



KMTC is ISO 9001:2015 Certified

# Kenya Medical Training College



## CONSULTANCY POLICY

**MAY 2019**

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## PREFACE

On behalf of the Kenya Medical Training College (KMTC) Board of Directors, I am delighted to approve this Policy for use by Management. The KMTC Board is determined to improve access to and equity of quality medical training and to ensure that the institution plays its role in the realization of Sustainable Development Goals (SDGs), Vision 2030, health sector policies and the government agenda on the “Big Four”. The Board continues to realize the set milestones which contribute to improving the quality and quantity of essential health care providers. Inadequate numbers of skilled care providers have had a negative impact on efforts to expand access and improve the quality of health services. This situation is compounded by continued high prevalence of communicable and non-communicable diseases in the country.

Towards this end, the KMTC Board of Directors under my leadership is determined to critically address the task of defining long-term strategies for addressing the constraints to training and development of quality health care providers through:

- i. Improved policy and corporate governance for enhancing accountability and decision making.
- ii. Enhanced access, quality, relevance and equity in medical training.
- iii. Prudent resource utilization and good infrastructural management.
- iv. Increased visibility of Kenya Medical Training College nationally and internationally as a premier institution focusing on training, research and consultancy.
- v. Improved resource base, partnership and linkages.

In response to the 2010 Constitutional agenda, the Board will continue to direct efforts at advancing community – oriented programs that respond positively to the country’s social and economic development agenda. This Policy therefore provides an analysis of the internal and external environment, and makes strong statement on the role KMTC will play in supporting the Government to realize sustainable growth in the health sector. The Board is dedicated to offer oversight on the operations and management of the College to ensure sustainable delivery of health coverage in the country and beyond. I believe successful implementation of this Policy will be realized through total commitment of the entire staff, students and other key stakeholders.



**Prof. Philip Kaloki, MBS,**

**Chairperson, KMTC Board of Directors.**

## FOREWORD

The inadequate funding of Universities and other tertiary institutions has had calamitous effects on teaching and research and student's welfare since capital projects and salaries reportedly take a bulk of the total revenue so allocated. This has led to the Kenya Medical Training College to explore other means of generating income to finance the College's programs and other activities through consultancy services.

This Consultancy Policy shall establish mechanisms of undertaking paid for consultancies for other government and private entities using our internal resource persons. The Policy outlines the standard and quality of research that our internal resource persons ought to deliver during external consultancy projects and also outline the remuneration of our internal consultants during such projects. The Policy also sets out the principles and procedures governing consultancy services undertaken by staff members of the Kenya Medical Training College. Staff Members of the College are encouraged to undertake consultancy and other similar work provided it does not conflict with the interests of the College.

This Policy will enable the College to identify and deliver additional income opportunities that will help the College to cope with the pressures of a constrained budgetary allocation. It shall ensure that paid for external/internal consultancies are realized thereby ensuring that they complement the budget that is allocated from the National Government.



**Prof. Michael Kiptoo,**

**Chief Executive Officer.**

## **VISION**

A model institution in the training and development of competent health professionals

## **MISSION**

To produce competent health professionals through training and, research and provide consultancy services

## **CORE VALUES**

Accountability

Integrity

Responsiveness

Equity

Teamwork

Professionalism

Creativity and innovation

## **ABBREVIATIONS**

CEO

Chief Executive Officer

KMTC

Kenya Medical Training College

## DEFINITION OF TERMS

<b>College:</b>	Means Kenya Medical Training College (KMTC) and in context may mean a subsidiary or affiliate designated as an appropriate entity for the conduct of consultancy activities.
<b>College Supported Consultancy:</b>	Means Consultancy provided through a contract entered into by the College or one of its subsidiaries with a third party, in which the Consultancy will be performed by a Staff Member within his or her area of expertise. This Consultancy is supported by the College and may involve the use of College resources, such as professional indemnity insurance, intellectual property and other resources.
<b>Consultancy:</b>	Means generally the application of existing knowledge, expertise and skills, and includes other activities which are analogous to consultancy activities such as business partnership or ownership, external appointments, and includes teaching commitments undertaken outside the College.
<b>Outside Services:</b>	Means the other ancillary and occasional use of a Staff Member's expertise and knowledge that is normally expected of academics, such as guest lecturing, presentations at conferences, serving on scientific advisory boards, research councils or other professional associations, or performing charitable and community work.
<b>Policy:</b>	Means this Policy on Consultancy.
<b>Private Consultancy:</b>	Means consultancy undertaken in the strictly personal and private capacity of the Consultant with no use of the College's resources, no use of the College's name, no College insurance coverage, and no liability on the College. It is undertaken in an area outside of the academic, research or administrative expertise of the Staff Member for which he or she is employed by the College. Occasionally, Private Consultancy may be undertaken within the Staff Member's area of expertise when certain conditions are met.

