



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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September 2024

BUSINESS APPOINTMENT APPLICATION: The Rt Hon Robert Halfon, former Minister of State for Skills, Apprenticeships and Higher Education for the Department for Education. Paid appointment with the Green Construction Advisory Panel.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Ministers (the Rules) seeking advice on taking up a paid role as the Honorary Chairman of the Green Construction Advisory Panel (GCAP).
2. The purpose of the Rules is to protect the integrity of the government. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee considered whether this work was unsuitable given that GCAP operates in the further education sector. The Committee also considered the information provided by the department about your access to information and decision making in office.
4. The Committee has advised that a waiting period and a number of conditions be imposed to mitigate the potential risks to the government associated with this appointment under the Rules; this is not an endorsement of this appointment in any other respect.
5. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, 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

6. GCAP is a member-led committee of building services, housing, and construction businesses, supported by government agencies, charities and training providers across the UK. GCAP exists to encourage, improve and develop sustainable training, development and education opportunities for the housing and construction industries. Its purpose is to close the skills gap and provide entry routes into green careers.
7. You seek to join GCAP as an Honorary Chairman. You said that your role will be mainly ambassadorial in nature, to promote and further establish the visibility of GCAP and the green skills curriculum it supports, particularly in construction.
8. Your former department, the Department for Education (DfE) confirmed you made sector-wide decisions affecting higher education (HE), further education (FE), apprenticeships and skills. This includes GCAP and its members. You did not meet, or otherwise have contact with, GCAP while in office; nor did you make any decisions specific to GCAP. In the circumstances, although there is some overlap between your decisions in office and this role, the Committee¹ considered that the risk that you were offered this role as a reward for decisions made or actions taken in office is low.
9. As the former Minister of State for Skills, Apprenticeship and Higher Education, you had access to information, for example through your membership of the Green Jobs Delivery group, which could be perceived to benefit GCAP, which works to upskill in green construction skills. DfE said your access to general policy raised no specific risk. It said that much of this is in the public domain, and you are unlikely to know which direction the new government will take in this area.
10. DfE considers that an area of greater risk was that you likely had access to information about the operational strengths and weaknesses of individual FE providers². This could potentially help GCAP better develop and align its programming to learner and labour market needs. Further, in relation to the HE market, you had access to commercially sensitive knowledge about the financial health of some higher education institutions.
11. There are several factors that mitigate the risks associated with your access to this sensitive information not otherwise available to GCAP:

¹ This application for advice was considered by Andrew Cumpsty; Sarah de Gay; Isabel Doverly; Hedley Finn OBE; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Eric Pickles; Michael Prescott; and Mike Weir.

² For example: <https://guildford.activatelearning.ac.uk/about-us/news/guildford-college-champions-the-launch-of-surreys-green-construction-advisory-panel/>

- a. You have been out of office for 5 months and have not had access to information in that time.
 - b. You had access to general knowledge on green skills, though DfE's view is this is unlikely to offer an unfair advantage as much of this is now in the public domain. Further, you are unlikely to know which direction the government will take in this area, as a result of the change in government in July.
 - c. DfE confirmed that the number of education institutions for which you had detailed knowledge, is limited.
 - d. DfE stated the picture relating to the education sector moves quickly.
12. The Committee's view is that whilst there are mitigating factors, there remains a risk you could be seen to be offering privileged insight and influence that could provide an unfair advantage. This risk is most likely to arise if you were to advise education providers specifically on their offering to market - in relation to future course offerings at the expense of other providers.
13. Your network of contacts from your time as a minister, and your potential influence within DfE may offer GCAP/its members unfair access and influence within government. You told the Committee your role will have no involvement in lobbying government, or on bids for funding.

The Committee's advice

14. The Committee recognised that your role is primarily ambassadorial in nature. The majority of the risks are appropriately mitigated by the standard conditions below, which seek to prevent you from making improper use of privileged information, influence and contacts gained from your time in ministerial office, for the unfair advantage of GCAP and its members.
15. However, there are some specific risks relating to your access to commercially sensitive information about the operational strengths and weaknesses of specific FE providers and the financial health of specific HE institutions. To mitigate these, the Committee has recommended that you should be prevented from advising educational institutions on their specific course offerings in relation to its offering to the market. The Committee has also determined a six month gap from your last day in ministerial office would be appropriate.
16. The Committee also considered it is significant that GCAP confirmed that your role will be ambassadorial in nature, in keeping with the conditions set out below.

17. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with **the Green Construction Advisory Panel** be subject to the following conditions:

- a waiting period of six months from your last day in office;
- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or any of its arm's length bodies on behalf of the Green Construction Advisory Panel (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage the Green Construction Advisory Panel (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office, you should not provide advice to, or on behalf of, the Green Construction Advisory Panel (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the UK government or any of its arm's length bodies; and
- for two years from your last day in ministerial service, in performing your role as Honorary Chairman, this should be limited to working with the Green Construction Advisory Panel, its members and its stakeholders, on promoting the benefits of green skills, the Green Construction Advisory Panel's curriculum, and the various programs/course offerings therein. In doing so, you must not advise specific educational institutions in higher or further education on the development of their specific course and apprenticeship programmes offerings.

18. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests.³ It is an applicant's personal responsibility to

³ All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on

understand any other rules and regulations they may be subject to in parallel with this Committee's advice.

19. 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.
20. 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.*"
21. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
22. 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.

