Regulations on Outside Earnings

1. **Purpose**
   
   (A) To define College policy and information requirements for academic staff who receive remuneration for activities undertaken outside College.
   
   (B) To avoid potential conflict of interest where such consultancy work is undertaken in a personal capacity.

2. **Policy**

   Academic staff are appointed on the basis that they may not undertake paid outside work unless they have received the written permission of the Board to do so on the terms and conditions agreed for the particular undertaking in question. Exceptions to this are the occasional giving of lectures elsewhere, the writing of books and occasional literary matter, and external examining. Specific contractual arrangements exist limiting the right of clinical consultant staff to engage in private practice. While the standard contractual arrangement on outside earnings is intentionally restrictive it has been, and remains, College policy to encourage links between academic staff and outside agencies where the undertaking is work related and serves to increase the staff member's skills and experience in such a way as to strengthen teaching and research and in the context of the College's Innovation and Entrepreneurship strategy, to contribute to the objective of developing relationships with industry. Involvement in outside work must, of course, be subject to the provisions of the College Statutes and to the overriding priority that there be no reduction in commitment to the teaching, research, examination and administrative duties fundamental to an academic appointment.
3. **Professional Indemnity Insurance**

3.1 In support of this Policy, the College's Professional Indemnity insurance policy is extended in respect of individual members of the University’s academic staff undertaking private work (excluding medical or surgical work on human beings) with the express permission of Trinity College, provided that the limit of indemnity shall not exceed €1,300,000 in the aggregate in any one period of insurance.

3.2 This policy is on a claims made basis: covering only claims made or incidents notified to insurers during the period of insurance. Immediate written notification shall be given in respect of:

(i) any circumstances which may give rise to a claim;

(ii) the receipt of notice from any person of an intention to hold the insured responsible for compensation following any negligent act, error or omission

(iii) any claim made against the insured.

3.3 The above is particularly important given it is a claims made policy.

3.4 Cover is subject to the terms, exclusions, limits and conditions of the policy. Trinity College Dublin Estates and Facilities Department should be consulted for further information, if required.

3.5 Principal exclusions include:

- Medical malpractice
- Clinical Trials
- Contractual Liability
- Use of aerial devices, waterborne craft, vessel or mechanically propelled vehicles
- Advice, design, specification, or report in relation to any aircraft or aerial devices or part thereof
- Bodily injury
- Manufacture/supply of products other than prototypes

Members of academic staff availing of this cover are advised to ensure that the level of cover is sufficient and are further advised that the College
accepts no liability for the actions of staff working in a personal capacity. Staff should carry out a risk review to assess their exposure, and where appropriate, arrange separate insurance cover if required. Staff should also ensure that any company/outside body they engage with has Public Liability insurance which will cover the staff member in the event of bodily injury whilst on the premises of the company/outside body.

In order to provide professional indemnity cover for members of academic staff the College Insurers have requested that a comprehensive annual return be made by the College in respect of external work/consultancy undertaken.

4. **Taxation**

4.1 Employees of Trinity, who are in receipt of other sources of income, where some or all of the tax cannot be collected under the PAYE system, are reminded of their statutory obligation or legal duty to file a self-assessment tax return in respect of such income.

Where an individual is in receipt of non-PAYE income, they are a 'chargeable person' for the purposes of the Income Tax Acts. As such, there is a requirement to file a tax return and pay any income tax due in the statutory prescribed format and within the statutory prescribed time limits under Revenue’s Pay and File system. The law provides for both civil and criminal sanctions for the failure to make a return of income.

Information relating to Revenue’s Pay and File system may be found on www.revenue.ie.

5. **Annual Procedure**

The following procedures apply:

5.1 On an annual basis, during Hillary Term, all academic staff members are issued with a form asking whether or not they are intending to engage in paid outside work. If they are then they must request permission from their Head of School by completing the outside earnings form and indicate, inter alia, the nature, estimated income and associated entity, amount of actual time involved and duration of external work undertaken. A copy of the appropriate
form is attached to this policy. Academic staff who do not intend to engage in outside work need not make a request.

5.2 Permission to engage in paid outside activity must be sought from the Head of School, who may grant permission in cases where the following conditions are met:-

(i) the work must be appropriate, that is to say, it should increase the staff member's skills and experience in such a way as to strengthen teaching and research. It should provide a link to the world of business, industry, the professions or government which is beneficial to the College and its students, and which is not otherwise achievable under standard research contract arrangements or in the context of public duty. Outside work should not be simply a means of increasing income.

