

University of Glasgow Brexit Briefings

Brexit and public services in Northern Ireland

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These Brexit briefings focus on the impact leaving the EU will have on devolved government and public policy in Scotland, Wales and Northern Ireland and also on Ireland.



web: www.gla.ac.uk/impactbrexit

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This policy brief considers the respective positions of the NHS, police and local government in Northern Ireland. All public services face the general funding uncertainty that goes with post Brexit economic conditions. There may be a Brexit effect on levels of economic activity and tax-generated revenues from 2019, although accurate attribution will be hard to pin down. The nature of the post Brexit relationship the UK has with the EU will also determine to a significant extent the amount of money that is redeemed out of current membership costs. When such monies will be identified and quantified is unknown at this stage. The politics of public service funding are also at work. How well the NHS & care sector, police and local government do in securing a share of reclaimed resources will come down to a mixture of lobbying, public opinion and emergent 'events'. The three areas of public service examined are exposed to sector specific economic threats and opportunities having been exposed to different levels of austerity budgeting. Brexit implies new challenges for all three services as existing EU institutional arrangements for cooperation are removed. For Northern Ireland the border with the Republic of Ireland and associated citizens rights present a special set of problems.

Health and social care after Brexit

The provision of health services is particularly vulnerable given existing financial stresses in finances. Post-Brexit circumstances may add extra years to the already lengthy period of public service austerity or alternately free up new funding. The health and social care system also faces possible new demands on its capacities generated around transactions that are complicated by Brexit. If negotiations are unable to find a way to replicate the principles behind current systems of treating EU

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citizens, then the NHS will need to absorb administration costs associated with authorising access to the services and subsequently billing home countries. If there are, as seems likely, going to be a continued presence of large numbers of EU workers in the UK labour force this is not inconsequential. On the other hand were Brexit to reduce the number of EU citizens in the UK, then lower demand for services is implied. Unfortunately a lack of reliable data on the use of health services by immigrants and visitors means it is impossible to make an accurate estimate of net effects. There are also the health care needs of returning UK citizens in the post-Brexit era to be factored into demand forecasts. To this list of policy uncertainties can be added calculations needing to be made around lower levels of EU cooperation on public health, the significance of work involved in replacing EU rules including the working time directive, procurement and competition law, regulation of medicines and medical devices, the regulation of professional standards and medical education. There is also work likely to be needed on filling the role vacated by the European Medicines Agency. The EU's policy of freedom of movement and mutual recognition of professional qualifications means that many health and social care professionals currently working in the UK are from other EU countries. This is thought to include around 60,000 of the NHS's 1.4 million workforce and 90,000 of the 1.6 million workers in social care, but these are estimates and data relating to individual trusts or care organisations is largely unobtainable.

The Northern Irish NHS and social care system is likely to be more exposed to Brexit effects than the rest of the UK in certain key respects. The biggest issue under a hard Brexit is the border. The NHS is currently struggling to recruit and retain permanent staff, the RCN in Northern Ireland estimating there are 2000 nursing vacancies in the NHS and community care sector. Just how reliant the health and care sector is on citizens of the EU and in particular

the Republic of Ireland is far from clear. Data appears not to have been collected, which is unsurprising given the assumptions associated with the long established Common Travel Area. Contingency planning is ominously difficult for the NHS particularly with respect to the clinician workforce once training lead times are taken into account. While sustainability and training a surplus of clinicians may be a logical response to the post Brexit world, this cannot be accomplished within a satisfactory time scale. There is a degree of reliance by both Northern Ireland and the Republic of Ireland on a system of sharing access to specialist and other healthcare capacities across the border. By default this may become difficult in the short or even long term dependent on the type of Brexit settlement reached. The costs of a service response needs to be calculated but cannot be tackled until key elements of a settlement are in place to provide terms of reference.

Policing

A post Brexit border with the Republic of Ireland may require the PSNI to provide major new support to Border Force, UK Visas and Immigration, Immigration Enforcement and HM Revenue and Customs. In addition to the costs involved in establishing and maintaining inputs to the work of these agencies, it is clear that given the history of Northern Ireland and its border areas, there are serious threats of political violence and civil disorder to be considered. A softer Brexit eliminates many problems but there will likely be a need for a 'Border Police Service' working on trade and immigration processes with associated funding, staffing and training issues. The police do not face the same problem with sustaining an adequate workforce as the NHS, as the likely response to a hard Brexit involving a conventional border with Ireland would be to use existing officers in border related roles and fill their posts with new recruits, who can be operational after about six months basic training. The cost is likely to be significant, all

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the more so given that austerity has seen the policing budget fall by 14% between 2011 and 2016.

In operational terms Brexit presents a lengthy list of problems. Criminal justice in the UK is more closely linked to the EU than generally perceived. In 2014 following debates in Parliament the UK opted into 35 EU police and criminal justice measures. The UK police now utilise a considerable institutional apparatus with its basis in EU cooperation. The EUROPOL system gathers, analyses and shares information, which it uses to coordinate operations. Significantly the UK uses EUROPOL more than any other member state. Police leaders see a diminished membership status as inadequate. EUROJUST coordinates national investigating and prosecuting in relation to serious crime across EU member states. Associated translation and legal advice are significant assets as are JITs (joint investigation teams). The SIS II (Schengen Information System) is a pan-European database communicating real-time information between participating countries including the UK for law enforcement elements. SISII data is available in the UK to all police officers, police staff and law enforcement agents. The European Arrest Warrant (EAW) system, which the UK joined in 2015, is a mechanism by which individuals wanted in relation to significant crimes are extradited between EU member states to face prosecution or to serve a prison sentence for an existing conviction. It is directly accessible by police officers on the street. The ECRIS (European Criminal Records System) records convictions in member states and through electronic interconnections ensures that information from criminal records can be exchanged in standardised formats to meet short legal deadlines. Replacing police cooperation instruments would be difficult if based on intergovernmental agreements negotiated bilaterally with individual EU members, although a long and complex process could be truncated if the UK could deal with the EU as

a whole.

