

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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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 BPP Holdings Limited.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) on an appointment you want to take up with BPP Holdings Limited (BPP).
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 Committee¹ considered whether this work was unsuitable given the overlap between your responsibilities as Minister of State for Skills, Apprenticeships, and Higher Education and this role with BPP, a higher education provider. The Committee also considered the information provided by the department. 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.
4. 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,

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

are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's advice

5. BPP is a higher education institution and a provider in apprenticeship training and professional qualifications. BPP has a relationship with the Department for Education (DfE). An arms length body of DfE - the Independent Market Oversight Division (IMOD) - meets annually with BPP to review its strategic direction and hold delivery conversations to review apprenticeship performance - given it is a major contributor in this space.
6. In relation to your stakeholder engagement, you met with various education and apprenticeship providers, including BPP. You met its Vice Chancellor to discuss apprenticeships and also met with some degree apprentices. Separately, you met the Director at BPP, though in her capacity as Chair of the Association of Employment and Learning Providers (AELP)².
7. As Minister of State for Skills, Apprenticeships, and Higher Education, you held responsibility for a series of policy, commercial and regulatory decisions affecting the higher education and skills sectors, including BPP and its competitors. You were not responsible for individual commercial or funding decisions, which fell to the Office for Students (OfS), which sits at arm's length from the department, and without influence from your individual decisions.
8. Overall, the Committee considered that although there is some overlap with your decisions in ministerial office, given these decisions were sector-wide, the risk that they could reasonably be perceived as being taken in expectation of this role is limited.
9. As the former minister with responsibility for the particular education sector that BPP operates in, you would have had access to information that could be perceived to benefit BPP. DfE considered your access to information on policy matters raised no specific risk. It noted that the majority of policy that you were involved in is now the public domain. Though there is a possibility you may have some limited insight, you cannot know what the government will or will not take forward.
10. There is a greater risk associated with your exposure to privileged information on the financial health of and risks facing the higher education sector, including specific institutions at financial risk and secure briefings on risks to

² AELP is a national membership body, proudly representing its many member organisations that deliver training and vocational learning.

the sector, which could include competitors of BPP. The financial sustainability of the higher education sector, and of specific institutions, is a live issue. The Committee noted there are mitigating factors which reduce the scope of the risks relating to your access to sensitive information:

- DfE stated the picture relating to the education sector moves quickly;
- it has been nearly five months and a change in government administration since you left office; and
- DfE confirmed that the number of education institutions on which you have detailed knowledge is limited.

11. 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 be seen as offering an unfair advantage. The Committee considered this risk was most likely to arise should you provide advice to BPP on its offering to the higher education market. It is therefore significant that you and BPP informed the Committee that that the majority of your role is ambassadorial - specifically focussed on working with students and employers and promoting social mobility in line with BPP's role in doing so.

12. There is a risk that you could grant BPP an unfair advantage through your network of contacts and influence derived from your time as a minister. You told the Committee that your role will not involve contact with government and that you have made BPP aware that you will not lobby government on its behalf.

The Committee's advice

13. There are risks associated with matters overlapping with your responsibilities in office, but the department provided evidence that much of the policy you were involved with is in the public domain. The main risk is the possibility that your access to commercial information on the financial health of a limited number of higher education institutions could confer an unfair advantage in advising on BPP's offerings to the market.

14. The Committee recognises that the majority of your role is ambassadorial and does not confer significant risks. To mitigate the remaining risks, the Committee recommends a gap between your access to information and responsibilities in office, and a limitation to the role. The Committee has determined a six month gap from your last day in ministerial office would be appropriate, alongside preventing you from advising BPP on the development of its course offerings, apprenticeship & degree apprenticeship programs.

15. The remaining risks associated with your access to privileged information, contacts and influence gained from your time in office are appropriately mitigated by the remaining conditions below.
16. The Committee advises, under the government's Business Appointment Rules, that your role with **BPP Holdings Limited** should be subject to the following conditions:
- a waiting period of six months from your last day in ministerial 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 its arms' length bodies on behalf of BPP Holdings Limited (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government to influence policy, secure business/funding or otherwise unfairly advantage BPP Holdings Limited (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office, you should not provide advice to BPP Holdings Limited (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 its arm's length bodies; and
 - for two years from your last day in ministerial office, in performing your role as Senior Advisor working in skills and social mobility, this should be limited to working with students and employers promoting the benefits of further and higher education and BPP's programmes/course offering and promoting social mobility. In doing so, you must not advise BPP on the development of its course offerings, apprenticeships and degree apprenticeship programmes.
17. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; there are separate 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

