



Consultancy Policy & Procedure

Document Type	Policy & Procedure
Document owner	Head of Legal & Compliance
Approved by	Executive Team & Management Board
Approval date	30 March 2023
Review date	28 February 2024
Version	1.1
Amendments	N/A
Related Policies & Procedures	Conflict of Interest Policy Information Security Policy

1. SCOPE

- 1.1 This policy applies to LSHTM staff conducting consultancy work for external organisations. It does not apply to the commissioning of consultants to conduct work on behalf of LSHTM.
- 1.2 This policy applies to all staff employed by the London School of Hygiene & Tropical Medicine ('LSHTM') under its standard terms and conditions of employment at Grade 5 or above. Below Grade 5, staff are precluded from undertaking consultancy via LSHTM in their own name however they may be employed on a consultancy project held by another member of staff, performing duties in line with their LSHTM job description (e.g. administrative support). All staff can undertake consultancy in a private capacity but must follow the terms set out in [Section 4.3](#).
- 1.3 This policy applies to all staff employed by the MRC/UVRI and LSHTM Uganda Research Unit (MRCU). References to "LSHTM" in the document therefore include MRCU staff unless otherwise stated. Procedures for managing consultancy are adapted to the Unit's structures, processes and systems as set out in [Section 6](#).
- 1.4 This policy does not apply to staff employed by MRC Unit The Gambia at LSHTM¹ as the Unit has a separate policy.
- 1.5 This policy does not apply to casual workers, and those with Distance Learning Tutor contracts, and those providing services to LSHTM via a contractor. Individuals holding these roles are not entitled to take up consultancy work under the remit of their association with LSHTM. Any consultancy work by these individuals would be wholly in a private capacity and must not be undertaken in a way which would imply a relationship between the consultancy work and LSHTM, nor should it use LSHTM facilities, equipment, know-how, name, image or reputation.

¹ MRC Unit The Gambia at LSHTM Consultancy Policy (POL-RES-007) effective 1 Oct 2021



- 1.6 This policy does not apply to those holding an honorary or other type of non-substantial association with LSHTM. Individuals holding these roles are not entitled to take up consultancy work under the remit of their association with LSHTM. Any consultancy work by these individuals would be wholly in a private capacity and must not be undertaken in a way which would imply a relationship between the consultancy work and LSHTM, nor should it use LSHTM facilities, equipment, know-how, name, image or reputation.
- 1.7 This policy applies to work which meets the Higher Education Statistics Agency (HESA) definition of consultancy. See [section 3](#) for definitions.
- 1.8 The following are also outside the scope of this policy as they would not be considered consultancy: royalties or other proceeds from the authorship of books; proceeds from articles published in journals; examination fees; fees for occasional lectures; payment for service on governmental or related committees; fees for other media work, fees for grant review panels; refereeing of manuscripts and articles in learned journals; and editing of academic journals and book reviews.
- 1.9 This policy does not apply to private practice (clinical or non-clinical) or additional clinical/NHS sessions undertaken by clinical academic staff. These would not be considered consultancy work and are therefore out of scope for this policy.

2. PURPOSE AND OVERVIEW

- 2.1 The purpose of this document is to define the policy and associated procedures to be used for the management of consultancy activities by LSHTM staff, and to ensure LSHTM's excellence in research and education is maintained.
- 2.2 While LSHTM supports consultancy provision among its staff, it is obliged to manage and mitigate the financial and reputational risks to LSHTM and individual LSHTM staff that could arise from these activities, and to manage any potential Intellectual Property and liability arising in the process.
- 2.3 LSHTM recognises that consultancy and services are important activities facilitating the transfer of knowledge to and from business and the wider community. They bring a number of financial and non-financial benefits to individual employees and LSHTM.

Specific aims of supporting consultancy at LSHTM are:

- Development of cross sector engagement skills and experience for individual staff members
- Development of relationships with consultancy Clients leading to potential new collaborations and partnerships
- Increase of knowledge exchange



- Increased visibility of LSHTM within business networks and wider communities
- Generation of income and funding for individual members of staff and LSHTM

2.4 This policy recognises that staff members may be commissioned to undertake consultancy because of their status and expertise as staff members of the London School of Hygiene & Tropical Medicine.

3. DEFINITIONS

Budget Holder

Person with formal budget holding responsibility for the account from which the Consultant's salary is paid prior to the establishment of the consultancy as recognised by the London School of Hygiene & Tropical Medicine. This could be the Dean of Faculty for those funded by the faculty, or the Principal Investigator for grant funding.

Client

Third party commissioning the consultancy.

Consultancy

Defined in line with the HESA guidelines² for the annual Higher Education Business and Community Interaction (HE-BCI) return as the provision of expert advice and work, which while it may involve analysis, measurement or testing, is crucially dependent on a high degree of intellectual input from the institution, acting through an individual, to the Client (commercial or non-commercial). Consultancy does not involve the generation of new knowledge (such work should be classified as research). It is provided to external Clients that can include public, private and third sector organisations.

Consultancy can include the use by an external party of LSHTM's scientific / technical or academic facilities and the provision of training, testing and analysis of materials or provision of laboratory or analytical services such as where a sample is provided to LSHTM for analysis by equipment and the results are supplied to said external party.

Further details on the definition of consultancy compared to research are summarised in [Appendix 1](#) and [Appendix 2](#).

Consultancy may be further defined as two subcategories:

- (i) consultancy undertaken by the LSHTM staff member or as a project by research teams on behalf of LSHTM;
- (ii) consultancy undertaken by the LSHTM staff member in their private capacity.

Consultant

² https://www.hesa.ac.uk/collection/c19032/hebcib_table_2



A London School of Hygiene & Tropical Medicine employee approached to undertake consultancy where this policy applies.

Contract Research & Commissioned Research

In contrast to consultancy, Contract Research and Commissioned Research meet the Frascati definition of research. Unlike other research awards, these types of work meet the specific needs of the funder/partner. They may also be liable for VAT. See [Appendix 1](#) & [Appendix 2](#) for further information.

Line Manager

Person with formal line management responsibility for the Consultant as recognised by the London School of Hygiene & Tropical Medicine. In some cases, a staff member may have more than one line manager and consideration should be given as to whether only one or both need to be informed of the consultancy. This will be dependent on the nature of the role and of the proposed work.