In addition to the membership EU-based criminal justice institutions there is of course a long standing issue over the sharing of policing information between the PSNI and An Garda Síochána which has political as well as operational significance given the history of the Troubles. Progress could be compromised by particular type of Brexit settlement, which is a significant concern.

Local government

Local authorities in Northern Ireland are exposed to Brexit threats of a general nature including future funding and border related staffing problems. Brexit may mean adjustments for councils over existing roles ensuring compliance with EU regulatory practices in areas including environment, building control and bathing waters and also procurement practices In Northern Ireland the local authorities are not social care providers, a sector which employs large numbers of EU citizens in the rest of the UK.

Northern Ireland's local authorities have been significant players in the use of European Union funding, including the unique Peace Programme for NI and INTEREG borders programme. The sums of money involved are not particularly large - for example a typical Northern Ireland local council may receive around £3 million over seven years in PEACE IV. While not a huge proportion of budgets, PEACE funding is attractive, enabling projects that would not otherwise be undertaken. Local authorities have also developed new skills in multisector, multi level partnerships. EU peace funding has a non-monetary value in the sense that it extended the role of local authorities, which diminished during the Troubles, when housing, social care and education were taken away. EU funding is a significant focus for local democratic control over infrastructure and community development. With 80% of a local authority's budget typically spent on waste management, sport and recreation, the broadening of scope

facilitated by the EU has been welcome. While PEACE IV allocations have been guaranteed it is far from clear if local government can expect similar types of funding in the future. The English Local Government Association (LGA) is lobbying to extract a commitment to commit a sum equivalent or greater than the €10.5bn allocated from the EU in 2014 to 2020. The LGA also sees Brexit as an historic opportunity to devise a simpler aid programme for poorer areas.

Coping with impasse

The stance adopted by the EU bloc is based on a refusal to examine post Brexit relationships without agreement on the 'divorce bill', the future of the Irish border and citizen rights. The UK position is that a free trade agreement needs to be agreed before Irish border issues can be resolved. The impasse seems likely to be in place at least until the European Council summit in late October, when EU member state leaders will judge whether the negotiations have made sufficient progress to justify beginning trade discussions. There are indications that the border is seen by both sides as very important. The publication of UK position papers in mid-August 2017, included a contribution from the Northern Ireland Office and Department for Exiting the European Union. Free movement between the United Kingdom and Ireland was identified uncontroversially as the most important desired outcome. Indicative of the way that negotiations are proceeding, the position papers have not as yet prompted a direct and substantive response from the EU bloc, instead triggering a wave of negative comments. On the day the House of Commons began debating the EU Withdrawal Bill, media reports began circulating contents from a leaked position paper on Northern Ireland prepared by the EU chief negotiator Michel Barnier, which it is claimed, a cknowledges the desirability of a unique solution on the border but places responsibility for finding a workable model on the UK. There are a number of possible obstacles to this being implemented during

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Brexit negotiations. The failed attempt by the Conservative Government to win an increased majority in the House of Commons resulted in a 'supply and confidence' deal with the Northern Irish DUP. This may be tested by the prospect of attempting to negotiate on a unique border solution, which is perceived as compromising the Union.

Public service leaders in Northern Ireland must expect this type of impasse to remain in place for some time. It may not be in either side's perceived interests to resolve issues in a timely manner. While certain goodwill may exist, common political and economic interest over the border does not extend into mainland Europe. The reality is that a conventional border between Ireland and Northern Ireland may be an outcome that the bloc can live with comfortably, with little pain anticipated. The big danger for public services in Northern Ireland is that keeping the border as an unresolved issue may suit the bloc as it seeks to find a settlement with the UK on a range of other issues.

Public Service Opportunities and Susceptibilities

Brexit may have created political opportunities for public services in Northern Ireland as well as threats. For example the NHS recruitment problem may be accepted as critical if Irish staff leave the service. A path dependency on recruitment of overseas clinicians could be abandoned in favour of home-trained workforce sustainability. Northern Ireland has far too many hospitals and a deteriorating staff capacity. Historic space-location issues may have to be addressed as a priority as service provision is perceived to be stretched by Brexit beyond breaking point. Currently with no devolved government the establishment of direct rule may make this more achievable, given the reluctance of MLAs to jeopardise their Assembly seats through support of hospital closures in their constituencies. It remains unclear whether DUP MPs, with their votes vital to the survival of the May Government

in Westminster, would countenance such a radical solution to a faltering NHS in Northern Ireland. With respect to policing, the need to find replacement institutions of cooperation with remaining EU member states, could also provide a historic opportunity to establish greater cooperation with the criminal justice system in the Republic of Ireland, addressing information sharing, data handling and border crime based on very detailed and context specific agreements. Local authorities have an opportunity to find ways of collecting evidence on what sort of infrastructure and community development investments bring the greatest benefits. At present they do not have this capability and need to begin acquiring expertise very soon if they are to build a case for continued financial support for the initiatives currently funded by the EU. If negotiation deadlines are breached and no terms of reference for future service provision are established then contingency planning becomes more difficult with public service leaders being forced to accept expediency over opportunity.

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