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

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

18. 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.
19. 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."
20. 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.
21. 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. BPP is a private university in the UK offering professional courses in Law, Accountancy, HR, Project Management, and Marketing. According to its website, BPP:
 - is an apprenticeship training provider;
 - holds university title and degree-awarding powers; and
 - offers predominantly professional qualifications in the higher education sector.
2. In your paid, part-time role as Senior Advisor to BPP in Skills and Social Mobility, you stated you will be advising BPP on:
 - Apprenticeships and skills
 - Employability and delivering what businesses want and need
 - Embedding skills in higher education
 - Social mobility and disadvantaged students
 - Politics or public affairs lecturing and course content
 - Strategy and expansion/diversification of qualifications offered
3. You stated the position's purpose is to offer BPP advice and support its public-facing persona and not to lobby the government directly or indirectly. You confirmed that the majority of this role looks to be focussed on working with students and employers and promoting social mobility in line with BPP's role in doing so.
4. As further clarification, you provided the following description you received from BPP's Chair :

'The role is primarily ambassadorial promoting the opportunities and the benefits to students and employers of the apprenticeship and degree apprenticeship route into careers, particularly in technology, finance, law, and health. It will entail regular meetings with student apprentices and employers. As part of our programme to ensure that we remain relevant to both the needs of employers and aspirations of apprentices we have established a number of employer forums which we would expect you to be involved with.

Recognising your long-standing interest in advancing social mobility and supporting disadvantaged students we will seek your advice and support in further developing the programmes we have. This will include advice on the approach we are taking with both students and employers in recruiting students onto programmes. As you know we are particularly proud of the

lead we have taken in opening the degree apprenticeship route for entry into the profession of solicitor.

Your activities will include making speeches on social mobility and skills, participating in conferences, and representing BPP at specific speaking events in relation to education and skills.

I should make it clear that you will have no executive or business responsibilities whatsoever within the BPP University or the wider BPP Education Group. You will not be involved in discussions about the business or finances of BPP University or discussions about the business models or activities of any other university.'

Dealings in office

5. You informed the Committee that you were not involved in decisions specifically impacting/advantaging BPP. You stated you were involved in decisions affecting the higher education and apprenticeships sector as a whole, in particular in relation to legislation for the lifelong learning entitlement⁴⁵ which modifies the implementation of student finance with an impact on all higher education institutions.
6. You informed the Committee that you met with BPP, and regularly met with universities and technical education and apprenticeship providers during your time in office. The nature of these discussions varied based on each university provider and the specific event. In relation to BPP, you stated you met with BPP to meet a few degree apprentices and to discuss apprenticeships with the Vice Chancellor. You separately met the Director at BPP, though the nature of this meeting was in their capacity as the Chair of AELP.
7. You informed the Committee that BPP has a relationship with your former department - BPP is approved to deliver courses eligible for government tuition fee loans. It is also an apprenticeship training provider.
8. You informed the Committee that you had access to sensitive information about universities and apprenticeships as a whole, though you did not have access to sensitive information specific to BPP.

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[https://www.gov.uk/government/publications/lifelong-learning-entitlement-lle-overview/lifelong-learning-entitlement-overview#:~:text=Under%20the%20LLE%20%2C%20eligible%20learners,courses%20with%20in%2Dperson%20attendance\)](https://www.gov.uk/government/publications/lifelong-learning-entitlement-lle-overview/lifelong-learning-entitlement-overview#:~:text=Under%20the%20LLE%20%2C%20eligible%20learners,courses%20with%20in%2Dperson%20attendance)

⁵ The next stage of published guidance is schedule for the next few months Lifelong Learning Entitlement

Departmental assessment

9. DfE confirmed the details you provided above.

10. In addition, DfE informed the Committee:

- You did not make regulatory, funding or policy decisions specific to any one provider - you were involved in decisions that were sector-wide in impact, but none specifically advantageous to BPP.
- You held responsibility for degree apprenticeships, which therefore affected BPP alongside all other degree apprenticeship providers in the round. The key decision was to establish a £40m development fund – with OfS and provided the strategic steer over what the funding should achieve (in now published guidance⁶). 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.
- You were responsible for the design and introduction of the Lifelong Learning Entitlement. You will have therefore made a number of decisions that directly affected both BPP and its competitors, though DfE is not aware of any decisions specifically affecting or advantageous to BPP itself.
- No decisions were made as a result of your limited interaction with BPP (as you described above).
- The IMOD within DfE meet annually with BPP to review the strategic direction of the organisation and regularly through termly delivery conversations to review apprenticeship performance given the scale of their contribution to the programme.
- DfE stated that the privileged information you had access to since you left office in March 2024 has not lost all currency. DfE stated it cannot conclude with certainty that sufficient time has passed for the privileged information on the financial health of and risks in the sector to have lost relevance completely. Financial sustainability of the Higher Education sector, and of specific institutions, remains a live issue and policy concern. It stated that the financial context of the sector is evolving, but

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

not in such a way that would mean the information would be rendered irrelevant.

11. DfE noted as set out above that your exposure to privileged information on specific institutions at financial risk and secure briefings on risks to the sector, could be considered to offer unfair advantage to BPP. However, the department noted that the number of institutions concerned was small. It recommended the standard conditions, noting you are prevented from drawing on this information.