Intellectual Property (IP)

Means all research results and data generated, patents, including all divisionals, continuations and supplementary protection certificates, copyright, database rights, topography rights, design rights, whether registered or not, trademarks, whether registered or not, rights to prevent passing off, plant breeders rights and know-how (when reduced to a tangible form), including any inventions in such know-how and all applications for any of the foregoing, including the right to claim priority. IP should also be interpreted to include all other intellectual or industrial property rights (whether registered or unregistered / registrable or unregistrable) and including applications or rights to apply for them, all extensions and renewals of them, and in each case all rights having equivalent or similar effect anywhere in the world.

4. POLICY

4.1 Types of Consultancy

4.1.1 All consultancy activity must be aligned to, and not conflict with, [LSHTM's mission](#). This is covered further in [section 4.5](#).

4.1.2 Consultancy may be undertaken in one of two ways:

- **LSHTM Consultancy** – For which LSHTM will provide support and advice to individuals taking on consultancy work. This would include support with project administration, costing, pricing, contract drafting and negotiation and project settlement and dispute resolution, use of LSHTM facilities and in association with the LSHTM's name and brand. Further details are included in [section 4.2](#).
- **Private Consultancy** - in the staff member's own time and without reference to LSHTM or any call on LSHTM resources. Consultants should take due regard to their personal liability, including taxes and insurance, in this case. Further details are included in [section 4.3](#).



- 4.1.3 [Appendix 3](#) provides an overview of the key differences between the two routes for undertaking consultancy work.
- 4.1.4 It is important that work is correctly defined from the outset as different institutional reporting requirements and VAT rules apply to different types of activity at LSHTM as well as different costing expectations and processes. To ensure the proposed work is correctly defined before an arrangement is entered into, use the table in [Appendix 1](#) to distinguish research from consultancy. A further breakdown of funding types and their definitions as used in LSHTM's grant costing tool, Research Costing & Pricing (RCP), can be found in [Appendix 2](#).
- 4.1.5 It should be noted that a Funder/Client may refer to work as "consultancy" for their internal purposes however LSHTM would categorise the work in line with its reporting obligations to HESA depending on the nature of the work itself. For instance, the work may meet the definition of contract research and would therefore be managed through standard research grant application processes. For guidance on projects which do not clearly fit the standard definitions, please contact Research_Funding@lshtm.ac.uk in the first instance (or at MRCU, the Research Support Office).

4.2 Consultancy conducted via LSHTM

- 4.2.1 Any work that will entail use of LSHTM facilities, Intellectual Property, or name/image/reputation can only be undertaken through LSHTM.
- 4.2.2 LSHTM provides support for all aspects of the consultancy through faculty administration, Finance, Research Operations, Technology Transfer Office, and Legal and Compliance Services. Support includes:
- costing, pricing, and all aspects of project administration (e.g. processing expenditure, personnel paperwork);
 - professional indemnity insurance;
 - negotiation of the contractual agreement and payment terms;
 - receipt of fees;
 - project settlement and dispute resolution.
- 4.2.3 Eligibility to undertake LSHTM consultancy:
- (i) [Section 1](#) sets out the groups to which this policy applies, and exclusions.
 - (ii) During the period of any consultancy undertaken via LSHTM, the Consultant's employment contract will remain with the London School of Hygiene & Tropical Medicine (MRCU as applicable).
 - (iii) For staff employed by LSHTM with a visa, it is their responsibility to confirm that any consultancy work is not in violation of the conditions of their visa before undertaking such activity. The Consultant should seek advice from the LSHTM Immigration Compliance Office (email: staffico@lshtm.ac.uk).
 - (iv) Staff undertaking consultancy at MRCU must have the required work permits. This should be checked by MRCU HR department (HR@mrcuganda.org).



- (v) Consultancy should complement the staff members normal working commitments at LSHTM (including research, teaching or other activity) and should not constitute their main source of income to support their LSHTM salary, nor the main focus of their contracted LSHTM activities over an extended period of time. Staff members are therefore recommended to do no more than thirty working days of consultancy in a financial year (August – July) during their hours of employment with LSHTM.
- (vi) The recommended maximum of thirty days will be applied pro rata for those who are employed part-time by LSHTM.
- (vii) Staff members may exceed the recommended thirty-day (pro rata) limit where there is a clear justification for doing so. Exceptions would include, for example, bridging or top up funding for fixed term staff to address gaps in research funding. The staff member should declare this in the Consultancy Proposal Form and must have the express permission of their Line Manager (and Budget Holder(s) if different).
- (viii) In some instances, part time staff may wish to take up short term consultancy work via LSHTM in addition to their existing contracted FTE. The processes adopted in these cases would be the same as those used with regard to research funding. The PA Portal sets out guidance on how to process [FTE Changes](#) (see section 2).
- (ix) Consultancy work must not impede existing research projects or teaching duties at LSHTM, and where applicable must be managed in compliance with funder terms and conditions for any existing projects from which the Consultant is funded.
- (x) Staff funded entirely by research projects or other external sources must ensure any consultancy work is in line with their funder's terms and conditions (e.g. fellowships).

4.2.4 Costing LSHTM consultancy:

- (i) Consultancy work is expected to be costed at or above 120% Full Economic Cost (FEC).
- (ii) In exceptional cases, the Dean of Faculty/Unit Director may give approval for consultancy priced below this level but not below 100% FEC in order to avoid the use of public funds for the benefit of certain parties, which could place LSHTM in breach of Subsidy Control regulations. Examples of such exceptions would include a prestigious project which is likely to generate impact for LSHTM. A case should be made in the Consultancy Proposal Form where it is considered an exception should apply and the faculty/MRCU should record in their response an explicit statement of the rationale for an exception being approved.
- (iii) Staff on without duration contracts who are involved in consultancies via LSHTM must ensure their time is costed.
- (iv) Consultancy with a total price under £5,000 may be declined by LSHTM on the decision of the relevant Dean of Faculty/Unit Director. Consultants will be asked to provide a justification for undertaking the work and will need to demonstrate sufficient added value (e.g. impact, vital bridging funds to support fixed term staff).