## 1.0 INTRODUCTION

- i. The purpose of this Policy is to set out the principles and procedures governing Consultancy Services undertaken by Staff Members of the Kenya Medical Training College.
- ii. Staff Members of the College are encouraged to undertake Consultancy and other similar work provided it does not conflict with the interests of the College, for the following reasons, consultancy work:
  - a. Increases the professional and/or academic competence and experience of staff members and provides continuing professional education opportunity in the world outside academia and research;
  - b. Creates and enhances links between the College and external organizations that will aid the College in areas such as increasing research opportunities, student recruitment, placement, and helps the College achieve its mission of knowledge transfer to improve local as well as regional economies; and
  - c. May generate additional income for staff member and increased funding for the College.
  - d. Enhances extension of the knowledge base, thereby informing the learning and teaching of academic and research staff and providing them with the opportunity to test out and demonstrate the impact of their academic expertise on markets, sponsors or external organizations;
  - e. May enhanced justification for external funding though the enhanced reporting of consultancy activity; and
  - f. Can contribute to staff development.
- iii. This Policy applies to all academic and senior administrative staff members.

## 2.0 GUIDING PRINCIPLES

There are four key principles central to College staff performing Consultancy Work. These are summarized below and explained in detail.

**Principle 1: Maintaining Priorities:** The priority activity for employees is to fulfill their employment/contractual obligations to the College in such areas as teaching, research and servicing core functions that further the mission of the College. Consultancy work should be approved only in those cases where the employee's performance is satisfactory, and there will be no undue impact on the workload of colleagues or on the employee's contribution as an academic citizen of the College.

**Principle 2: Ethical Behavior:** In discharging their contractual obligations and in any other external liaison with members of the community, an employee will display the highest possible ethical standards.

**Principle 3: Accountability:** Consultancy work will occur within an accountability framework with clear requirements for approvals, recording and reporting of these activities on behalf of the College. Failure to comply with these accountability requirements will be considered as misconduct and may result in disciplinary action.

**Principle 4: Legal and Financial Arrangements:** All legal and financial arrangements established for the purpose of participation in a Private Consultancy, where payment is made direct to an individual, will ensure that the College is not liable for such activities. In ordinary circumstances those engaged in a Private Consultancy may not use any College facility (power, space including laboratories, equipment including computers, letterhead, consumables). Where such use has been agreed, any and all costs that arise as a consequence of private use of College services and facilities will be recouped in accordance with full cost recovery principles. Staff engaged in College consultancies will be compensated in line with this and other College policies.



## **I. Principle 1: Maintaining Priorities - Roles and Responsibilities**

### **a) Obligations of the Employee**

- i. Consultancies should not conflict with the interests of the College.
- ii. The opportunity to participate in consultancy work is given on the basis that contractual obligations to the College must take priority over any consultancy work.
- iii. Consultancy work undertaken by an employee shall not have an undue impact on the workloads of colleagues. Equally those engaged in consultancy work are still expected to play a full role as an employee of the College, including attending meetings, undertaking other academic and administrative activities.
- iv. Where employees have a contractual obligation associated with teaching and research or the servicing of such areas, fulfilling these obligations at a high level is the primary duty.
- v. The standard of the consultancy work should generally enhance the prestige of the College and the professional reputations of the employees involved.
- vi. Employees should engage in consultancy work that addresses more challenging and innovative problems within the employee's discipline and/or fields of particular expertise. In the case of academic staff, it should build on and enrich a staff member's teaching and research interests and be of a quality that could lead to high quality graduates from KMTC. In other cases, the consultancy work should enhance the image of the College in the community as a source of high quality expertise.

### **b) Role of Campus Principals and the Head of Department**

- i. Approval for consultancy work can only be given in cases where performance of the full range of duties is satisfactory. This judgment falls to the Head of Department who shall apprise the campus principal accordingly.
- ii. Where such approval has been granted it is also the role of the Head of Department to monitor its effects on an employee's priority commitments and its impact on other employees
- iii. It is the role and responsibility of the Principal in consultation with the Heads of Department, on behalf of the College to withdraw the privilege of consulting where there are concerns about an employee's performance or about its impact on the work of the College. In doing so, the Head must make judgment in relation to not only teaching but also to research and administrative performance.
- iv. Within the context of this Policy the Head of Department is also responsible for:
  - a. Providing guidance to employees on consultancy work.
  - b. Ensuring that applications for consultancy work comply with the requirements of this Policy including the time allocation allowed.
  - c. Monitoring consultancy activity within the Department.
  - d. Recording and reporting on the quantum of consultancy work to the CEO of the College.
  - e. Facilitating internal and external audit processes.

