

The Brexit negotiations and public services

Dr. Gordon Marnoch
Reader in Public Policy

Negotiations

Emergent view of challenges and opportunities ahead for public services

- Stage 1 March -November 2017
- Public services need a sense of an endpoint that provides a basis for contingency planning.
- For now the UK is in a 'negotiate to begin negotiations' impasse.
- Negotiations on future partnership with EU bloc, will they take place during Brexit?
- A transition phase after March 2019 is difficult to handle.

Public services face possible material problems during and beyond Brexit

Three key sectors examined

- NHS and social care
- Police
- Local authorities

Potential issues - NHS & social care

- Reciprocal care. Cost of patients needing care in EU countries and UK. EHIC.
- Cost of more intensive checking of patient eligibility for NHS services, inter-country billing for tourists and temporary residents?
- EU staff in the NHS, social care and academic research roles.
- The prospect of lower levels of EU cooperation on public health?
- EU law - the working time directive, procurement and competition law, regulation of medicines and medical devices and regulation of professional standards and medical education.
- Regulatory institutions – future of European Medicines Agency.
- EURATOM -radioisotopes
- Northern Ireland is particularly exposed.

A staffing crisis?

- The RCN estimate 1700 nursing vacancies in Wales and 40,000 in England.
- Longer term just how reliant is NHS and care sector on EU nurses and other clinicians?
- A best estimate is that currently in the English NHS 5.5% of the total workforce are from EU countries and 6.7% from rest of world other than UK.
- Context - nearly 6% of funded posts are currently unfilled.
- RCGP in Northern Ireland identify 11% of GPs as EU.
- The Health Foundation reported a 96% fall in EU nationals joining nursing/midwifery register for first time in April 2017'. (FOI)
- Long term recruitment from 27.

Data gaps

- Data on nationality is self reported. Unknown for 7% staff.
- The information needed to guide workforce planning at local and national levels has failed to keep pace with the growing plurality of providers. (Kings Fund 2015)
- Large data gaps on key areas of the workforce - primary and community care, agency and bank staff, vacancy rates, and independent and voluntary sector providers.
- Is there excessive sense of fear around the possibility of access to data causing 'social fear amplification' - where analysis produces inappropriate intensification of public fears about Brexit?
- An audit is required.
- Fear of weakening negotiating position may block this exercise.

Policing and the EU

Criminal justice closely linked to the EU.

- In 2014 following debates in Parliament the UK opted into 35 police and criminal justice measures.
- EUROPOL. Gathers, analyses shares information and coordinates operations. UK uses it more than anyone. Diminished membership status is inadequate.
- EUROJUST coordinates national investigating and prosecuting in relation to serious crime. Translation and legal advice are significant assets as are JITs.
- SIS II – real time alerts on individuals and objects of interest. 35,000 individuals wanted under EAW. UK joined 2015. Directly accessible by police officers on the street.
- ECRIS – records convictions in member states.
- Intergovernmental agreements negotiated bilaterally with individual EU members are possible but would be a long and complex process.

New roles

Northern Ireland is again very exposed to Brexit.

- Verifying the residential rights of those living in the UK.
- Potential flashpoints with both immigrant and host communities.
- Should Brexit lead to a hard/harder border with the Republic:
- PSNI supporting Border Force and UK Visas and Immigration
- Internal demands for the production of documentation.
- Potential risks to civil order in Northern Ireland.
- Associated data needs on populations and trade.
- Data handling capacity.

Local authorities

Brexit consequences

- Procurement changes and shifting market conditions
- Staffing –particularly social care
- Legislative : councils currently ensure compliance with and understanding of thousands of EU regulatory practices - including environmental health, building control and bathing waters

EU Funding

Local authority responses to loss

- During austerity local authorities have lost funding.
- EU structural funds have become more important.
- Wales and SW England contain less developed 'sub-regions'.
- West Wales and the Valleys attract 2,006m Euros 2014-2020
- ERDF and ESF per capita funding is nearly 800 Euros over the period compared with under 300 Euros in NE England and 320 Euros in Northern Ireland.
- Local authorities may be organisations best placed to campaign for being funded on same basis.
- In competition with mainstream funding.

Opportunities

- NHS staffing – Brexit pushes recruitment problem over the edge and the need to train a surplus of UK clinicians becomes accepted?
- Police and data handling capacities – a chance to develop rapidly?
- An integrated funding stream replacing the ‘complex array of EU funding rules, regulations and excessively bureaucratic processes’. (WLGGA 2013)
- Local authorities – mainstream the type of project supported by EU funds?
- Local authorities - become more attuned to need for evidence on what works?
- Local authorities – simplify and localise procurement.

Negotiations schedule

Danger of decision compression

- The closer Brexit runs to deadlines the more chance of expediency dominating.
- Contingency planning will be limited in usefulness- if it takes place.
- Political support for taking the long term perspective?

Westminster

How will Westminster conduct relations with the public services?

- As yet it is not clear what will be represented, quantified, estimated and communicated during negotiations.
- Anything new here?
- Is there an excessive sense of fear around the possibility of access to data causing 'social fear amplification' - where analysis produces inappropriate intensification of public fears about Brexit?
- Well written policy often has to be vague to be adaptable.

Strategic capacity at the centre

A no deal may be mitigated by lots of sector specific 'mini-deals' addressing the list of issues discussed.

- The Department of Health has been subject to a 26% reduction since 2010. It is now set to fall from 1800 to 1300.
- How much attention will the Welsh, Northern Irish and Scottish NHS and social care systems receive?
- Home Office capacity is also insufficient.
- More civil servant needed?
- Whitehall departmental headcount politics or capacity building?

Public service leaders behavior during Brexit and after.

- What level of uncertainty is acceptable and negotiable in the normal turn of managing?
- Public service leaders may try and extend the period before they need to decide and deliver.
- Reactive - leaders try and deal with the unforeseen when it happens and go about solving problems
- Will leaders take a bet on one future?
- Will they break the line and declare they can't cope?
- Politics as usual – Brexit is just another position – to be exploited for the service?

Working through uncertainty - is there anything new with Brexit and what it brings?

- Risk calculations – likelihoods assessed and outcomes/impacts estimated.
- Structural uncertainties – see the possibility but cannot determine the likelihood of occurrence.
- Unknowable – events unimaginable in advance of occurrence
- Unpredictable driving forces – for example public opinion.
- Do public service leaders know what they don't know?