4.2.5 Value Added Tax:

- (i) LSHTM will charge VAT in accordance with HM Revenue and Customs regulations.
- (ii) For consultancy via MRCU, VAT will apply at the level set by local regulations. Invoices will therefore be raised locally.
- (iii) All forms of consultancy by LSHTM are taxable at the standard rate if the supply is delivered to a Client based in the United Kingdom.
- (iv) UK VAT is not chargeable on consultancies delivered to Clients based overseas but may be liable for a VAT reverse charge or similar locally.
- (v) VAT will not be accounted for in any RCP costing and it must be made clear to the Client (during negotiation and in the consultancy agreement) that the price quoted is exclusive of any applicable VAT.

4.2.6 Managing income from LSHTM consultancy:

- (i) The relevant faculty/Unit will retain the estates, indirect costs, and any staff income related to without duration or faculty funded staff. Exceptions may apply for consultancy undertaken by LSHTM Centres (see [section 4.5](#)).
- (ii) A management fee will be retained by LSHTM equivalent to 15% of the surplus ([section 4.2.9](#)). A worked example is included in [Appendix 4](#).
- (iii) The management fee can be used by LSHTM to fund additional resources to ensure consultancy can be processed in line with the expectations set by this policy (e.g. by Legal Services to fund external review, or recruiting dedicated staff to process consultancy).
- (iv) If over a financial year a credit balance has been generated that is not required for the purpose set out above, then the funding will be made available to support small translational projects. The criteria and management of such a scheme will be openly published on launch of a funding round.
- (v) Surplus income (minus the management fee) will be made available to the consultant in their nominated Research Support Account (or MRCU equivalent) subject to any alternative specifications made by the Dean of Faculty/Unit Director when approving the consultancy. Income and expenditure is subject to LSHTM's standard policy and procedures for research support accounts as set out in the [Guidance on Nominal Accounts](#) and in line with [LSHTM's Financial Regulations](#).
- (vi) Any unspent direct cost budget (excluding any budget for without duration staff) at the end of the project will be allocated to the consultant's nominated research support account (or MRCU equivalent), except in instances where the contract requires this to be returned to the Client.

4.2.7 Consultants required to complete timesheets to comply with the terms and conditions of any existing research funding must ensure any time spent on consultancy work is appropriately reflected in the timesheet.

4.2.8 The service level agreement for Legal Services with regard to incoming consultancy contracts is to act to progress agreements not less than every five working days, and to aim for completion of all consultancy agreements within 30 days of receipt of all relevant information. However, this will often depend on the



Client's responsiveness and flexibility concerning the terms and conditions, with overall timings eluding Legal Services' control.

- 4.2.9 In general, it is accepted by LSHTM that Clients are likely to require that any foreground Intellectual Property created in the course of providing consultancy will be assigned to the Client, unless agreed to the contrary in the consultancy contract. LSHTM's standard consultancy contract, regardless of what draft it is based on, will aim to ensure that:
- know-how is excluded from the definition of IP, since this cannot be unlearned by the Consultant;
 - the right is reserved for the Consultant to use the skill, know-how and expertise acquired in the performance of the consultancy for the purposes of providing similar services to any other Client and to use the deliverables for the purposes of teaching and academic research.

4.3 Consultancy conducted in a private capacity

- 4.3.1 [Section 1](#) sets out the groups to which this policy applies, and exclusions.
- 4.3.2 Private consultancy is not linked to the Consultant's employment with LSHTM. Private consultancy must not be conducted within the staff member's contracted FTE with LSHTM.
- 4.3.3 For staff employed by LSHTM with a visa, it is their responsibility to confirm that any consultancy work is not in violation of the conditions of their visa. The Consultant can seek advice from the LSHTM Immigration Compliance Office (email: staffico@lshtm.ac.uk). MRCU staff should check with their local HR department (HR@mrcuganda.org).
- 4.3.4 Private consultancy work is not limited but must be carried out during the Consultant's own time (i.e. outside their LSHTM contracted FTE, which may include evenings, weekends, annual leave, LSHTM closure days).
- 4.3.5 Private consultancy work must not impede existing research projects or teaching duties at LSHTM.
- 4.3.6 Private consultancy must not be undertaken in a way which would imply any relationship between the consultancy work and LSHTM or MRCU.
- 4.3.7 The following disclaimer should be included in all correspondence, publicity and marketing materials related to private consultancy:

For LSHTM London staff:

Please note that the services are provided by the staff member acting in a personal capacity. The staff member is not, and shall not be deemed to be, acting as agent or employee or representing in any way the London School of Hygiene and Tropical Medicine. Accordingly, you and your company, by accepting the services, (i) acknowledge that the London School of Hygiene and Tropical Medicine has no responsibility or liability for the services and (ii) is deemed to have waived any right or entitlement to pursue or instigate any claim or action against the London School of Hygiene and Tropical Medicine for any injury, loss or damage you or your company may sustain as a result of the staff member undertaking the services for you or your company/organisation.

For MRCU staff:



Please note that the services are provided by the staff member acting in a personal capacity. The staff member is not, and shall not be deemed to be, acting as agent or employee or representing in any way the London School of Hygiene and Tropical Medicine or the MRC/UVRI & LSHTM Research Unit (together, LSHTM). Accordingly, you and your company, by accepting the services, (i) acknowledge that LSHTM has no responsibility or liability for the services and (ii) is deemed to have waived any right or entitlement to pursue or instigate any claim or action against the LSHTM or any part thereof for any injury, loss or damage you or your company may sustain as a result of the staff member undertaking the services for you or your company/organisation.