**c) Role of the Executive Management Committee**

The Executive Management Committee shall have overall responsibility for the implementation and operation of this Policy in their respective divisions and the final arbiter in any dispute as to its application, meaning and scope.

**d) Role of the Academic Council**

The College has final authority for approving alterations to this Policy on consultancy work.

Failure to comply with the accountability requirements will be considered as misconduct and may result in disciplinary action.

Possible abuses include:

- i. Undertaking College or private consultancy or similar related work without proper approval prior to the commencement of work;
- ii. Deliberately diverting College consultancy activity into private consultancy activity, either for personal gain or otherwise;
- iii. Neglecting or failing to prioritise core academic duties at the expense of external consultancy or other related work;
- iv. Failing to disclose the use of College resources in the course of consultancy activity thus resulting in financial loss to the College and financial gain to the individual or other fraudulent or criminal activity committed during the course of consultancy or other work;
- v. Damaging the reputation of the College, either through the improper or unprofessional delivery of services or through other acts committed during consultancy or other external work;
- vi. Breaching the College financial regulations;
- vii. Breaching the College guide on the management of intellectual property;
- viii. Breaching the College policy for the management of academic consultancy activity, or published local variations thereof;
- ix. Fraudulently either claiming to act or giving the impression of acting as "KMTC" when delivering private consultancy or similar related work activity.

## **II. Principle 2: Ethical Behavior**

**a) Directorships and Partnerships**

No member of staff should, without the permission of the CEO, become a director of a public or private company (including incorporated associations but excluding entities such as schools or companies formed to deal solely with private affairs) or become a partner or principal in a commercial firm or partnership which primarily offers the same services as KMTC.

No public statement may be made by an employee in regard to issues dealt with by any entity, except where the employee is identified as acting in their capacity as a director or officer of the entity rather than as a member of the College.

**b) Market Competition**

The opportunity to engage in consultancy work is not given to employees for the purpose of enabling them to supplement their incomes, but any fees charged (where the consultancy is not community pro bono work) should not be less than the normal professional fee. Additionally, no individual employee should solicit consultancy work by any form of public advertisement. Private Consultancy work must not compete with services otherwise provided by the College on a commercial basis.

### III. Principle 3: Accountability Framework

#### a) Time Allocation

The standard contractual entitlement for an academic employee to engage in consultancy work provides up to 20% of the working year. It is assumed that consultancy work will be spread across the year, although in special circumstances, the Head of Department, Campus Principal or CEO may approve more concentrated periods of such work. Heads are asked to inform the Dean (or other appropriate officer) of individual consultancies in excess of 26 days over a period of 13 weeks or less.

#### b) Approvals (Application to Undertake Consultancy Work)

- i. For each instance of consultancy work an employee must obtain written approval from the Head of Faculty or Section and providing details of the proposed activity on the Application to Undertake Consultancy Work Form prior to undertaking the work. In the case of ongoing work for a single organization, approval is only required annually. The approval process must specify whether the work will be undertaken as a College Consultancy or a Private Consultancy. In approving the consultancy work, the Head of Department, Principal or CEO is indirectly confirming that the employee is satisfactorily performing their normal duties in accordance with their contract of employment and the expectations of this Policy.
- ii. In approving a Private Consultancy, the approving authority must feel confident that the arrangements made do not put the College at risk. In some circumstances professional indemnity insurance may not be necessary as the potential adverse consequences of consulting work will not involve any significant financial exposure.
- iii. The Head of Department, Principal or CEO shall approve or not approve the Application by giving written notice within seven (7) days, where practicable. Prior to approving an application, the Head of Department must be satisfied that all sections are fully completed (including signatures). Incomplete forms should be returned to the applicant for completion.
- iv. If the Head of School does not approve the consultancy work, then the employee may ask for the Dean. The review process requires a copy of the Application, a statement by the employee as to why permission should be granted, and a statement from the approving authority detailing reasons for not approving the request. The Dean, or other appropriate officer, will decide, where practicable, within seven (7) days of receipt of the submission.
- v. Head of Department wishing to undertake consultancy work must obtain approval from the Dean (or other appropriate officer), the Principals of respective campuses or the CEO as appropriate.
- vi. Deans wishing to undertake consultancy work must seek approval from the CEO.