The Rt Hon Lord Pickles

obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

Annex - material Information

The role

1. You propose to work for the Green Construction Advisory Panel (GCAP). GCAP is a member-led committee of building services, housing and construction businesses, education providers, and other stakeholders. It was established in 2022 by the Executive Director of Apprenticeships and Future Skills at Exeter Further Education College, Mike Blakely. It is funded by Exeter College and does not charge for membership.
2. It aims to close the skills gap and provide entry routes into green careers - through encouraging, improving, and developing sustainable training, development and education opportunities for the housing and construction industries.
3. It takes a 'fabric first' approach.⁴ GCAP states it has successfully introduced green construction into the curriculum of schools, which covers practical aspects of external wall insulation, heat pumps, loft insulation, and upskilling on low carbon technologies, including PVs, solar hot water heating, and battery storage. GCAP carries out outreach to increase awareness, creates partnerships for collaboration, and provides education and training. GCAP works with the British Association of Construction Heads (BACH) to expand its local centres across the UK. BACH is responsible for implementing the GCAP model across the UK.
4. GCAP told ACOBA that the panel currently consists of:
 - a. Mike Blakely, Exeter Further Education College - the Chairman.
 - b. the National Open College Network - an educational charity supporting skills opportunities.
 - c. the AccXel Training - an industry-led construction school.
 - d. the EWI Pro - insulation and rendering specialist company.
 - e. the Bradfords Building Supplies - a trader.
 - f. The Quantum Group - a decarbonisation specialist and renewables training provider.Plus 2 additional members that are yet to be recruited.
5. In your paid, part-time role as Honorary Chairman, you said that your responsibilities will be as follows:

⁴ Fabric First is an approach to retrofitting that focuses on enhancing a building's envelope, insulation, and ventilation systems to drastically reduce energy consumption and move towards net-zero emissions. <https://livgreen.co.uk/livgreenblog/fabric-first>

- a. Promoting and further establishing the visibility of GCAP as the leading body in helping close the green skills gap to help deliver the net zero outcomes.
- b. Highlighting the skills & educational programmes being delivered by GCAP to a wider audience.
- c. Attending 4/5 meetings per year face-to-face – one of which will be a national conference.
- d. Four days of administration activities or additional visits/meetings - for example, reviewing memos, national press releases & responses and other relevant 'promotional' activities; as well as carrying out tasks relating to policy, research and media, as required.
- e. Advising on what more can be done to encourage students to study green skills, and more providers to teach it. You said that this may include discussions on future policy positions.

You said that your role would be ambassadorial in nature, and that you would not have a direct relationship with the executive board of Exeter College (or its partners) and will only deal with them at arm's length. You will not have any contact with government in this role, and your role will not include any lobbying.

6. GCAP was consulted on this application. It confirmed to the Committee :
 - a. Your role will be ambassadorial in nature.
 - b. You will not have any involvement in finances or other executive functions.
 - c. The current Chairman of GCAP will be responsible for day-to-day management of GCAP.
 - d. Your role as the Honorary Chair will work separately to this, supporting the Chairman and GCAP.

Dealings in office

7. Regarding your work in office, you told the Committee the following:
 - a. You met with Mr Blakely to discuss T-Levels, apprenticeships, and other vocational qualifications in his role at Exeter FE College. You said that you had no discussions about GCAP and were not aware of its existence.
 - b. Exeter FE College receives government funding - but this funding decision was not made by you.
 - c. You regularly made decisions affecting apprenticeships, skills and higher education, generally, but you did not make any decisions specific to GCAP.
 - d. You sat on the cross-departmental Green Jobs Delivery Group and made decisions about green skills.
 - e. You had access to general information about green skills.

- f. You did not have any access to sensitive information specifically impacting GCAP.

Department's response

8. Your former department, the Department for Education (DfE) was consulted in relation to this application. It provided the following information:
 - a. It confirmed that your decisions were sector-wide and not specific to GCAP or its members.
 - b. You did not have contact with GCAP while in office.
 - c. You did have regular contact with FE providers who are members of GCAP (for example, Exeter FE College, as noted above).
 - d. IfATE⁵ (an executive non-departmental public body sponsored by DfE) has contact with GCAP. IfATE attends some GCAP meetings to discuss apprenticeships and technical education and green skills - but has no contractual or financial relationship to GCAP.
 - e. You were a member of the GJDG, which generated policy options that were never published, due to the General Election. DfE said that you were privy to discussion of these options, briefed on and influenced DfE's work on them. Some of this information has been made available publicly.⁶ DfE also said that this information should not be viewed as 'unannounced policies' and that the new government likely means a change in direction for this work. DfE did not think that this is sensitive enough to offer an unfair advantage on GCAP.
 - f. As a minister, you will have developed a body of knowledge and experience that could help GCAP members better develop and align their programming to learner and labour market needs. For example, exposure to information about the operational strengths and weaknesses of specific training providers.
 - g. You have had access to commercially sensitive information about the financial state of some higher education institutions. This remains a live issue and policy concern. The financial context of the sector is evolving, but not in such a way that would mean the information would be rendered irrelevant.

9. The department considered there was a risk that your insight could enable

⁵ ifATE - Institute for Apprenticeships and Technical Education. Created in 2017, it works with employers to develop, approve, review and revise apprenticeships and technical qualifications. It follows expert guidance from employers to deliver apprenticeships, T Levels, and higher technical qualifications. It has multiple occupational standards, across 15 occupational routes, one of which is '*construction and the built environment*', meaning it has an interest in green skills and education.

<https://www.instituteforapprenticeships.org/>

⁶ For example, in the GJDG Summer 2023 Statement:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1175156/green-jobs-delivery-group-summer-2023-statement.pdf

GCAP to operate in a way that excluded some training providers in local areas from the knowledge-sharing that GCAP seeks to promote. DfE recommended the standard conditions alongside stressing the importance of free access for all skills providers to the work of the local GCAP centre.