- 4.3.8 It must not conflict with LSHTM's mission or present a conflict of interest to any LSHTM activities. In line with [section 4.5](#), staff undertaking consultancy in a private capacity must record such activity on the [register of interests](#), wherever consultancy work could reasonably be expected to cause an actual or perceived conflict of interest by LSHTM or the relevant member of staff undertaking consultancy.
- 4.3.9 While LSHTM recognises that initial enquiries for consultancy work may be made to a member of staff through their LSHTM email account, address or phone number, where such consultancy work is to be undertaken in a private capacity, the Consultant must take all reasonable steps to ensure that subsequent correspondence is via non-LSHTM contact information.
- 4.3.10 Private consultancy must not make use of LSHTM's name, image or reputation.
- 4.3.11 Private consultancy must not make use of LSHTM's facilities, equipment, resources, or Intellectual Property without explicit prior agreement from the relevant postholder with authority to confer permission. Such usage may be subject to a fee charged at commercial rates, and will be granted only where the usage does not impede LSHTM activities. In particular, use of LSHTM laboratories for private consultancy is prohibited without the express permission of the Dean of Faculty. Use of teaching materials produced for LSHTM programmes needs prior agreement from the Taught Programme Director.
- 4.3.12 Whilst it is expected that private consultancy will not rely on LSHTM facilities or equipment, LSHTM acknowledges that, in some instances, there may be some limited incidental use of these in the undertaking of private consultancy work (e.g. use of laptop, Library). This may be unavoidable, for instance, in order to adhere to LSHTM's [Information Security Policy](#). In these instances, advice must be obtained from the Information Security Manager and the Legal and Compliance team before commencing the private consultancy activities. Furthermore, such usage must not result in additional costs being incurred by LSHTM. In cases where additional costs can reasonably be expected to occur this would be addressed in line with [section 4.3.11](#) above.
- 4.3.13 The price of private consultancy is set by the Consultant.
- 4.3.14 Private consultancies are wholly the responsibility of those staff who enter into them, and staff entering into consultancy contracts in a private capacity must understand that no cover is provided by LSHTM's Professional Indemnity Insurance provisions.
- 4.3.15 Refer to [section 4.6](#) regarding ethics for private consultancy.



- 4.3.16 Refer to [section 4.7](#) regarding use of data stored and managed by LSHTM.
- 4.3.17 Any outputs resulting from private consultancy, e.g. papers, are not claimed by LSHTM and therefore will not be included in exercises such as the Research Excellence Framework.

4.4 Centres

- 4.4.1 Recognised LSHTM Centres, defined as those listed on the external LSHTM [Centres webpage](#), are able to carry out consultancy work as a way to raise funding to support their wider activities.
- 4.4.2 Consultancy undertaken by Centres must be conducted through LSHTM (i.e. not in a private capacity) as it is by its nature associated with LSHTM's name and brand.
- 4.4.3 The Dean of Faculty must approve the consultancy as centre-related as part of the approval procedure for consultancies.
- 4.4.4 Such consultancy will be costed in line with other LSHTM managed consultancy (section [4.2.4](#)).
- 4.4.5 The majority of the surplus income will be credited to the relevant Centre research support account, minus the management fee that will be retained by LSHTM ([point 4.2.6.ii](#)).
- 4.4.6 Any income from consultancy transferred to Centre research support accounts must be used in line with the applicable policies and procedures for income and expenditure on those accounts. This includes the [LSHTM Financial Regulations](#) and the [Guidance on Nominal Accounts](#).

4.5 Conflict of Interest & Due Diligence

- 4.5.1 Staff must adhere to the LSHTM policy on [conflict of interest](#) and avoiding conflicts of interest across all activities that have the potential to bring LSHTM into disrepute.
- 4.5.2 Staff undertaking consultancy, whether via LSHTM or in a private capacity, must [register](#) any potential conflicts arising in line with LSHTM's [conflict of interest](#) policy.
- 4.5.3 Where a Client does not have an established relationship with LSHTM there may be a need to complete due diligence to ensure that such a relationship does not conflict with LSHTM's mission and institutional values. Please seek advice from Research_Funding@lshtm.ac.uk in the first instance. They may refer the matter to the Legal or Finance departments for further review.

4.6 Ethics

- 4.6.1 In the event that the consultancy work involves primary or secondary data collection or analysis, ethical review will be required.
- 4.6.2 Ethics for private consultancy cannot be processed through the LSHTM ethics committee. Consultants are therefore encouraged to undertake such work as LSHTM consultancy and not in a private capacity.
- 4.6.3 The Commercialisation and Rapid Response Committee can provide an expedited review for LSHTM consultancy where this is essential for commercial purposes. Contact RGIO@lshtm.ac.uk for support.



- 4.6.4 For consultancy via MRCU that requires ethics approval, Consultants must follow local requirements which may include local approval (e.g. Ugandan National Council for Science & Technology). The project will then proceed for Chair's Action ethics approval in London in line with the process for research projects. Further details on ethics management at the MRC Units are set out in [Research Governance at LSHTM and the MRC Units Including Sponsorship, Ethical Review, and Quality Assurance](#).

4.7 Data

- 4.7.1 Data stored and managed by LSHTM is subject to LSHTM's policies on [information management and data security](#) and can only be accessed, processed, shared and stored in line with those policies.
- 4.7.2 Research data may be subject to clauses in contracts prohibiting or limiting use of the data for commercial purposes. Where use of research data is proposed as part of a consultancy project, whether via LSHTM or private, the Consultant should contact the Research Operations Contracts team via ServiceDesk with details of the original research project so they can advise on any restrictions on use of the data. For MRCU staff, they can raise this with Unit Research Services in the first instance.

4.8 Management of breach of policy or procedure

- 4.8.1 Individuals suspected to have breached this policy and accompanying procedures may be subject to LSHTM's disciplinary procedures.
- 4.8.2 A confirmed or suspected breach should be reported to the Dean of Faculty/Unit Director. For consultancy undertaken by staff not based in a faculty, breaches should be reported to the LSHTM Chief Operating Officer. They may seek advice from their HR Partner or LSHTM's Head of Legal & Compliance (including MRCU cases), as to the appropriate management of the case depending on the nature of the breach.
- 4.8.3 Relevant policies may include, but are not limited to: [Good Research Practice Policy](#); [Research Misconduct](#); [Financial Regulations](#); [Anti-Bribery & Corruption Code of Conduct](#); [Safeguarding & Security Screening Policy](#); [Whistleblowing & Public Interest Disclosure Policy](#); [Conflict of Interest Policy](#).

