



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Nicolas James Hailey, International Alert

1. Nicolas Hailey, the Director General Transformation for Foreign, Commonwealth and Development Office (FCDO) has sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Civil Servants (the Rules) on an appointment he wishes to take up as Chief Executive of International Alert. The material information taken into consideration by the Committee is set out in the annex.

2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during his time in office, alongside the information and influence he may offer International Alert.

3. The Rules set out that Crown servants must abide by the Committee's advice¹. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risks presented

4. When considering this application the Committee² took into account that Mr Hailey did not meet with International Alert while in service and did not make any policy or regulatory decisions specifically affecting International Alert. While FCDO provides funding to International Alert, both the department and Mr Hailey have confirmed he had no involvement in this decision and has had no involvement in any FCDO funding programmes. Therefore, the Committee considered the risk he could be seen to have

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code

² This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Sarah de Gay; Isabel Doverty; Dr Susan Liautaud; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; and Lord Larry Whitty.

been offered this role as a reward for decisions made, or actions taken in office, was low.

5. Given Mr Hailey's role as Director General Transformation for FCDO, there is a risk he had access to a broad range of general information that could unfairly benefit International Alert. However the Committee noted FCDO confirmation his access to information would not unfairly benefit International Alert and he has an ongoing duty of confidentiality.

6. The Committee considered whether Mr Hailey's proposed contact with the government in his proposed role would be proper. He noted there is already a funding relationship between the government and International Alert and it advocates on conflict policy issues, sharing insight from its experience. The Committee considered the nature of the organisation was relevant, IA is a peacebuilding charity focussed on providing advice on how to resolve conflicts without violence. In the circumstances, it did not consider this proposed contact would be improper as the work of International Alert aligns with the work and priorities of the UK government. However, the Committee would draw Mr Hailey's attention to the conditions below, which makes it clear he should not use his contacts to the unfair advantage of IA. This is specifically relevant as International Alert does receive funding from the government.

The Committee's advice

7. Although this application has been made before Mr Hailey has left office the Committee is prepared to provide advice now. However, the Committee wishes to make clear its recommendation is made on the basis of the information provided. If Mr Hailey should become aware of any circumstances that would be relevant to his application and this advice, in the gap between receiving this advice and taking up this role, he should revert to the Committee for further advice.

8. The Committee's advice, under the government's Business Appointment Rules, that this appointment with **International Alert**, should be subject to the following conditions:

- He can draw on skills and experience gained from his time in office. However he must not, at any time, draw on any privileged information gained in office. Any contact with the government, directly or indirectly, must only be where it could not reasonably be perceived as improper use of his time in government service to lobby; and
- He must not work or advise on any bids to secure governmental funding or contracts. He may only work on or advise on the subject matter of contracts International Alert may have with the government (or related matters), provided he does not draw on any privileged information or contacts from his time in office (as per the condition above).

9. Government in this context, means the government you served in office and its arm's length bodies except in respect of any responsibilities you had for policy in another administration, in which case it refers to the relevant government.

10. By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.

11. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister "*should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office.*"

12. I should be grateful if you would inform us as soon as Mr Hailey takes up employment with this organisation, or if it is announced that she will do so. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether he has complied with the Rules.

13. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

14.

Yours sincerely,

Isabella Wynn
Committee Secretariat

Annex - Material information

The role

1. Mr Hailey said International Alert is a peacebuilding NGO. The website states it focuses on '*...solving the root causes of conflict with people from across divides. From the grassroots to policy level*'. It states it brings together communities divided by conflict to find ways of resolving their differences without violence. It also advises companies, governments and international organisations on how policies and operations can better support peace.
2. Mr Hailey said as the Chief Executive of the charity, leading its work. International Alert is an independent peacebuilding charity that has worked for 30 years to lay the foundations for lasting peace in communities affected by violent conflict. He said International Alert is a UK charity and neither the FCDO nor any other HMG department is a strategic donor to International Alert. However, he said the organisation undertakes a small number of projects currently funded by the FCDO via UK Aid, and is likely to continue to

wish to bid for FCDO or wider HMG ODA funding for some future projects. Mr Hailey also said International Alert also takes, from time to time, public positions on what policy approaches are most appropriate to resolve conflicts around the world, and advocates for these approaches with governments including HMG.

Dealings in office

3. Mr Hailey said he did not meet with International Alert while in service and made no policy or regulatory decisions affecting International Alert. He confirmed he had no involvement in and contractual or funding decisions affecting International Alert. He also told the Committee he did not meet with competitors of International Alert nor did he have access to commercially sensitive information affecting these competitors.

Department Assessment

4. The FCDO confirmed the details given by Mr Hailey. It confirmed it funds a small number of peacebuilding or peace research projects delivered by International Alert, when the organisation has been successful in bidding for such work. It said Mr Hailey has no current, and has had no past, involvement with International Alert or with any of the FCO/DFID or now FCDO programmes funding this work. It confirmed he has had no official dealings in the past or currently with International Alert.
5. The FCDO said Mr Hailey has broad knowledge of the work of the FCDO, but the department does not see any situation in which this would give the prospective employer an unfair advantage, noting also that the prospective employer is a UK charity.
6. The department confirmed it has no concerns with this appointment and is strongly supportive of Mr Hailey's application under the rules.
7. The FCDO recommended the standard conditions.