#### c) Information for Reporting and Record Keeping Purposes

For its broader reporting requirements to the College Board of Directors, and to support the accountability process for audit and other purposes, the College requires completion of the following forms:

- i. Application for Consultancy Work (Annex I).
- ii. Staff Member's Annual Activities Return (Annex II)

## IV. Principle 4: Legal and Financial Arrangements

### a) Private Consultancy

Where the consulting is undertaken as a private consultancy, no College letterhead, stationery, postal address, phone number, fax number, email address or Web address, nor any other information that might associate the College with the Private Consultancy is to be used. Further, in ordinary circumstances the employee will not use any College facilities (power, space including laboratories, equipment including computers, and consumables). However, in circumstances where the campus principal or Headquarters agrees to the use of College facilities for a Private Consultancy, there must be reimbursement of the full costs. If it is determined that the employee has used College facilities (power, space including laboratories, equipment including computers, and consumables) without approval they may be subject to disciplinary action.

### b) Return of Revenue to the College

It should be noted that Consultancy is done by the staff member(s) on behalf of the College and therefore the income is deemed to be public monies and must be treated in accordance with the College Finance Policies.

### c) Payments to employees from College Consultancies

When work has been done as a College Consultancy, agreed sum can be paid to the staff in their capacity as a College employee and payment must be made through the Human Resources payroll system. Any such arrangement must be made prior to or at the time of approval of the consultancy work and fully documented. Where it is not possible to arrive at an exact monetary figure, the amount may be expressed in terms of a proportion of the consultancy income.

The revenue from the consultancy work shall be distributed in accordance with the College Income Generating Unit Policy.

### d) Legal Issues

When consultancy work is undertaken and approved as a College Consultancy, employees are covered by workers' 'terms and conditions of employment'. However, when consultancy work is undertaken as a Private Consultancy, the College will not accept any liability that may occur to the employee during the course of that work including travel to and from the place of work.

### e) Sub-Contracting

Employees who employ others or sub contract a portion of their College or private consultancy work to students or other staff are responsible for ensuring that approvals are granted and terms of engagements are agreed upon by all the parties.

## 3.0 OTHER PROVISIONS

Contracts between the College and external parties are often undertaken on College premises with the use of College facilities and employees. A contract can only be entered into by the legally constituted entity; that is the Kenya Medical Training College.

## 4.0 GENERAL APPLICABILITY

This Policy governs the Consultancy and other outside services engaged in by staff members of KTMC.

## 5.0 POLICY IMPLEMENTATION

### 5.1 Implementation Date

This Policy takes effect on the date it is approved by the KMTC Board of Directors.

### 5.2 Monitoring and Evaluation

- i. The College shall conduct monitoring and evaluation of the effectiveness of this Policy in line with the Monitoring, Evaluation and Reporting framework.
- ii. The College shall:
  - a. Develop and maintain strategies and mechanisms for monitoring and evaluation of this Policy.
  - b. Undertake regular check on implementation of the Policy.
  - c. Carry out annual evaluation on the implementation of the Policy.
  - d. Use the information for planning and management.
  - e. Propose potential areas for review.

### 5.3 Review

The Policy will be reviewed after every three (3) years or earlier as need arises with an aim to enhance efficient delivery of effective outcomes.

## ANNEX I: APPLICATION TO UNDERTAKE CONSULTANCY FORM

### HUMAN RESOURCES

#### APPLICATION TO UNDERTAKE PROFESSIONAL AND CONSULTATIVE WORK

Please send original of the form to Human Resources and place a copy on file in work area.

##### SECTION 1

Name of Staff Member \_\_\_\_\_

School or Section \_\_\_\_\_

**Note 1:** A separate application form should be completed for each instance of professional and consultative activity undertaken under the terms of this Policy. Applications for professional and consultative work may be submitted annually in the case of ongoing work for a single organization.

**Note 2:** The requirement to complete the “Application to Undertake Professional and Consultative Work” also applies to staff proposing to engage in external employment. Staff seeking such approval must indicate the employment fraction.

**Note 3:** Failure to seek approval in advance to undertake professional and consultative work, or to observe KMTC Policy, may be deemed misconduct and subject to disciplinary action

Nature of proposed professional and/or consultative work and the name of the organisation for which the work is to be undertaken. A brief description only is requested; however, further information can be attached.