4.9 Policy and procedure review

- 4.9.1 For the purposes of the review and maintenance of this policy and procedure, ownership will reside with LSHTM Legal & Compliance Services.
- 4.9.2 Enquiries related to this policy and procedure should be directed to the Head of Legal & Compliance at LSHTM.
- 4.9.3 For enquiries or updates to the MRCU-specific sections of the policy and procedure contact the Unit Chief Operating Officer in the first instance. This policy comes under the remit of the Unit Head of HR.
- 4.9.4 This policy and associated procedures will be reviewed after the first year of implementation including a review of the volume of consultancy processed and turnaround times for completion of contracts. It should then be reviewed every



three years at a minimum thereafter by the Head of Legal & Compliance with input from relevant stakeholders.

- 4.9.5 Amendments to this policy must be shared with the Joint Negotiating & Consultative Committee (JNCC).
- 4.9.6 Amendments to this policy or accompanying procedure will be authorised by Management Board.

5. LSHTM PROCEDURE

This section details the step by step procedure for processing consultancy via LSHTM. Section 6 sets out any differences in procedure for consultancy via MRCU. For private consultancies, do not follow the below procedure, refer back to [section 4.3](#).

5.1 Consultancy opportunity identified

- 5.1.1 In most cases it is expected that consultancy opportunities will be identified by members of staff through their interaction with potential Clients.
- 5.1.2 Occasionally, the Technology Transfer Office might be contacted by potential Clients seeking LSHTM's expertise in certain areas, and will approach members of staff to explore potential for provision of consultancy.

5.2 Consultancy type

- 5.2.1 Work must be carried out as LSHTM consultancy if any of the following applies:
 - the work is to be conducted during the Consultant's employment hours;
 - the work will make use of LSHTM's brand, name, or reputation;
 - the Consultant requires LSHTM support with administration and contracting;
 - the work is reliant on LSHTM indemnity insurance.
- 5.2.2 Work can be carried out as private consultancy if none of the above criteria is applicable. For private consultancy, the Consultant must ensure the consultancy adheres to the terms of this policy as set out in [section 4.3](#). The remainder of this procedure does not apply.
- 5.2.3 Where it is unclear whether an activity is consultancy or research, or may be a combination, the Consultant should contact Research_Funding@LSHTM.ac.uk for advice at the earliest opportunity (see [Appendix 1](#) and [Appendix 2](#)).

5.3 Consultancy Proposal Form

- 5.3.1 The Consultant completes a Consultancy Proposal Form providing an overview of the work, and demonstrating that it meets the criteria set by this policy. No Letter of Intent Form is needed.
- 5.3.2 The Consultant sends the form to their Line Manager for approval.
- 5.3.3 If the Consultant is funded by projects under a PI who is not their Line Manager and the delivery of work for those projects may be impacted by taking up the consultancy work, the Consultant must secure the agreement of the relevant PI/Budget Holder.
- 5.3.4 The Line Manager is responsible for verifying that the Consultant is free to take up the work as follows:
 - no visa/work permit restrictions;
 - does not disrupt completion of existing research and teaching duties;



- in line with the recommended 30 days pa maximum during LSHTM contracted hours or a justifiable exception applies;
 - does not pose a risk to the health or wellbeing of the consultant;
 - does not breach any funder T&Cs e.g. fellowship funding;
 - where applicable, the Consultant has secured agreement from other affected Budget Holders to be released to take up the consultancy work.
- 5.3.5 The Line Manager should raise any concerns or questions with the individual. They may also seek advice from their HR Partner, Head of Department, or Department Manager (or MRCU equivalent) as needed.

5.4 Costing and Pricing

- 5.4.1 The Consultant's administrator costs the consultancy in RCP. Refer to the separate [Guidance on Research Costing & Pricing](#) for further information on this process.
- 5.4.2 If your funder is not available for selection or an appropriate costing template (e.g. 120% FEC) is not available in RCP, contact rcp-support@lshtm.ac.uk.
- 5.4.3 Costs can include non-staff costs (travel, consumables, equipment) and staff costs (including costs of without duration contract staff time, and administrative staff time for larger consultancies).
- 5.4.4 [Access charges](#) for equipment or facility usage, where they are in place, should be applied at the full rate for consultancy work.
- 5.4.5 The costing will be exclusive of any applicable output VAT and this will need to be made clear to the Client on presentation of the budget and in the contract.
- 5.4.6 The approved Consultancy Proposal Form is attached to the costing.
- 5.4.7 Once the costs are confirmed with the Consultant, the administrator submits the costing for approval into RCP workflow.
- 5.4.8 The workflow for consultancy is the same as for a research grant however the Research Operations Funding Team will conduct only a light touch review.
- 5.4.9 Responsibility for ensuring the cost and price aligns with this policy resides with the faculty approvers.
- 5.4.10 Non-faculty staff should submit a budget and overview of the consultancy activity to the Chief Operating Officer (COO) for approval via their Head of Service. If approved and the work is commissioned by the client then an RCP award costing would be needed to set the project up on Agresso.

5.5 Faculty review

- 5.5.1 On receipt of the RCP costing, the Dean of Faculty will assess the proposed consultancy work based on the following criteria:
- the work must be consistent with the mission of LSHTM;
 - the Client must not present a risk of reputational damage to LSHTM;
 - the work must not present a conflict of interest;
 - the consultancy achieves a minimum 120% FEC as set by this policy, or that an exception is justified (see [section 4.2.4](#));
 - that, where proposed, a consultancy can be processed as Centre-related ([section 4.4](#)).



- 5.5.2 The Dean of Faculty may consult the relevant Head of Department or Faculty Management Group as needed in determining whether to approve a consultancy, and/or seek advice from LSHTM professional services teams (e.g. Legal Services, HR Partner).
- 5.5.3 A clear rationale must be provided by the Dean of Faculty on the Proposal Form for approval of any exceptions or in cases where approval is withheld.
- 5.5.4 Approval by the faculty is subject to the terms of engagement from the Client being acceptable to LSHTM upon legal review and negotiation of the contract.

