

# **BOLGATANGA TECHNICAL UNIVERSITY**



## **CONSULTANCY POLICY**

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## DEFINITION OF TERMS

For the purpose of this Policy, the following terms and definitions are provided:

**Conflict of interest:** In Bolgatanga Technical University, conflict of interest is when staff influence University's decisions in ways that lead to their personal gain or give improper advantage to others. It also refers to when an individual has simultaneous positions in the University and in an external organisation which permits him/her to influence the University's relationship with that organisation.

A conflict of interest further exists when an individual with an academic appointment engages in direct or indirect competition with the university by channeling grants and contracts through an external organisation when such grants or contracts could appropriately be conducted under the auspices of the University.

**Consultancy:** consultancy is an activity or work of a professional nature, undertaken by University staff in their field of expertise, which is remunerated in cash, goods, and services or otherwise. Consulting includes but not limited to teaching and/or service to another institution of higher education, a public or private external organisation.

**Consulting Directorate:** Consulting Directorate refers to the Research, Innovation and Development (DRID) of the University headed by the Director of Research, Innovation and Development.

**Consulting Unit:** Consulting Unit refers to the Administrative Unit within which a consultancy takes place. The Administrative Unit may refer to a Section, Department, Centre or Institute.

**Exclusions to consultancy:** Consultancy does not include those activities, paid or unpaid, which are in furtherance of scholarship or general dissemination of knowledge, such as: authorship of a book or chapters thereof, royalties from the publication of books; service on public sector or charitable committees; external examiner duties; student supervision; lecture tours and conference presentations or attendance; editorship of academic journals or the publication of academic articles; and scholarly criticism.

**Private consultancy:** This is consultancy executed strictly in the personal and private capacity of the staff without the use of the University's name, resources, its insurance coverage, and should not result in any liability to the University.

**University consultancy:** This is a contract entered by the University or one of its subsidiaries with a third party, in which the consultancy is performed by a staff within his or her areas of academic, research or administrative expertise. Typically, this consultancy is supported by the University and may involve the use of University resources.

## **SECTION ONE: INTRODUCTION**

This policy is to serve as a guide for implementing consultancy services in Bolgatanga Technical University (BTU). The University acknowledges that one of the surest means of realizing its commitment is through the provision of consultancy services. In fact, the Technical Universities Act, 2020 (Act 1016), as amended, empowers the University to render community service which includes extension and consultancy activities to the communities outside the University. In that regard, BTU encourages its staff to engage in consultancy consistent with their contractual obligations.

### **1.1 PURPOSE OF THE POLICY**

The Policy details the principles and procedures for engaging in consultancy by staff of the University.

Specifically, this Policy will help the University to:

- i. create a market niche for itself and improve its corporate image,
- ii. improve its relations with external organisations,
- iii. increase the academic and professional competence and experience of staff towards the development of businesses, industry and society,
- iv. augment income levels for staff and the University,
- v. provide staff with the opportunity to earn additional credit for promotion.

### **1.2 SCOPE OF THE POLICY**

This Policy covers both University and Private consultancies.

**University consultancy** constitutes a contract entered by the University or one of its subsidiaries with a third party, in which the consultancy is performed by a staff within his or her areas of academic, research or administrative expertise. Typically, this consultancy is supported by

the University and may involve the use of University resources.

**Private consultancy** is executed strictly in the personal and private capacity of the staff without the use of the University's name, resources, its insurance coverage, and should not result in any liability to the University.

This Policy applies to BTU and its staff.

## **SECTION TWO: GUIDELINES AND PROCEDURES**

The University and its staff shall undertake consultancy:

- i. where it has sufficient capacity or capability,
- ii. in areas of their academic, research or administrative expertise,
- iii. where joint expertise or collaborative effort is necessary, the University will be open to form consortiums with other universities and/or research institutions to bid for jobs,
- iv. that does not present conflict of interest situation for the staff or the University,
- v. that aims at the highest standards and deliver value-for-money for their clients,
- vi. that does not reasonably distract or affect the quality and quantity of the staff's scholarly activities such as teaching, research, consultation with students or administrative duties,
- vii. that is supported by a valid contract.

Staff should seek advice from the Head of their Administrative Unit if they are unclear about whether their proposed work constitutes consultancy. Where necessary, the Heads of the Administrative Unit should seek advice from the Director of Research, Innovation and Development (DRID) in reaching a decision about the classification of a particular piece of work.

NB: It is a breach of University policy to engage in consulting without prior approval.

