

The civil service and Brexit

In November 2016 a [leaked memo](#) from the consultancy firm Deloitte set out its internal assessment of the potentially profound impacts of Brexit on the civil service. It warned that the civil service was struggling to cope – not least because of the lack of clear strategy from ministers – and would need to hire another 30,000 people to manage over 500 projects required to address the challenges of Brexit.

Deloitte's internal assessment was so unwelcome they voluntarily stood back from government work for six months to try to repair their relationship. But unwelcome though it was, the assessment was accurate – and indeed reflected internal concerns. One official was [quoted at the time](#) as saying that Brexit posed an 'existential threat' to the civil service.

So, with Brexit 'done', and the UK out of transition, how far have those early concerns been borne out? Has Brexit, which repatriates a raft of policy-making powers to the Governments of the UK, strengthened a civil service which will now need to take on new responsibilities or has it shone a spotlight on, or indeed created, weaknesses? How well have the integrity and values of the civil service survived the polarised and polarising process of Brexit? And how does the civil service need to adapt to the challenges of the post-Brexit era? This piece offers a preliminary assessment.

The civil service was unprepared for Brexit

Notoriously, David Cameron did not let the civil service prepare for Brexit prior to the referendum. Not, of course, that preparation would have been easy, given the lack of clarity about what even the Leave campaign meant by Brexit.

But the lack of readiness for Brexit ran deeper than the immediate lack of preparation for the outcome of the referendum. UK relations with the EU had

become an increasingly niche activity in Whitehall over the years – looming large in the Agriculture and Environment Department (Defra) and the Business Department, but relegated to a marginal specialism in other key departments, such as the Home Office. Expertise on the detail of EU regulations was embodied in a few individuals, many sitting in the arm's length bodies that had to implement EU rules rather than in departments themselves. [Former DExEU permanent secretary Philip Rycroft](#) described this as ‘the relative neglect of the civil service over time of its cadre of officials experienced in doing European business’, which meant when it came to staffing up for Brexit the civil service wasn’t ‘fishing in a very big pond’. This was particularly true in the Foreign and Commonwealth Office (or Foreign, Commonwealth and Development Office, as it is now) where, as former Permanent Representative Lord Kim Darroch notes in his memoir, a posting to Brussels meant spending time in ‘rooms negotiating the widgets directive. So there wasn’t much of a queue at the door of that career path.’

Had a Brexit unit been set up at the time of the renegotiation – or indeed when the referendum was first floated – it might have given an indication of the scale of the task of untangling the UK-EU relationship. Forty-five years of EU membership meant not only that the impact of the EU was both deep and wide, but also that it was somewhat taken for granted and hence poorly understood. There was little focus on how the border with the EU operated, the relationship between EU membership and devolution within the UK, or the implications of the Single Market and Customs Union for trading patterns.

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And it was not just the EU relationship that was poorly understood. Taking Brexit forward also meant understanding the complexity of a relationship with the devolved governments, which was predicated on a framework of EU membership. Meanwhile, the Belfast/Good Friday Agreement had sunk into the background of Whitehall’s collective memory.

There is a lot of political blame to be handed out for the casual way in which politicians approached the referendum. But there are also some hard questions

for the civil service to ask itself about the extent to which it forced ministers to think through the detailed consequences of their decision to put UK membership on the line, not least the very stark implications for the future of the Union in general and Northern Ireland in particular.

Brexit reversed cuts in civil service numbers

There was another respect in which the civil service was not ready for Brexit. Since 2009 its size had been on a steady downward trajectory – and the Government had plans for a further big reduction after 2015. As Deloitte, that was not sustainable in the face of Brexit.

Theresa May's first acts on becoming Prime Minister were to create two new Government departments: the temporary Department for Exiting the EU (DExEU) and the permanent Department for International Trade. The consequences of these so-called machinery of government changes were, in the [words](#) of [Philip Hammond](#), 'not deeply thought through'. The creation of a freestanding Brexit department led to inevitable tensions with No.10, which ultimately wanted to control the negotiations; and the creation of the new trade department appeared to signal that the UK would leave the EU's Customs Union before any such decision had been made.