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Outline the period over which the above activity is expected to extend:

(eg one day, one week, one month, 12 months, on an ongoing basis commencing from Date/Month/Year)

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Estimated time required to undertake the above activity (Please include hours per week and total hours):

Note: In the case of an ongoing external appointment please indicate the employment fraction (eg 0.2 = 1 day per week)

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Do you intend to use KMTC resources or facilities for the Consultancy?

Yes [ ](please provide details below) No [ ]

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I propose to undertake this work under the auspices of the College (ie as a KMTC Consultancy). Tick whichever applies.

Yes [ ] No [ ]

## SECTION 1 - HUMAN RESOURCES

### APPLICATION TO UNDERTAKE PROFESSIONAL AND CONSULTATIVE WORK

## SECTION 2 - UNDERTAKING FOR PRIVATE CONSULTANCY

Note: Please ensure that all segments within this section are fully completed.

I undertake that:

1. Before entering into any contract, I shall give the other party notice that I am contracting in a private capacity and not for the College.
2. I shall not use either the KMTC's name or any headed stationery of the College in any way from which it might be inferred that I am acting on behalf of the College.
3. All liabilities arising out of or in the course of the performance of the professional and consultative work shall be mine and the College shall be free of all responsibility in respect of that work (signed indemnity statement below).
4. I shall reimburse the College for any overhead charges and expenses, direct or indirect, incurred by them for the work.
5. I shall comply with the KMTC's rules and conditions for professional and consultative work.

In consideration of KMTC allowing me to undertake and retain income from this Private Consultancy activity, I agree to procure and maintain at my own expense any required insurance and carry out the work at my own risks

### Indemnity Statement

I hereby indemnify and hold harmless KMTC and its officers, employees and agents against all claims, liabilities, costs, damages and expenses of every kind and nature directly or indirectly arising out of or in connection with my private professional and consultative activities.

Signature

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Witness

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Date (dd/mm/yy)

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### SECTION 3 - APPROVAL

I hereby seek approval for the activities described in Section 1 of this Application. In so doing I confirm that I have read the KMTC's Policy on consulting. I am aware that failure to seek approval to undertake professional and consultative work, or to observe KMTC Policy, may be deemed misconduct and subject to disciplinary action

Signature

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Date (dd/mm/yy)

I hereby approve the activities described in Section 1.

Signature (Head of Department)

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Date (dd/mm/yy)

**ANNEX II: TEMPLATE OF REPORT TO CEO****HUMAN RESOURCES****PROFESSIONAL AND CONSULTATIVE WORK****ANNUAL SCHOOL ACTIVITY REPORT TO THE CEO****CEO**

The following is a report on the professional and consultative work of my Department over the twelve months of \_\_\_\_\_ (year) Department \_\_\_\_\_

One or more members of staff have engaged in professional and consultative work over the past twelve months.

Yes [ ] No [ ]

Total number of staff involved in consulting \_\_\_\_\_

	<b>Private Consultancies</b>	<b>College Consultancies</b>
Total number of contracts		
Total amount of time allocated to consulting (where 1 day equals 8 hours)		
Amount of contribution to College overheads		
Amount of contribution to research funds (if applicable)		

Amount of contribution to research funds (if applicable)

Signature of Head of Department

\_\_\_\_\_

Date (dd/mm/yy)

## **ANNEX III: DISCLAIMER LIABILITY FORM**

### **HUMAN RESOURCES**

### **PROFESSIONAL AND CONSULTATIVE WORK**

### **PROFORMA LETTER FROM CLIENTS TO MEMBER OF KMTC STAFF DISCLAIMING LIABILITY**

### **FOR PRIVATE CONSULTING**

To Head of Department

Acknowledgement of Private Consulting Arrangement

I have contracted \_\_\_\_\_ (name  
of staff member)

to \_\_\_\_\_ (nature  
of project).

I acknowledge that he/she is acting in a private capacity and not on behalf of KMTC in performing this work.

I am satisfied with his/her arrangements in regard to any liabilities that might arise in the performance of this work and confirm that the KMTC is free from any and all responsibility in respect of that work.

Yours sincerely,

\_\_\_\_\_  
(Signature)

The Client

Date \_\_\_\_\_ (dd/mm/yy)

## APPROVAL

Title : Consultancy Policy

Contact : Deputy Director Business Development,  
Resource Mobilization & Consultancy

Approval Authority : The Board of Directors

**Commencement Date** : May 2019

## SIGNED



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**Prof. Philip Kaloki, MBS,  
Chairperson, KMTC Board of Directors.**

**15th May 2019**

**Date**



KMTC is ISO 9001:2015 Certified.

**Kenya Medical Training College**


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