5.6 Contracting and negotiation

- 5.6.1 The Consultant's project administrator completes the consultancy request form in ServiceDesk and submits this to Legal Services.
- 5.6.2 If the Client has supplied a draft agreement this should be attached to the ServiceDesk request.
- 5.6.3 Otherwise, Legal Services will prepare a draft agreement following receipt of all relevant information from the Consultant/administrator.
- 5.6.4 The Consultant's project administrator will share the approved budget with Legal Services. The budget is exclusive of VAT which must be referenced in the contract.
- 5.6.5 As consultancy is provision of a service to a third party it is not subject to the same rules regarding costing and disclosure of pricing. As standard a full budget breakdown will not be shared with the Client. Only a total figure, and, if necessary, a high-level breakdown will be included.
- 5.6.6 Legal Services will liaise directly with the Client through the negotiation to completion. They will update the Consultant/administrator throughout.
- 5.6.7 Legal Services will act to progress the contract at least every five days to ensure prompt completion.
- 5.6.8 It is expected that all agreements should be concluded within 30 days of receipt of an agreement and any relevant supplementary information by Legal Services, subject to the Client's responsiveness and flexibility in reaching mutually agreeable terms, which are out of Legal Services' control.
- 5.6.9 If the Client insists on their own contract template, turnaround times for completion can be longer as they may not be consistent with LSHTM's preferred terms and may therefore require more negotiation.
- 5.6.10 The fully signed contract will be shared with the Consultant, their administrator and the relevant Department Manager.

5.7 Account setup

- 5.7.1 The Consultant's project administrator should complete the [application to award process](#) in RCP, following which Research Operations will setup a consultancy project account.

5.8 Invoicing

- 5.8.1 Research Finance will process any invoices for income.

5.9 Managing non-staff expenditure

- 5.9.1 All expenditure must be incurred in line with [LSHTM Financial Regulations](#).



5.9.2 The Consultant's project administrator will process expenditure in line with LSHTM's standard processes for expenses, purchase orders, outgoing subcontracts, and others as relevant. Guidance on these can be found in the [Project Administration Portal](#).

5.10 Managing staff costs

5.10.1 At inception, the Consultant's project administrator will process necessary Payroll Variation Forms (PVFs) or Recruitment Forms for any fixed term staff funded by the consultancy. Guidance on both can be found in the [Project Administration Portal](#).

5.10.2 Research Finance will process any without duration staff time as a directly allocated staff cost.

5.11 Managing indirect costs and estates

5.11.1 Research Finance will process any indirect and estates costs to the relevant faculty income account.

5.12 Managing the surplus and any underspend

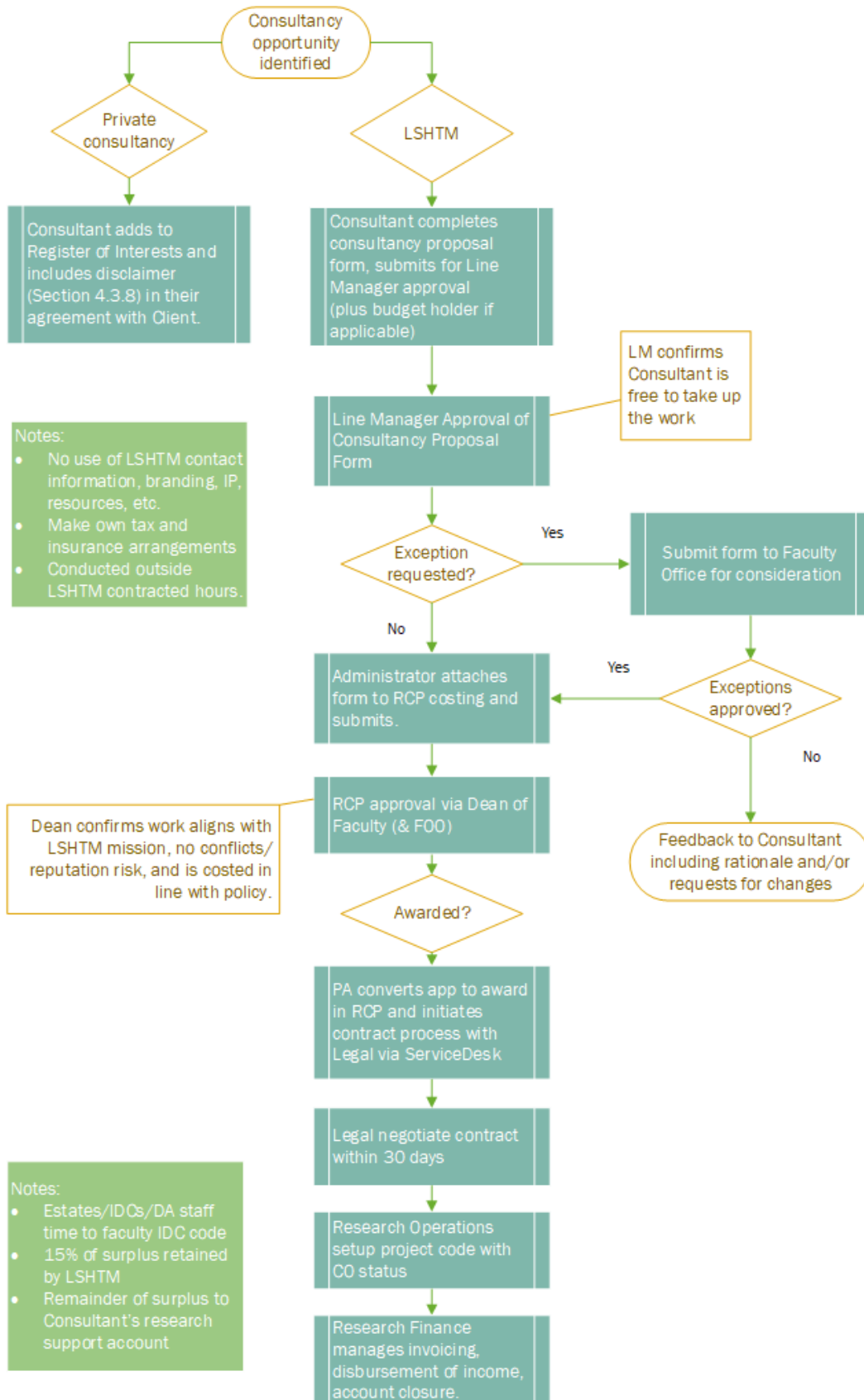
5.12.1 The Consultant's project administrator should notify their Research Finance Officer of the relevant account codes and amounts to be transferred for the management fee (ADLG003010) and any surplus or underspend. The RFO will then transfer the funds at the end of the project.

