# **Guidance for HoDs reviewing OA1 requests for approval for outside appointments and other external interests**

## Purpose of this Document

All academic and academic-related staff and emeriti who are actively engaged in research at the University or who hold University appointments (and Visitors who have signed a Visitor’s Agreement and who are expected to be visiting the University for more than three months) must seek prior approval from their Head of Department (or Head of Division in the case of Heads of Department) to:

(a) hold an outside appointment or

(b) hold an underlying appointment with a previous employer, at times when they would be expected to be working for the University,

(c) set up or take a financial interest in any business or other external entity not publicly listed on a stock exchange and which could be conceived as creating a conflict of interest,

(d) undertake consulting,

(e) become a director of an external entity (including subsidiary companies or joint ventures) or

(f) hold a stake in any external entity which could give rise to a perceived or actual conflict of interest with their University role.

Approval requests for all of the above external interests are made using OA1 forms. There is more information on the regulations on Outside Appointments available [online](https://hr.admin.ox.ac.uk/holding-outside-appointments). This document is intended to help with the decision on whether to approve or reject an OA1 form application.

Requests should be considered from a capacity point of view and also from the point of view of the nature of the external interest, to determine how it will impact on the delivery of the individual’s duties in the department and serve the department’s and the University’s interests, and ensure it does not create an unmanageable conflict of interest (see [Conflict of Interest Policy](https://researchsupport.admin.ox.ac.uk/governance/integrity/conflict/policy)) or create reputational risks for the department and/or the University.

## **Key Considerations**

Capacity

**Many external interests involve activities undertaken in an individual’s own time, but some will require a commitment of time that otherwise might reasonably be expected to be devoted to University duties.** The total commitment to such outside work and appointments, without any deduction from salary, must not exceed thirty days in any academic year, (i.e. October – September). Approval for cases where the proposed commitment across all activities exceeds thirty days may be sought from the Division and, if approved, a deduction from salary would be made.

When reviewing an external interest, you should consider it alongside that individual’s ongoing responsibilities, to determine how it sits alongside the department’s interests and that individual’s departmental responsibilities (including any impact this would have on other colleagues).

Consider whether there will be an effect on departmental activity:

* + Do you have all the information about previously approved activities and their total outside commitments?
	+ Are commitments and conflicts generally transparent across the department?
	+ Do you have concerns about the impact on the individual’s research group, their teaching or their participation in the department?
	+ Will there be an increased workload for other colleagues?

Nature of the external interest

**The vast majority of consultancies and other external engagements are appropriate and straightforward. Similarly, many outside commitments, such as innovation activity including start-ups and spinouts, are encouraged, with many benefits for individuals and the University.** However, certain risks and potential conflicts of interest (COI) can arise which need to be identified and managed. The level of risk or likelihood of a COI will depend on the nature of the external engagement.

Risk areas to consider, or items to ask for clarification on, before deciding on whether or not to approve include:

* Conflicts of loyalty: Has the interaction of the individual’s obligations to another organisation as part of the outside appointment been considered in relation to roles in the department e.g. as a supervisor of other staff or students, or as a manager of a research facility which the outside organisation may request access to?
* Legal obligations: roles as a charity trustee or company director (executive or non-executive) bring with them specific legal obligations[[1]](#footnote-1). The individual should familiarise themselves with the different responsibilities associated with their different roles.
* Applicants whose salaries are supported from externally-funded research grants or contracts, or who are Principal Investigators or Co-Investigators on outside-sponsored projects, must adhere to the terms and conditions stipulated by or agreed with the sponsor and, if necessary, seek written approval from the sponsor.
	+ For example, Wellcome Trust has a policy in respect to [relationships with commercial organisations.](https://wellcome.org/grant-funding/guidance/intellectual-property-guidance/conflicts-interest-policy-wellcome-funded-researchers-and-commercial-organisations)
	+ Has the submitter confirmed that any terms and conditions in relation to financial and other interests will be complied with?
* Risk to the individual and the University of engaging with outside organisations on disadvantageous terms in particular relating to IP, funding of research activities and freedom of publication.
* To manage these risks, University employees with an interest in a company should step back from decisions about and/or discussions about price or terms in relation to interactions between the University and that company and should not sign contracts with the University, in the capacity of a director of a company.
* Where there are likely to be other interactions by the submitter with the outside organisation - whether it be grant applications, research sponsorship, collaborations, studentships, visitors use of equipment or resources, services, procurement, has this been addressed in a COI management plan?
	+ See below for specific guidance on spinouts and conflicts of interest.
* Risk arising from poorly managed conflicts of interests.
	+ Has the submitter identified any potential areas of COI?
	+ Do you agree with their assessment?
	+ Are you happy with the proposed management strategies?
	+ See the next section for more information on COI management plans; for further examples and guidance see the [COI](https://researchsupport.admin.ox.ac.uk/governance/integrity/conflict) pages.
* For requests relating to spin-outs where the individual owns or will own a shareholding, Research Services must review the COI management plan (see below on Conflict of Interest plan) prior to the approval of the OA1 by the Head of Department.
	+ Has this been done?
	+ In the COI plan is there clear delineation between the responsibilities and research activities of individuals in their university and spin-out capacities?
	+ If the spin-out proposes undertaking research activities in a department is there someone independent to agree the contractual terms? This will ensure there is: no confusion about the capacity under which an individual is working and how arising outputs are to be managed; assurance that publicly funded facilities are not being used for what could be seen as personal gain; for newer buildings, an assessment of the VAT impact of any commercial activity.
* Particularly if the organisation is based outside the UK or the individual works in a sensitive technology area, will the arrangement give rise to any security-related issues, and will it comply with legal and regulatory requirements (including UK or international export control regulations)?
	+ For more information and sources of advice/contact, see the [Trusted Research](https://researchsupport.admin.ox.ac.uk/trusted-research) and [Export Control](https://researchsupport.admin.ox.ac.uk/policy/export) pages.
* Is there any potential for reputational risk for the individual or the University in associating with the external party? E.g. working with defence related organisations?

**Conflict of interest plan**

Some instances will require more than just declaration, and will need to be dealt with by agreeing how the conflict can be actively managed. One or more of the following strategies may be appropriate to manage the conflict of interest:

* not taking part in discussions of certain matters;
* not taking part in decisions in relation to certain matters;
* referring to others certain matters for decision;
* resolving not to act as a particular person’s supervisor or ensuring that students or staff are co-supervised by others who have no such conflict;
* divesting or placing in trust certain financial interests;
* publishing a notice of interest;
* standing aside from any involvement in a particular project; and/or
* declaring an interest to a sponsor or third party.

The approach adopted should be documented and copies provided to the relevant parties. A copy of the final plan must be held in the department’s records, reviewed and updated as necessary, and provided to the Conflict of Interest Committee on request. Support is available via the Secretary to the Committee (coisec@admin.ox.ac.uk)

## **Making a Decision**

Where only limited information has been provided on the form further information or documentation from the submitter should be requested to assist you in robust decision making.

There is no entitlement to undertake outside appointments and permission may be withheld by you e.g. for operational reasons, or if there is an unmanageable conflict of interest or tension with a sponsor of a research grant. For particularly complex cases you are likely to need to meet the individual and discuss your concerns before you make a final decision.

Depending on the nature of the concern you may also seek further support and advice from [Research Services](https://researchsupport.admin.ox.ac.uk/contacts), your Division, your HR manager or from the Secretary to the Conflict of Interest Committee (coisec@admin.ox.ac.uk).

1. Guidance is available at <link> for individuals taking on roles as directors of University subsidiary companies or joint ventures and also for those forming companies. [↑](#footnote-ref-1)