

**Guidance for HoDs and line managers for reviewing and/or
approving requests for External Interests**

This guidance is for Head of Departments (HoDs) or delegated line managers reviewing requests from staff who wish to undertake an external interest.

All College Members must submit all requests for approval of an external interest to you their Head of Department (HoDs) via ICIS. This includes any renewal or extension of an existing arrangement or contract. These are submitted to you, to review, for your approval or rejection.

Requests should be considered alongside an individual's role at College and the responsibilities assigned to that role; both from a capacity point of view and also the nature of the external interest, to determine how it will impact on the delivery and relativity of the staff's duties and serve their and College interests, and ensure it does not create an unmanageable conflict of interest (see Conflict of Interest Policy).

It is perfectly acceptable for you to request further information or documentation, to assist you in your review and decision making. This is advisable for any cases where only limited information has been provided. You may also seek further support and advice from either the College Secretary and Registrar (John Neilson; email: j.neilson@imperial.ac.uk) or the Director of the Research Office (Lynne Cox; email: l.cox@imperial.ac.uk). Should it be deemed necessary, they can escalate the request to the Conflict of Interest Committee to assist with your decision.

Upon being newly appointed as a Head of Department, you may ask HR to provide a report of the external interests declared by the staff in your department. After reviewing this report, you may choose to discuss a declared interest with an individual, as you consider appropriate.

Capacity

Ideally the external interest should be undertaken in addition to, and outside of, the College Member's contracted hours. However, this may not always happen, but you should still consider if approving the request will have an adverse effect on the College Member's ability to undertake and fulfil their assigned College duties, in a timely and appropriate fashion. If you consider that there would be an adverse impact, you should not approve the request and inform the individual accordingly.

Nature of the external interest

Upon reviewing an external interest, you should consider it alongside that individual's ongoing responsibilities, to determine how it sits alongside College's interests and that individual's College responsibilities.

Consultancies

Such requests should be reviewed in order to ensure they are for consultancy work and not a research project (e.g. collaborative research, sponsored research and contract research). If it is a research programme then it should be routed through College. Undertaking such work as a consultancy would give rise to a conflict of interest, as this could be denying an opportunity for College, for personal gain. The request should be rejected, and the individual informed to discuss this further with Research Services.

The main difference between consultancy work and a research programme is the nature of the work to be undertaken; consultancies are usually for the provision of expert advice e.g. by offering specialist opinion, by advising on technical issues, or solving problems for companies, whereas research programmes are experimental and investigative thus leading to academic publications. An acceptable definition for research is:-

- *Basic research is experimental or theoretical work undertaken primarily to acquire new knowledge about observable phenomena and facts, not directed toward any particular use.*
- *Applied research is original investigation to acquire new knowledge directed primarily towards a specific practical aim or objective.*
- *Experimental development is systematic effort, based on existing knowledge from research or practical experience, directed toward creating novel or improved materials, products, devices, processes, systems, or services.*

When reviewing a consultancy request, please ensure that the purpose of the consultancy is not for that individual to deliver any milestones or deliverables of an on-going College research programme funded by the same funder they are participating in. This creates a potentially unmanageable conflict of interest, and so the request should be declined.

Spin-outs

One route to commercialise College IP (with a view to generating the greatest social and economic benefit) is the formation of a spin-out company. Requests relating to spin-out activities should also be carefully reviewed. It is important to ensure there is clear delineation between the responsibilities and research activities of individuals in both their College and spin-out capacity. If the spin-out is undertaking research activities in a College laboratory there must be a contract governing this. This avoids confusion about the capacity under which an individual is working and how arising outputs are to be managed. It also provides assurance that publicly funded College facilities are not being used for what could be seen as personal gain.

Other considerations

If you wish, you may also ask the individual to disclose the monetary value of the contract governing the external interest, to ensure that this does not create an imbalance or distraction from an individual's College responsibilities.

Thought should also be given to an individual's on-going external research funding. This is to ensure that an external research funding bodies' policy pertaining to conflicts of interests and external interests are considered whilst reviewing an external interest request, and the request is managed in accordance with any relevant external policies. For example, some charities require there to be over-sight of the possibility of an individual personally benefitting (e.g. from equity etc.) from the commercialisation of charity funded IP. The Wellcome Trust's policy on such matters is provided at the end of this guidance note.

Duration

You may approve requests for External Interests, the duration of which extends beyond a year, although for the duration of that external interest the requesting individual must declare it as part of their Annual Declaration of Interest Return. Approvals will last for a maximum period of five years, at which point the request will have to be submitted for re-approval. Private Clinical and NHS Medical Practice requests may be approved for a period of up to five years. An acceptable commitment for these requests is eight hours per week.

Process

When new external interests which require prior approval are registered by staff member on the online system, a request for approval will automatically be sent to the relevant HoD. HoDs will receive email notifications that they have new requests to approve/deny and you should approve/deny these requests by logging onto ICIS using the instructions provided in these emails. When you log onto ICIS to approve/reject requests, you will be able to see any relevant documentation (e.g. private waiver in cases where one is required) which the requestor has uploaded as part of registering the new interest. It should be noted that the system will not allow you to reject a request unless a reason is provided for this rejection in the relevant box.

The Wellcome Trust's Policy on relationships between Wellcome trust-funded researchers and commercial organisations

Wellcome Trust (WT) - funded researchers

The WT wishes to ensure that the results of the research it funds are applied for the public benefit. The WT encourages, where appropriate, scientifically productive relationships between WT - funded researchers and commercial organisations. However, it must also ensure that intellectual integrity and freedom to carry out curiosity-driven research are not compromised by such relationships.

The College must use all reasonable endeavours to ensure that the Wellcome Trust is not put at risk of being in breach of charity law or regulation because of the relationship of a Trust funded researcher with a commercial organisation. A WT - funded researcher means *“all researchers benefiting from funds in any form from the Trust in order to advance their research. This covers the named Principal Investigator and Co-applicant(s) and anyone in receipt of a Trust-funded salary.”*

Consultancies

WT - funded researchers may serve as consultants to commercial organisations, provided that consultancy does not permit the commercial organisation to gain access to unpublished data, findings or conclusions from WT - funded research that would give an unfair advantage to that organisation over its competitors in access to Trust-funded research.

Directorships

WT - funded researchers may serve as non-executive directorship of a commercial organisation but not as executive directors, except in exceptional circumstances.

Declarations

Trust-funded researchers, by holding consultancies in, or directorships of, commercial organisations, are required to make the following further declarations to the College:- (i) benefits in cash in excess of £10,000 per annum or benefits in equity of any level;

- (ii) any level of equity in an unlisted company or equity in a listed company in excess of 1% of that company's equity interest;
- (iii) any substantial upward or downward revision in the level of compensation received or the percentage or value of their equity interests;