

WORLD HEADACHE ALLIANCE

Policy on Conflicts of Interest

A conflict of interest exists when personal or other interests have the potential to impair objectivity in providing a judgment or taking an action affecting the interests of those to whom a duty is owed.

Conflicts of interest are a condition, not an aspect of behaviour. Interests that may create conflicts are often entirely legitimate, and may be necessary and desirable in the lives of those who undertake charitable activities or support charitable goals. Conflicts of interest are therefore common.

They are of concern to WHA only when they may be damaging to the charitable purposes of the Alliance. Accordingly, WHA takes the view that Trustees or staff members or other persons acting as members of any subcommittee, task force or working group, or in any other way on behalf of the Alliance, have conflicts of interest whenever their other interests may be affected by WHA's decisions or actions. These circumstances prevail when decisions or actions required to be taken in WHA's best interests may result in financial or other benefits for themselves, their families, friends, colleagues, institutions or organizations. They also prevail when these decisions or actions may be harmful to their other interests.

Interests with the potential to create conflict are most commonly financial. Others include personal and professional relationships (which may induce conflicts of loyalty), political and religious beliefs, intellectual passion and the desire for professional advancement.

This policy applies to all who act in any way for or on behalf of WHA, whilst Members of Council (WHA's Trustees) have in addition a general duty to act in the best interests of the Alliance.

The policy in general follows guidance from the Charity Commission of England and Wales [*A Guide to Conflicts of Interests for Charity Trustees*, version 03/04, at www.charitycommission.gov.uk].

Financial conflicts of interest

Because financial conflicts of interest especially may impair integrity of judgment, or cause reasonable persons to believe that judgment has been improperly influenced, the Alliance regulates them in the following ways. WHA's aims in implementing these controls are to achieve transparency and protect the Alliance and those with whom it has dealings.

a) Disclosures

Public disclosures of financial interests capable of influencing judgment are required, as they occur, from all Trustees, staff members and other persons acting on behalf of WHA. Belief, however confident, that such a financial interest does not influence judgment does not excuse failure to disclose it. By acknowledging financial conflicts of interest, those acting on behalf of WHA, and in particular its Trustees and staff members, take the *minimum* step necessary in mitigating any undue influence.

Where rights exist under data protection legislation that would stand in the way of public disclosure, this policy requires that these be waived.

A financial interest requires disclosure if it has more than minimal value. It may take the form of money, other financial benefits, gifts, hospitality or sponsorship (whether personal or for another organisation in which the individual has an interest) received from or promised by any company or individual whose own interests may be affected by WHA's action or decisions.

Disclosures should be made in writing to Council, who will maintain a permanent register of interests. Each disclosure should specify who holds the financial interest and its source, nature and value. The register will be open to public scrutiny in a "Register of Interests" section on WHA's website [www.w-h-a.org].

(b) Avoidance

Avoidance is necessary of financial conflicts of interest that might be unmanageable.

For example, Trustees should exclude themselves from any discussions or decisions that may result directly or indirectly in personal benefits.

Payments to Trustees. Trustees receive reimbursement of reasonable out-of-pocket expenses but no other payment or benefits for performing their duties as Trustees. However, the Alliance recognises that Trustees may provide additional services to the charity in WHA's best interests. Payments for these services are appropriate, and follow the guidelines of the Charity Commission of England and Wales [*Payment of Charity Trustees*. CC11, May 2004]. All such payments are declared annually in WHA's audited accounts, which are published.

(c) Prohibition

WHA believes prohibitions are unnecessary if disclosures are made and the policy of avoidance is pursued in good faith.

Conflicts of loyalty

Trustees' loyalties to WHA may conflict with their loyalties to other bodies, including other charities of which they are Trustees, directors or paid members of staff. In managing such conflicts, WHA adopts the guidelines of the Charity Commission of England and Wales [*A Guide to Conflicts of Interests for Charity Trustees*, version 03/04, at www.charitycommission.gov.uk].

Other conflicts of interest

The most important step in managing other potential conflicts of interest is recognition of their existence by Trustees, staff members and others acting on behalf of WHA.

All such interests should be declared verbally in the first instance to Council, who will decide whether action is necessary to protect the charitable purposes of the Alliance. In relation specifically to discussions within Council, any Trustee with a potential conflict of interest should declare it beforehand. Council will decide whether it is appropriate for the Trustee to be absent from a discussion and any subsequent decision-making.

Confidentiality

Trustees, staff members and others acting on behalf of the Alliance may acquire information that is and should be kept confidential. Regardless of whether or not conflicts of interest are involved, WHA expects all of these individuals to respect confidences and relies upon their good faith to do so.

Drafted by:

H.J. Kettinen and T.J. Steiner

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