### **2.1 LIMITATION ON CONSULTANCY ACTIVITIES**

- i. University consultancy is limited to a maximum of three days per business week during compensated period and a maximum of 45 days of consultancy activity per academic year. This period can be extended with permission of the appropriate approving authority, provided the proposed consultancy contract provides

adequate funding for the buy-out of the staff,

- ii. The limits on the maximum days allowable for consultancy does not apply to staff working in the DRID and other Departments whose normal duties involve consultancy,
- iii. Exceptions may be made to the maximum of three-day-per-week limit in the case of professional service which carry a nominal stipend such as lectures and other public appearances, service on accreditation and programme review teams, site visits, and membership on foundation and public agency boards or grant review panels, and similar activities,
- iv. Consulting should not occur at a time that conflicts with scheduled classes, office hours or other university responsibilities. Should there be a necessity to miss such scheduled University's responsibilities, a staff will be required to obtain advance permission from his/her Head of Department or Dean or Director,
- v. Where permission is granted to a staff to miss scheduled University responsibilities, he/she must ensure that such scheduled University obligations are fully met by himself/herself at another time or by another staff,
- vi. The Consulting Unit is responsible for recording the days a staff devotes to consultancy.

## **2.2 APPLICATION FOR APPROVAL:**

- i. Where a consultancy is to be undertaken by a staff on behalf of the University, or in the private capacity of the staff, the contractual commitment or agreement must be arranged by following the consultancy approval procedures as determined in 2.3 of this document,
- ii. Approval to engage in any consultancy activity covered by this policy must be sought in advance, from the appropriate authority of the University. This must be done by completing

and returning a '*BTU Consultancy Approval Form*' obtainable from the DRID,

- iii. A separate approval request for each individual piece of consulting work is required. If an individual piece of work spans more than one calendar year, a separate approval request for each year should be completed,
- iv. Arrangements for the consideration and approval of consultancy activity may vary from one Consulting Unit to another but in all cases, the DRID should be informed of the arrangements and furnished with details of their consultancy activities periodically.

## **2.3 APPROVAL PROCESS**

The standard process for applying for approval to undertake consultancy is as follows:

- i. a staff or consortium shall submit a completed BTU Consultancy Application Form plus relevant documents to the Head of Unit/Section/Department/Centre/Institute,
- ii. the Head of Unit/Section/Department/Centre/Institute reviews and forwards the application to the Dean/Director within three (3) working days,
- iii. the Dean/Director reviews and forwards the application to the Vice Chancellor who considers and forwards same to the Director of Research, Innovation and Development for final consideration by the Research, Conference and Innovation Committee within three (3) working days,
- iv. The decision of the Research, Conference and Innovation Committee should be communicated within three (3) working days to the applicant.



## 2.4 QUALITY ASSURANCE

The Director of Research, Innovation and Development should liaise with the Quality Assurance and Planning Directorate to develop quality assurance mechanisms to ensure that the University delivers highest standards of quality and value-for-money consultancy to its clients.

## 2.5 PRIVATE CONSULTANCY

- i. Staff may undertake consultancies which are not sourced by the University and hence not done under the auspices of the University. Approval is still needed for such consultancies,
- ii. For private consultancies, the concerned staff must ensure the University is fully indemnified against any claims or risks. A written declaration must be made by completing the “*Private Consultancy Declaration*” form obtainable from the DRID,

In addition to the above conditions, approval to undertake private consultancy will be given on the basis that:

- i. The University acquires no vicarious liability,
- ii. The staff has made it clear to the client that he/she is operating as a private individual and not as an agent or employee of the University,
- iii. The University will have no responsibility for the work and this has been made clear to the client by the staff,
- iv. An Indemnity Form, disclaiming the involvement of the University or any financial liability of the University, must be signed by the staff and the client. The Indemnity Form will be in a form prescribed by the University’s Legal Counsel, The private address of the staff, including email address, is used for all correspondence,
- v. The use of the University’s letterheads or other printed stationery is not permitted,

- vi. Where University facilities are used, the full value must be paid to the University on a basis agreed with the appropriate Head and Director of Finance,
- vii. The staff undertakes to make his/her own declarations of private consulting income for all statutory deductions on a self-employed basis,
- viii. When a staff member undertakes a private consultancy, he/she is not covered by the University's professional indemnity insurance policy and would therefore be required to carry his/her own insurance.

## **2.6 UNIVERSITY CONSULTANCY**

University consultancy must be signed by the Vice Chancellor. The Vice Chancellor may delegate his authority to sign, however, the ultimate responsibility resides in him/her.

Before University consultancy contracts are signed, the DRID must ensure that:

- i. The commitments to be entered can be met,
- ii. Resources will be available,
- iii. Contract pricing meets the regulations spelt out in Section 3 of this policy,
- iv. Budgets have been prepared and agreed,
- v. Contract terms are acceptable,
- vi. No conflict of interest declaration has been made.