5.13 Account closure

5.13.1 Research Finance will close the account in line with their usual processes.



5.14 Flow chart of LSHTM consultancy procedure





6. MRCU PROCEDURE

This section sets out the details of processing consultancy via MRCU where these differ to LSHTM's procedure due to local systems and structures.

6.1 Consultancy opportunity identified and proposal developed

- 6.1.1 Section 5.1, 5.2 and 5.3 of the LSHTM procedure apply with the exceptions below.
- 6.1.2 Where it is unclear whether an activity is consultancy or research, or may be a combination, the Consultant should contact the MRCU Research Support Office (RSO) for advice at the earliest opportunity (see [Appendix 1](#) and [Appendix 2](#)).
- 6.1.3 The Consultancy Proposal Form is not submitted to the Line Manager, but directly to HR.

6.2 Proposal submission and due diligence checks

- 6.2.1 Consultant submits Consultancy Proposal Form to HR department (HR@mrcuganda.org).
- 6.2.2 HR perform due diligence checks to ensure proposal aligns with this policy.
- 6.2.3 HR share proposal with RSO and Procurement.

6.3 Costing and Pricing

- 6.3.1 RSO prepares costing in line with this policy with input from Procurement as required given the commercial nature of the work. RSO confirms final price and budget breakdown with the Consultant.

6.4 Review and Approval

- 6.4.1 The Unit Chief Operating Officer will review the budget and Consultancy Proposal Form to confirm adherence to this policy and due process.
- 6.4.2 The Unit Director will review in line with the section 5.5.
- 6.4.3 Approval by the Unit Director is subject to the terms of engagement from the Client being acceptable upon legal review and negotiation of the contract.

6.5 Contracting and negotiation

- 6.5.1 Procurement completes the consultancy request form in ServiceDesk and submits this to Legal Services at LSHTM.
- 6.5.2 If the Client has supplied a draft agreement this should be attached to the ServiceDesk request.
- 6.5.3 Otherwise, Legal Services will prepare a draft agreement following receipt of all relevant information from MRCU (including approved budget).
- 6.5.4 Legal Services will negotiate the contract to completion with input from MRCU Procurement.
- 6.5.5 Legal Services will act to progress the contract at least every five days to ensure prompt completion.
- 6.5.6 It is expected that all agreements should be concluded within 30 days of receipt of an agreement and any relevant supplementary information by Legal Services,



subject to the Client's responsiveness and flexibility in reaching mutually agreeable terms, which are out of Legal Services' control.

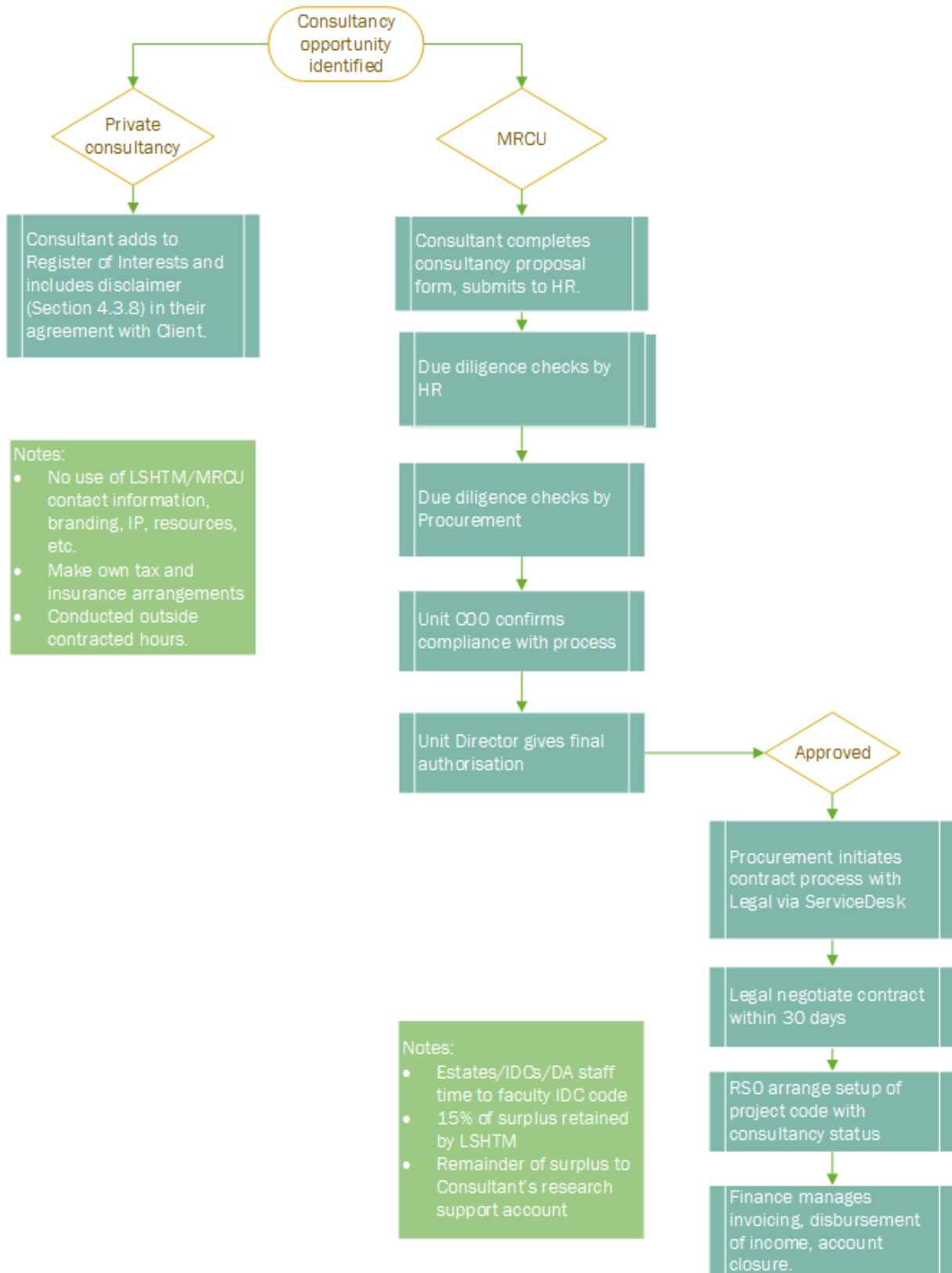
- 6.5.7 If the Client insists on their own contract template, turnaround times for completion can be longer as they may not be consistent with LSHTM's preferred terms and may therefore require more negotiation.
- 6.5.8 The fully signed contract will be shared with MRCU Procurement for dissemination with relevant stakeholders within MRCU as applicable.