(ii) the time spent on the undertaking does not interfere with the performance of normal duties of full-time staff and the additional time involvement is limited to a maximum of 20% of the normal working week.

(iii) appropriate provision is made from earnings generated in the undertaking for a proper return to College for resources used.

(iv) the undertaking must not be in competition with the normal business of the College

(v) full adherence to the College's Code of Governance 2013. Of particular importance is the Code of Conduct for Employees, which addresses issues including potential conflict of interest.

5.3 School Heads should raise their own proposals with the Dean of the Faculty who should proceed as in 4.2 above. Deans should raise their proposals directly with the Provost.

5.4 All approved proposals should be sent to the HR Service Centre, Human Resources, House 4 for processing and a copy should also be sent to the Provost (for noting only).
5.5 Within two weeks of the deadline for the return of approved forms from all academic staff each staff member will be formally advised if permission has been granted and, if so, that a return has been received or in the case where no permission has been requested that no form has been received. Where no permission has been request or where permission has been declined, no insurance cover will be provided to indemnify such staff in the event that work is undertaken.

5.6 Permissions sought for undertaking such consultancy work outside the above framework should be discussed in the first instance with the Head of School as the case may be and subsequently referred to the Provost. The College is prepared to consider new forms of contract for members of staff who may wish to make a lesser commitment to College and who wish to spend more time on external work.

5.7 An appropriate return will be made annually to the College’s Insurers.

5.8 Subject to the provision of any required report detailing collated information on the number and value of consultancy contracts (without naming individual academics or entities), all information provided by academic staff in the annual return form will be maintained in confidence.

6. **Out of Course Procedure**

6.1 To apply for approval to engage in paid outside activity outside of the annual request period, an academic staff member should complete the attached form and forward to the relevant Head of School. The Head of School will review the application adhering to the conditions set out in point 4.2. If the proposal is approved by the Head of School it should then be forwarded to the HR Service Centre, Human Resources, House 4 for processing and a copy should also be sent to the Provost for noting. An update to the College insurers will then be completed. Please note that the School Heads should raise their own proposal with the Dean of the Faculty who should proceed as above. Deans should also raise their proposals directly with the Provost.
7. **Conflict of Interest**

7.1 In line with the College’s Intellectual Property (IP) Policy academic staff must ensure that no College background information or IP is used in the conduct of the consultancy work or made available to the third party, and no College information, results, data, research plans or other material which has not already been published or otherwise disclosed into the public domain is disclosed to the third party unless appropriate licences or non-disclosure agreements (NDAs) have been concluded. Trinity Research and Innovation (TR&I) must be informed of any potential conflict of interest between a staff member’s outside consultancy/work and their College work.

In order to avoid potential conflict of interest, in all cases where consultancy work is undertaken in a personal capacity and there is also to be a contract with the same third party for work to be conducted through College, the nature and quantity of the work being done in a personal capacity must be disclosed to College (acting though TR&I). College may decline to enter into any contract with third parties if the scale of such work with College is inappropriate relative to the personal consultancy.

8. **Campus Companies**

8.1 Campus Companies are excluded for the private earnings extension to College’s Professional Indemnity policy. Campus Companies, notified annually to insurers, are expected to have in force their own professional indemnity insurance with College named as joint insured or with an indemnity to College.
Confidential

Outside Earnings Request Form for Academic Staff Only

To

Head of School

From

Please print your name
Prof [ ] Dr [ ] Mr [ ] Ms [ ]
Please tick as appropriate

Date

Permission is sought to engage in the following external paid activity under the terms of the Board’s regulations on Outside Earnings (revised November 1993).
I confirm that this work does not exceed the permitted levels as stated in the current regulations on Outside Earnings.

Nature of Work

Entity

Forecast of approximate weekly time involvement in Academic year

Estimated annual income from outside earnings for 2016/2017

Duration of undertaking

Signed

Date

Email address

Discipline

Please print

School

Please print

I have approved the above application on the basis of the information set out above.

Signed

Head of School

Date

A copy of each approval should be sent to:
1. The HR Service Centre, Human Resources, House 4
2. The Provost’s Office for noting