All University consulting projects should be processed through a University Account determined by the Director of Finance.

### **SECTION THREE: BUDGETING AND PRICING**

- i. All consulting projects must be based on fully-costed budgets that are seen and approved by the appropriate authorities,
- ii. The budget must include staff time, operating costs, and University overheads,
- iii. Provision should be made for VAT at the prevailing rate chargeable to the funding body,
- iv. Charges for the use of the University's resources will normally be based on the full cost of the resources as determined by the appropriate authority,
- v. The price quoted to the funder should be in accordance with the following principles:

- a. Every effort should be made to ensure full recovery of overheads,
  - b. The price should be consistent with the going rate for such work and should not, without good reason, undercut significantly the prices that would be charged for comparable work by competing contractors or consultants,
  - c. The price should be set with due regard to the value of the work to the clients,
  - d. A price discount may be considered if justified by the potential benefits.
- vi. In consultation with the Finance Directorate, the DRID will maintain and disseminate budgeting templates which are consistent with costing and pricing details of this Policy,
  - vii. Consultants seeking to marginally-cost or under-cost contracts (i.e. to offer prices in which overheads are not fully recovered) will be required to provide strong justification to back their strategy,
  - viii. Where the funding available for a consultancy project is less than the full cost (including overheads), the project may be priced at a loss in which case it can only be undertaken with a subsidy from the University or the Consulting Unit. Such funding can only be accepted with approval of the Vice Chancellor.

### **3.1 DISBURSEMENT OF INCOME FROM UNIVERSITY CONSULTANCY**

- i. BTU resolves to have an attractive revenue sharing mechanism which will encourage staff to undertake University Consultancy. Income from such consultancy will be disbursed as follows:
- ii. BTU will retain 10% of the gross income as a fee for managing the consultancy and providing University support,

- iii. All expenses incurred in the consultancy will be paid from the balance of 90%.
- iv. The remainder of the 90% after paying all expenses will be paid to the staff engaged in the consultancy work.

### **3.2 PAYMENT TO STAFF**

- i. Any staff wishing to claim payment from a consulting project should complete a 'BTU *Request for Payment for Consultancy Form*' obtainable from the DRID,
- ii. The form must be authorized by the Head of the Consulting Unit before presentation to the DRID for verification and onward submission to the Vice Chancellor for approval,
- iii. Payment will be made by the University through the Finance Directorate,
- iv. The Director of Finance must ensure that the terms of the remuneration adhere to relevant Financial Administration Regulations.

### **3.3 TAX AND NATIONAL INSURANCE**

The Finance Directorate of the University will ensure that both employers and employees costs are remitted to the Internally Generated Funds. The statutory deductions for income tax and national insurance will be made, and staff will receive the net amount.

### **3.4 REPORTING**

This Policy provides for reporting consulting activities as follows:

- i. Staff must report their consultancy service to the DRID annually, and to the extent required, make disclosures required by the Ethics Policy,
- ii. The DRID shall review the consulting report, and ensure that

the consulting activities are not in violation of the provisions of the prevailing Consultancy Policy,

- iii. The DRID shall in turn report on all consultancy activities of the University,
- iv. If the DRID determines that consulting activity by a faculty member is in violation of this Policy or fails to report promptly his or her consulting activity, such staff may be subject to disciplinary action pursuant to the University Statutes.

### **3.5 ADDITIONAL PROTOCOLS**

- i. All consultancy proposals and applications, and resulting contracts, are to be submitted to clients and funders through the DRID but in the name of the Consultant(s) or Consulting Unit.
- ii. Once contracts have commenced, the DRID will ensure that income and expenditure transactions are processed and regular financial reports are made available to Consultant(s) or Consulting Unit.

## **SECTION FOUR: IMPLEMENTATION OF THE POLICY**

The responsibility for the implementation of this policy lies with the DRID who may delegate that responsibility to another unit/authority. The University shall provide the necessary Management support to ensure the implementation of this Policy. To this end:

- i. DRID will develop and maintain an up-to-date database for all consultants with detailed information on their areas of expertise.
- ii. Consultants will be required to provide detailed CVs in a required format to DRID which will be updated periodically.
- iii. The CVs provided to DRID shall be used solely for sourcing consultancies.
- iv. A confidentiality agreement will be drawn between DRID and respective consultants.
- v. DRID shall make available to the University employees all University forms to implement this Policy including the forms for requesting approval, exemptions, payments and reporting formats.
- vi. DRID will maintain best-practice systems and procedures for managing consultancy contracts

### **4.1 REVIEW OF THE POLICY**

Unless otherwise warranted, this policy shall be reviewed every five years.

## **BIBLIOGRAHPY**

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