The civil service faced two challenges: skills and numbers. Brexit meant developing capabilities – like trade negotiation – that Whitehall had not needed for decades. The civil service had to hunt for external talent to fill gaps. After its overtures to Canada's NAFTA lead failed, it turned to the former New Zealand Ambassador to the World Trade Organisation, Crawford Falconer, to become Chief Trade Negotiator and second permanent secretary at the Department for International Trade.

Brexit also meant new recruits were needed to fill roles managing the raft of projects to both support the exit negotiations and manage the legislation and transition to the new arrangements. The idea that Brexit-sceptical civil servants and pro-Remain new graduates would be reluctant to work on Brexit proved unfounded. Indeed, in some places the reverse was true. As former Defra (and then DExEU) permanent secretary Dame Clare Moriarty told the [Global Government Forum](#) in November 2020, '[W]e grew in size because we had lots of additional work to do. And we grew in status, because a lot of those

things were really very interesting, Brexit was a recruiting manager's dream.' But departments had to cope with the fact that, while it was easy to fill desks, it was much harder to fill gaps in knowledge.

Defra was not alone. By September 2020 the [civil service had grown](#), largely as a result of Brexit, to over 430,000 full time employees – reversing just under half of the cuts since 2010, and ending up around 50,000 more than had been envisaged by the Government before the result of the referendum.

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With that expansion came a change in demographic profile, reflecting the rush to recruit young policy professionals to handle Brexit: the civil service became younger, more diverse and more London-centric. DExEU's average age was the lowest in Whitehall, reflecting its dependence on young recruits. Brexit also opened up possibilities for the ambitious to move jobs and win promotion – a welcome relief after five years of pay freezes and reduced opportunities.

This might explain why the most recently published [civil service people survey](#), released in March 2020, showed the composite engagement index – a basket of indicators designed to measure morale – at its highest ever level (63%), with rises in eight out of nine categories measured. As then Cabinet Secretary Jeremy Heywood repeatedly said: '[Brexit] is probably the biggest and most complex challenge the civil service has faced in our peacetime history' and many in the civil service seemed to relish the challenge and the opportunities it brought. We have yet to see the results of the most recent survey, which will show the extent to which that has held up in the face of the triple assault of Covid-19, Brexit and reform pressures from No.10.

Brexit exposed civil servants to unprecedented personal and political pressures

The balance sheet thus far looks positive. Moreover, public confidence in the civil service looks to have held up well through the process of Brexit: the latest [Ipsos Mori veracity index](#) conducted in October 2020 showed 60% of the population trusted civil servants to tell the truth – nowhere near the

stratospheric trust in health professionals, but 44 percentage points higher than the lamentable 16% who trusted Government ministers, and 35 percentage points higher than when the survey was first done in 1983. Intriguingly, civil servants were the category with the biggest generation gap: 73% of 18-34 year olds trusted civil servants compared to only 43% of over 65s.

That gradient appears to reflect the age gradient in the Brexit vote. And for many Brexit supporters, the civil service has appeared as a roadblock to their ambitions and been characterised as a bastion of Remain. The view former Brexit secretary of state [David Davis expressed to Sophy Ridge](#) in September 2018 that if ‘you added up all the Permanent Secretaries who voted to leave the EU the answer would be zero’ was quite widely shared.

That distrust took various forms.

The person who drew the most ire was Olly Robbins, Theresa May’s chief negotiator, who quickly became a *bête noir* among Brexit supporters and was seen as manipulating the then Prime Minister into a softer Brexit than her backbenchers wanted. By February 2019 she was having to deny to the 1922 Committee that she simply did what Olly Robbins told her.

Sir Mark Sedwill, who had taken over as Cabinet Secretary following Heywood’s premature death, commented on the treatment of Robbins in an appearance before the [Public Administration and Constitutional Affairs Committee in November 2020](#), after he had stepped down:

‘He [Robbins] was asked, quite unusually, in one Committee hearing, about essentially whether his heart was in it in negotiating the Brexit outcome. That is not an appropriate question to ask a civil servant because their heart is in supporting the programme of the Government of the day and the Government of the day were negotiating Brexit. But that question of whether there was somehow or other a deep resistance within the establishment, within the civil service somehow, within the system to that agenda has become part of the political, I suspect some of the attacks on me came as a result of that.’

