



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

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 Captiva Learning Ltd.

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 Chair of the Board of Governance for Captiva Learning Ltd (Captiva).
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 your responsibilities as a minister in education had some overlap with Captiva's work as an apprenticeship provider. 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. Captiva is an approved training provider on the Apprenticeship Provider and Assessment Register¹. It delivers professional education programmes to individuals and organisations in the public, private and third sectors. Captiva operates under three trading names: The National College of Education , The National Centre for Leadership and Management and Premier Pathways. You wish to take up a role with Captiva as its Chair of the Board of Governance in a non-executive capacity. Mostly ambassadorial in nature, you said that your role will:

- be to advise Captiva on its strategic planning without referencing your work as a minister;
- be to champion social inclusion, apprenticeships;
- involve myth busting career opportunities for the sectors Captiva serves through speeches, attendance at events and involvement in a potential podcast;
- carry no financial or fiduciary responsibilities.

7. There is an overlap with your responsibilities at the Department for Education (DfE) and this role. As an approved training provider, Captiva is under a contractual relationship with DfE and receives funding from the Education & Skills Funding Agency- at arm's length from DfE. Captiva is also regulated by Ofsted (an arm's length body of DfE). While you made sector-wide decisions affecting the Higher Education (HE) and Further Education (FE) sectors, you made no decisions specific to Captiva in office. In the circumstances, the Committee² considered that the risk that you were offered this role as a reward for decisions made or actions taken in office is limited.

8. As the former Minister of State for Skills, Apprenticeship and Higher Education, it is likely you had access to information which could be perceived to benefit any education and training provider. DfE considered your access to general policy raised no specific risk. However, there were risks identified by DfE with your likely access to information about the operational strengths and weaknesses of individual FE providers - this could potentially help Captiva unfairly 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 HE institutions. This risks in relation to your potentially sensitive information are limited because:

¹ <https://download.apprenticeships.education.gov.uk/apar>

² 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.

- you will not be working directly for universities or other institutions that offer accreditation to the courses offered by Captiva;
 - you will not be working on Captiva's fiduciary or financial responsibilities;
 - DfE stated the picture relating to the education sector moves quickly;
 - DfE confirmed that the number of educational institutions that you had detailed knowledge on was limited.
9. 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 may offer an unfair advantage to Captiva. This risk is most likely to arise if you were to provide specific advice on Captiva's offering to the market relating to its future course offerings or curriculum provisions at the expense of other providers.
10. Your network of contacts from your time as a minister, and your potential influence within DfE, may offer Captiva and its partners unfair access to, and influence within, government. You told the Committee your role will have no involvement in lobbying the government, nor will you advise Captiva on its government funding applications.

The Committee's advice

11. The main risk in this case relates to your access to information - specifically, your access to commercially sensitive information about the operational strengths and weaknesses of some FE providers and the financial health of some HE institutions. To mitigate the risk, the Committee has recommended that you should be prevented from advising educational institutions on their specific course offerings. Further, a six month waiting period is advised to put a gap between your time in office and access to information.
12. The Committee recognised that your role is primarily ambassadorial in nature, which does not raise significant risks. The remaining risks are appropriately mitigated by the remaining 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 Captiva and its partners.
13. It is also significant that Captiva provided confirmation that your role will be limited to that as described, in line with the conditions below.
14. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Captiva Learning Ltd** 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 Captiva Learning Ltd (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 Captiva Learning Ltd (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, Captiva Learning Ltd (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 Chair of the Board of Governance , this should be limited to working with Captiva Learning Ltd and its stakeholders on promoting the benefits of apprenticeships, Captiva Learning Ltd's curriculum and Captiva Learning Ltd's various programmes/course offerings. In doing so, you must not advise Captiva Learning or its further education and higher education partners on the development of specific course and apprenticeship offerings.

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

16. 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

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 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.

also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.