6.6 Account management

- 6.6.1 The Research Support Office will setup the consultancy budget in line with local processes. RSO will inform MRCU Finance department who will manage invoicing, transfer of funds (e.g. indirect costs and surplus) and ultimately closure of account in line with local practice.
- 6.6.2 All expenditure must be incurred in line with [LSHTM Financial Regulations](#) and will be managed in line with existing local practice.



6.7 Flow chart of MRCU consultancy procedure





7. APPENDICES

7.1 Appendix 1: Research or Consultancy?

The definitions below are those used by the Higher Education Statistics Authority (HESA), based on the “Frascati Manual” developed by OECD:

Research	Consultancy
<p>Work is defined as “Research” if it conforms to the Frascati definition of research (Frascati Manual 2002) as follows:</p> <p><i>Research and experimental development (R&D) comprise creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications.</i></p> <p>The term 'R&D' covers three types of activity:</p> <p>Basic research: experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundation of phenomena and observable facts, without any particular application or use in view.</p> <p>Applied research: also original investigation undertaken in order to acquire new knowledge. It is, however, directed primarily towards a specific practical aim or objective.</p> <p>Experimental development: systematic work, drawing on existing knowledge gained from research and/or practical experience, which is directed to producing new materials, products or devices, to installing new processes, systems and services, or to improving substantially those already produced or installed.</p>	<p>Consultancy is defined as:</p> <p>The provision of expert advice and work, which while it may involve a high degree of analysis, measurement or testing, is crucially dependent on a high degree of intellectual input from the institution to the Client (commercial or non-commercial) without the creation of new knowledge.</p> <p>The Frascati Manual lists situations where certain activities are to be excluded from R&D except when carried out solely or primarily for the purposes of an R&D project. These could come into the classification of consultancy and include:</p> <ul style="list-style-type: none"> • Routine testing and analysis of materials • Components and processes, (e.g. for the maintenance of national standards, as distinct from the development of new analytical techniques) • feasibility studies (where it is not an integral part of an overall research project) • routine software development • general purpose data collection



7.2 Appendix 2: Funding Types

Funding to LSHTM can take different forms and these will often affect the type of contractual terms which will then be imposed by the funder. LSHTM must also report on different categories of activity to [HESA](#). As such, it is important the funding type is clear from the outset. Definitions are as follows:

Funding Type	Definition
Commissioned Research	A competitive call for bids to do a pre-defined piece of work which does meet the definition of research. PI may suggest how it will be conducted, but the scope is defined as part of the call. Call guidance will inform what the funder's costing principles are.
Competitive Research Fellowship	A personal award to a named individual, applied for via an open and competitive process. Call guidance will inform what the funder's costing principles are.
Competitive Research Grant	Standard, open call for applications that any eligible academic can apply for via an open and competitive process. Call guidance will inform what the funder's costing principles are.
Consultancy	Consultancy is service provision for a small amount of PI time / expertise, or a piece of work. The work typically does not meet the Frascati definition of research. LSHTM would not usually expect to retain publications rights etc for this type of work.
Contract Research	A specific piece of work on behalf of a sponsor where LSHTM has not bid for the work but does meet the definition of research. An example which occurs regularly is the WHO. These should be costed at 100% FEC minimum to ensure our costs are fully covered.
Non-competitive Research Grant	A funding application that does not relate to a call for applications, but which meets the Frascati definition of research. Often a negotiation between the PI and the funder, initiated by either party. For costing purposes, these usually follow the funder's standard T&Cs but there may be opportunity for negotiation.
Non-research Grant	An award for non-research work such as education, public engagement or grants to commission future research projects. Funders may apply their usual costing rules. Where they do not, as in other cases, 100% FEC should be aimed for.



7.3 Appendix 3: LSHTM supported consultancy versus private consultancy

	Consultancy through LSHTM	Private Consultancy
Roles	<p>LSHTM provides:</p> <ul style="list-style-type: none"> - facilities and equipment assistance - Costing and pricing - Admin support - Legal and contractual - Protection of LSHTM IP - Financial management - Payments and disbursements - Indemnity insurance 	<p>LSHTM name and contact information may not be used.</p> <p>LSHTM resources, e.g. IP, equipment, IT equipment including PCs, telephones, and space not used (except where agreed for fee).</p> <p>Consultant must arrange:</p> <ul style="list-style-type: none"> - Disclaimer stating that project not undertaken on behalf of LSHTM, and the consultant is liable for all legal and financial liabilities. - Consultant's own insurance - Consultant's own taxes
Pricing and Income Distribution	<p>As standard, priced at or above 120% FEC.</p> <p>Faculty recoups indirects/overheads and estates costs, plus without duration staff salary costs. Small management fee retained by LSHTM.</p> <p>The remainder is allocated to the Consultant's nominated research support account.</p> <p>Distribution of income may be different for recognised LSHTM Centres.</p>	<p>Consultant sets price and retains all income</p>
Time Commitment	<p>Recommended limit is 30 days per year during contracted hours of employment with LSHTM.</p>	<p>Consultant is unlimited in activities outside of work hours.</p>



7.4 Appendix 4:

Example calculation of consultancy price and treatment of income when undertaken via LSHTM.

Category	Amount	Treatment
Non-staff costs (e.g. travel, consumables, other expenses)	£6,000	Processed via standard expenses and procurement processes
Fixed term staff costs	£20,000	Processed via PVF to directly fund salary
Without duration staff costs	£5,000	Processed by Research Finance as DA recharge
Estates & Indirect Costs	£19,000	Processed by Research Finance as IDC cost
Total Cost (100% FEC)	£50,000	
Surplus (min. 20%)	£10,000	15% Management Fee credited to LSHTM consultancy account (£1,500) Remainder credited to Consultant's nominated research support account (£8,500)
Total Price (120% FEC)	£60,000	