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.
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
• 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’. (WLGA 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.
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 represented, quantified, estimated and communicated during negotiations.
• Anything new here?
• 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?
• Well written policy often has to be vague to be adaptable.
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?

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

Strategic capacity at the centre
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?