17. 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.”*
18. 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.
19. 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

Annex- material information

The role

1. Captiva Learning is an approved training provider on the Apprenticeship Provider and Assessment Register⁴ (APAR). It delivers professional education programmes to individuals and organisations in the public, private and third sectors. Serving mainly the schools and education sector, Captiva operates under three trading names: The National College of Education , The National Centre for Leadership and Management and Premier Pathways. Captiva Learning is regulated by Ofsted. As an approved training provider, Captiva Learning is under a contractual relationship with DfE; this relationship is managed through the Independent Market Oversight Division in the Regions & Providers Directorate of the DfE. It receives funding from the Education & Skills Funding Agency- an arm’s length body of DfE (ESFA).
2. You wish to take up a paid, part time role as Captiva’s Chair of the Board of Governance. You said your role will be to oversee:

⁴ <https://download.apprenticeships.education.gov.uk/apar>

- strategic planning and risk management
- promotion and outreach (with no expectation of direct sales activity)
- thought leadership and media promotion
- 4 governors' meetings per year

Captiva Learning wrote to ACOBA and confirmed your role will be in a non-executive capacity and ambassadorial in nature. It will be to:

- champion apprenticeships
- speak at conferences
- advise on strategic planning, without reference to his work as a minister
- carry no financial or fiduciary responsibilities, including government funding applications
- not carry any lobbying role
- draw on his broader experience as a champion of social inclusion, apprenticeships and myth busting career opportunities for the sectors Captiva serves
- give a keynote speech to address Captiva's network of 22,000 national education leaders entitled: 'Leadership Matters: Winning the War for Talent in Schools and Trusts' to promote the power of apprenticeships in education.
- potentially include a podcast

Departmental assessment

3. DfE was consulted in relation to this application. It provided the following information:

- Captiva is an approved apprenticeship training provider and the contractual relationship is managed through the Independent Market Oversight Division- part of the Regions & Providers Directorate DfE. Financial decisions are overseen by ESFA.
- You legislated for the Lifelong Learning Entitlement, which modified the implementation of student finance and would have an impact on all HE institutions, and not Captiva or its partners specifically.
- You were a member of the Green Jobs Delivery Group (GJDG).⁵ Whilst some information on the work is already available publicly, it generated some policy options that were never published, due to the General Election. You were privy to discussion of these options and were briefed on and influenced DfE's work on them.⁶ (Captiva's remit does not include

⁵ <https://www.gov.uk/government/groups/green-jobs-delivery-group> - this has the list of members, publications and current tasks.

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

Green Jobs).

- You may have sensitive information about apprenticeship programmes as a whole, for example the strengths and weaknesses of some specific providers.
- You had access to sensitive information in relation to the financial health facing the higher education (HE) sector, including specific institutions at financial risk and secure briefings on risks to the sector. Financial sustainability of the HE sector, and of specific institutions, is very much a live issue and policy concern.
- You held responsibility for degree apprenticeships, which therefore affected Captiva alongside all other degree apprenticeship providers. The key decision was to establish a £40m development fund – with Office for Students (OfS) and the strategic steer over what the funding should achieve (in published guidance⁷). This was about the sector as a whole – DfE said you were not responsible for the individual funding decisions, which were made by OfS without any influence by you; and you were informed of the outcome, subsequent to the OfS decision.

4. In mitigation of concerns relating to your access to information, DfE confirmed:

- You did not have contact with Captiva while in office.
- You did not make any policy or regulatory decisions specific to Captiva, though you made decisions relating to the HE/FE sectors as a whole.
- There has been a time gap since you left office (5 months).
- Your access to policy information still in flux is limited (to the Green Jobs Delivery Group) and not considered sensitive enough to offer an unfair advantage, and also noted neither DfE, nor you, know what direction the policy will take under the new government.
- Your sensitive knowledge on specific institutions is limited to a small number.

5. DfE recommended standard conditions

⁷ <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/funding-competition-launched-to-boost-degree-apprenticeships/>