Sedwill continued that he thought the particular problem for some in trusting the civil service on Brexit, as had also been in the case of 2014 referendum on Scottish independence, was:

‘The idea that institutions can be neutral on a question that is that existential is inevitably challenged. That is just a feature of existential questions, questions of national identity of that kind, notwithstanding the fact that those institutions absolutely maintain their neutrality and impartiality.’

The institution that came under most attack was the Treasury. Although the civil service stood back during the referendum campaign itself, the decision by Chancellor George Osborne to trumpet the Treasury’s assessment of the consequences of different trading regimes as part of what would be characterised as ‘Project Fear’, meant that analysis and analysts were firmly in Brexit supporters’ sights.

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All the more so given that the short-term forecasts produced by the Treasury were easy to portray as fundamentally flawed given the relative resilience of the economy immediately following the referendum. As a consequence, Government economic analysis became fair game for Brexit supporters. [Dominic Raab](#) declared in November 2018 that there ‘is an economic credibility gap with all these Treasury-led forecasts, based on their track record of failure, the questionable assumptions they rely on, and the inherent challenge of making reliable long-term forecasts. Politically, it looks like a rehash of Project Fear.’

That proved a scarring experience for the Treasury. [Philip Hammond](#) recalled: ‘The Treasury was slightly – well, not slightly, severely – bruised by that experience and as being painted as the villain of the referendum campaign’.

The problem that many in the civil service grappled with was that for Brexit supporters the benefits of Brexit were akin to an article of faith – and an issue on which it was not possible to be neutral. But the Cabinet itself was hopelessly divided on what Brexit meant or whether no deal was a real option, which created a difficult working environment for civil servants.

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many expected – made the civil service's life much easier. This was a Government with a clear set of priorities; sovereignty first, economy second. The installation of David Frost, a [political appointee, as Chief Negotiator](#), proved an unlikely boon: it removed any sense that the civil service (which supplies the rest of the negotiating team) was pursuing its own agenda, independent of ministers. The Frost team – with its two civil service deputies – was prepared to work more closely with the UK's EU experts in Brussels than the Robbins team ever did. The civil service has come under fire in 2020 but not due to the Brexit negotiations.

Ministerial-civil service relations have been under huge strain

While working for the May Government brought frustrations in terms of the lack of decisions and direction, the Johnson government posed another set of issues for the civil service – its willingness to flout convention. This manifested itself in different ways: via the [Westferry](#) planning decision and the [allocation of the Towns Fund](#) in the Ministry of Housing, Communities and Local Government; via the [award of PPE contracts](#) through a special fast track process for high profile contracts; and finally via the abuse of [departmental social media accounts](#) to push out partisan and polemical content.

The breakdown reached arguably its most extreme manifestation in the long-running saga of bullying in the Home Office. That led to the unprecedented departure of Home Office permanent secretary Sir Philip Rutnam in February and his subsequent decision to take his former boss, Priti Patel, to court. The subsequent investigation by the Cabinet Office was held up for months, and the Prime Minister ultimately refused to act on [Sir Alex Allan's](#) finding that Ms Patel had breached the ministerial code. That in turn led to Sir Allan's resignation.

But there were also problems over the government's tactics on Brexit. We do not know what the civil service advice looked like over the attempt to prorogue Parliament in September 2019, nor how the civil service would have reacted if the Government had followed through its threat not to request the extension required under the Benn Act passed by Parliament in the run-up to the expiry of the October 2019 deadline.

Breaking point was reached in autumn 2020, when the Government brought

forward its Internal Market Bill containing clauses which the secretary of state for Northern Ireland brazenly admitted would break the UK's commitments under the withdrawal agreement. His comments were backed up with an opinion from the Attorney General, and that proved too much for the Government's top lawyer, permanent secretary at the Government Legal Department, Sir Jonathan Jones, who stood down. At the time, Jones did not comment on his departure, but in a [subsequent interview](#) he did not hold back:

'It was quite disgraceful that the Government did this. There is no possible justification for it, in my mind, this willingness to break the law... I think it's utterly disreputable. That's why I resigned.'

