroll@napier.ac.uk.
- ☑ For queries relating to additional payment via PRA, please contact your School’s External Project Officer, contact details can be found [here](#).

Please note

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 (NCB) 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 which can be paid via PAYE or into a personal research account (PRA). A decision of PAYE or PRA needs to be made and approved before the activity commences.

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.

2. 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).

3. Activities Within Scope of Framework

Consultancy and non-credit bearing (NCB) CPD activities are within scope of the Framework, defined as follows:

Consultancy – 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.

Open / Bespoke CPD (NCB) Courses – training programmes for learners already in work, who are undertaking the course for purposes of professional development. A 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. An open provision is advertised widely to relevant audiences and normally the individual pays for the course directly at point of registration.

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 if relevant, governed by a contract signed off by RIE with the external organisation, whereby due diligence has been undertaken and which ensures appropriate insurance cover applies.

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

4. Costing and Pricing of Activities

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

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

- ☑ **Directly Incurred Costs: Costs which are explicitly identifiable as arising from the conduct of a project:**
 - Consumables
 - Travel and subsistence
 - Equipment and software
 - Marketing costs for open CPD
 - 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 (including any profit uplift): Non-specific core institutional costs charged across all projects.**

5. Division of Fees

After the deduction of any directly incurred costs (including 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 for relevant activities:

Consultancy and Open / Bespoke CPD (NCB) under £10,000:

- ☑ 100% to Staff Member
- ☑ 0% to University

Consultancy and Open / Bespoke CPD (NCB) over £10,000:

- ☑ 75% to Staff Member
- ☑ 25% to University

Please note, the above splits are applied on a per project basis.


Once the activity has been concluded and the invoice has been issued (for consultancy or bespoke CPD) or break-even point reached, fees collected and course delivered (for open CPD), the additional payment will be made. This will be either via Payroll (PAYE) or transferred to a PRA. It can only be transferred to a PRA if a fee-waiver has been requested and approved, prior to activity commencing.

It is the staff member's responsibility to check with the External Project Officer their claimable amount and request this through HR Connect for PAYE payment or request a transfer in to PRA. This must be within two months of the completion of the work, or you forfeit the opportunity of an additional payment. If more than one staff member is involved in a project, then division of income will be relative to the time spent on project as approved by relevant line manager and on Worktribe.

If payment is made via PAYE, this will be subject to tax and national insurance deductions in the normal way.

If payment is into a PRA, this income belongs to the University and is kept in trust so that account holders can pursue relevant RKE activities. Funds should be spent in an efficient manner and activity should align with ENU's strategic ambitions. PRA expense claims will be approved by Head of Research or delegated approver and should be made via SCSS and Agresso in-line with University and School processes and expense policy.

If a staff member leaves the University, then under no circumstances can any remaining PRA money be transferred to a new organisation. It will remain at the University and not move with the account holder.



Only expenditure relating to the following activities are eligible to be covered by PRA funds. All spend needs to adhere to institutional processes (including HR and procurement) and it is the staff member's responsibility to engage relevant departments for support. All equipment needs to be procured in the normal way – IT equipment via IS and other equipment in line with procurement processes. No personal purchases of IT and equipment will be approved or reimbursed:

- **Conference Attendance:** including registration fees, travel, subsistence and miscellaneous costs (e.g. materials (books and printing)).
- **Conference and Event Facilitation:** including guest speaker expenses - fees, travel, and subsistence, catering, venue hire and miscellaneous costs (e.g. materials (books and printing)).
- **Personal Capacity Building:** individual CPD, training costs and event attendance to support RKE ambitions including delegate fees, travel, subsistence and miscellaneous costs (for example materials (books and printing)).
- **Research Assistance and Interns:** to support RKE outputs and income generation.
- **RKE Project Support:** to support RKE projects including travel, subsistence, support services (for example transcription, proof-reading, bid writing), subscriptions, memberships, materials (for example books and printing), and equipment.

6. 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. If payment will be in to a PRA, then an approved fee waiver form must be included. 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, Marketing and IS should also be informed if relevant support, 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 profit uplift (based on market rates) (via budget tab and through advice from RIE BDRM).
- ☑ Project proposal for consultancy and/or Business Case for CPD (via documents tab).
- ☑ Checklist (via checklist tab).
- ☑ PDF evidence of CPD Provision Quality Approval from CME (via documents tab).
- ☑ Line Manager Approval Email and fee waiver form, if relevant (via documents tab).
- ☑ How activity will help achieve strategic objectives for the School/University (via benefits tab).
- ☑ Data Management Plan if relevant (via documents tab).

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

7. 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.

8. Responsibilities

Employees	<ul style="list-style-type: none">✔ 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.✔ Ensure line manager approval via template email and PRA fee waiver form.✔ Submit claims for payments or request journal into PRA within two months of the activity concluding.
Managers	<ul style="list-style-type: none">✔ Read and follow the Framework and ensure a full understanding of supporting guidance and associated policies.✔ Review if staff member WAM to ensure that there is none available to undertake proposed activity.✔ Discuss the relevant activity and benefits for the staff member and University.✔ Consider fully and approve via a Consultancy and Commercial Activity approval email and fee waiver form, as appropriate and as outlined in the guidance.
RIE	<ul style="list-style-type: none">✔ 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.

9. 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)
- ☑ CPD Process Document

Document Control

Author	Research, Innovation & Enterprise (RIE)
Date First Approved	01.05.2022
Last Review Date	22.01.2024
Review Frequency	2 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:

- ☑ Core teaching and other conventional academic activities (e.g. Research, including contract research)
- ☑ Core 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
- ☑ Professional practice activities (e.g. clinical activities of medical academic staff such as nursing or allied health professional activities)
- ☑ Strategic projects that require long-term resource allocation
- ☑ 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 / Head of Department of any such appointments which will be permitted where:

- (a) there is no conflict of interest; and*
- (b) the activity does not interfere with the proper performance of your duties*