A cold shower fell on the top of the civil service

Jones was merely the last in a long line of top level departures in Whitehall during 2020. The first was Dame Clare Moriarty who departed with the abolition of DExEU, which was symbolically [wound up](#) on 31 January 2020. She was swiftly followed out of the door by [Sir Philip Rutnam](#), who was later joined by [Sir Richard Heaton](#), permanent secretary at the Ministry of Justice whose five year contract was not renewed despite rumours that his secretary of state was keen to keep him on. Subsequently, [Sir Simon McDonald](#) was told he should let a new face manage the merger of the FCO and the Department for International Development; and [Sir Mark Sedwill](#) stood down as Cabinet Secretary and national security adviser after suffering months of hostile briefings. And then [Jonathan Slater](#) at the Department for Education paid the price for the summer exams fiasco. All bar Sedwill were replaced by very conventional civil service choices – Sedwill's job was split and he was replaced by the conventionally credentialed but unusually youthful Simon Case as Cabinet secretary, and a newly ennobled David Frost as National Security Adviser.

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These personnel changes were the most obvious external manifestation of the Government's much vaunted 'hard rain' falling on the civil service. The Prime Minister's chief strategic adviser, Dominic Cummings, had long railed against

the civil service, in particular its lack of scientific training, inadequacy with data and lack of accountability for policy failures. But he also saw it as an organisation which was out of touch with the rest of the country – a view shared by some civil servants, as [Philip Rycroft](#) explained: ‘The Whitehall I knew was quite good at looking at some long-term trends, like ageing, shifting geopolitical balance of power, the rise of China. That’s the stuff that turns most Whitehall folk on. What they didn’t spend time doing is understanding what was happening with their own population.’ That, inter alia, was why the civil service failed to understand the shifts in public opinion that would ultimately deliver Brexit.

The reform agenda had an early outing in January 2020 on the [Cummings blog](#), with an advertisement seeking ‘weirdos and misfits’ to work with him at No.10. More notable though were Cummings’ attempts to establish centralised control through direct management of the special adviser network (provoking the [resignation of the Chancellor](#) when the PM backed his adviser over his Cabinet colleague) and through creating what was described as [mission control](#) in the Cabinet Office (in reality a big room with a lot of desks (and Covid-secure perspex screens where the No.10 policy unit could sit alongside senior members of the Cabinet Office’s economic and domestic secretariat). There have also been moves to centralise government communications and put them under No.10 and the Cabinet Office – with a new [US style press spokesperson](#) as the public face of the Government. But the real loser from these moves were not the civil service, but the Cabinet.

The actual civil service reform programme appears a much tamer affair, set out not by Cummings but by his former boss, the current Chancellor of the Duchy of Lancaster, Michael Gove, in a lecture at [Ditchley Park](#). The critique was pretty mainstream and one that many at the top of the civil service would recognise and accept. The proposals – more scientific, data and commercial skills, dispersion around the country, longer postings – are familiar fare. The promised White Paper has yet to appear, but the government has invited Lord Maude, who ran civil service reform for David Cameron, to return and [review the functioning of the Cabinet Office](#).

Since the New Year there has been more evidence that the hard rain is turning, if not into a warm bath, then at least into a gentle trickle. The appointment of [Dan Rosenfield](#), a former Treasury civil servant, as Johnson’s

chief of staff after the departure of Cummings and communications director Lee Cain has dedramatized the rhetoric. The Treasury is back, and Sir Tom Scholar has not just survived but been [reappointed](#) for another five years. The eyebrow-raising appointment of Lord Frost as the [National Security Adviser](#) has been set aside: that post goes – with plaudits from serried ranks of [ex-permanent secretaries](#) – to Sir Stephen Lovegrove, permanent secretary at the Ministry of Defence. Frost instead has (with a slight lag) ended up [elevated to the Cabinet](#) as a Minister of State with responsibility for overseeing the UK's relationship with the EU. His ministerial status means he can also be the UK chair of the new Partnership Council set up under the Trade and Cooperation Agreement.

The post-Brexit balance sheet

So has the civil service survived the 'existential threat' from Brexit?

It is bigger. It has attracted new blood. And it can take pride in the fact that it has supported a Government to get the sort of Brexit it wanted. Even if many will say that the negotiations could have been handled better, both under May and Johnson, it is clearly now the politicians who own the outcome. Down the line, ministers may complain that they were not warned of unexpected consequences, but the fact that David Frost personified the exit negotiations means he will be held responsible for that. Ministers, for their part, can take comfort from confounding Whitehall gloomsters like Sir Ivan Rogers, who [warned it could take 10 years](#) to do a free trade deal with the EU.

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The next big challenge from Brexit is to see what the UK can do with its new found powers. Much of the day-to-day task of making Brexit work will fall not to Whitehall but to the arm's length bodies who have taken over many of the responsibilities formerly exercised by the Commission. The government has signed up to give new powers to quangos – the Competition and Markets Authority and the Office for Environmental Protection among them. There is a tricky relationship with these semi-independent bodies to manage if they are to

have enough credibility to do their job convincingly. But there are also new policies to be made, and made work, in areas where Whitehall has not had policy discretion and associated expertise for decades. Defra made an [almighty hash of implementing CAP reform](#) (a reform it had advocated) in the 2000s, ending up paying a stream of fines to Brussels: will it be able to manage the radically different agricultural support scheme?

There are question marks too over trade policy. The Department for International Trade can be quietly satisfied that it has succeeded in rolling over so many of the trade agreements it inherited from our years as an EU member. But can it deliver to ministers' expectations, not least when they still seem unwilling to engage with the very real trade-offs and choices they need to make to have a convincing trade policy?

The civil service will also have to find a way of hanging on to what EU expertise it has left. It will no longer be able tempt good people to Brussels with the lure of being 'in the room where it happens' – or at least not in the main room. The UK will not be negotiating Kim Darroch's widgets directive, but it will be on an intelligence gathering mission to find out what the widgets directive might say and whether it needs to launch an influencing strategy to try to stop it harming British interests.

The Trade and Cooperation Agreement sets up a massive superstructure of committees to oversee its operation. Understanding the way the EU operates will still matter. The 'judge over your shoulder' guide which warns civil servants of the need to think about the risk of judicial review, will sit alongside the 'eurocrat in the corner', watching to see if the UK is tilting the level playing field too far. There are dangers for the civil service in the gap between the gung-ho optimism of ministers and the reality of what they have signed up to. At the moment it is hard to say how constraining the agreement will prove to be in practice. And the UK will need to establish a basis for working positively with the EU on the shared interests the Prime Minister repeatedly mentions: the first big test will be the climate change summit at the end of the year.

The biggest risk to the civil service is that ministers who claimed, in defiance of the economic assessments, that the UK will prosper mightily, deal or no deal, are disappointed when they find that Brexit has not given them massive new levers to deliver their wider agenda. If they are just interested in policy as

performance art or symbol, it may not matter that immediate concrete benefits are harder to identify. The danger is that the atmospherics at the top – the Cummings legacy – mean that top civil servants are too reluctant to call out dubious practices and confront ministers with challenging advice.

The civil service rose to the challenge of Brexit, particularly once ministers finally made clear what they thought Brexit meant. The additional challenge of Covid-19 exposed weaknesses – as well as some surprising strengths – though only a full-blown public inquiry will make clear how blame should be apportioned between ministers and their civil and public servants. But Brexit and the handling of Covid-19 both showed up areas that would benefit from reform, as well as new ways of working that need to be sustained. Ministers may, for example, be keen to draw lessons from the [success of the vaccine task force](#) and see whether that model can be applied elsewhere.

As the UK heads into a future outside the EU, the civil service will be keen to show that it can help ministers as they take back control and show the Governments of the EU that the UK can indeed make policy better alone. Ministers, in turn, need to show that after a bruising period, they can work effectively with their civil servants. They also need to reassure, by actions as well as words, that they still value a non-partisan civil service – or initiate a public debate on the alternative.

By Jill Rutter, senior research fellow, UK in a Changing Europe.





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