

# The role of the civil service in Brexit

Last Wednesday night I spoke to the Bruges Group about Brexit at their request. There was widespread concern about the role of the civil service in the Brexit negotiations.

Our constitutional theory is clear. Ministers decide, civil servants advise. Civil servants can warn and restrain Ministers to make sure Ministers obey the law and operate within their powers, but they are not there to write Manifestos or to decide the direction of travel. Many individual civil servants may have voted Remain, but they must all be Brexiteers now in their professional lives, as they are working for a people who have decided to leave and a government which is seeking to do so. Ministers are meant to lead, identifying the issues government needs to address and recommending solutions and decisions which they think will improve things as people and Parliament wish. Ministers are entirely responsible for keeping Parliament onside and getting the necessary Parliamentary consents, and should conduct the public dialogue about government policy and performance.

It does appear that the Cabinet Secretary Jeremy Heyward, and the Chief Official negotiator Mr Robbins have considerable influence. I happen to disagree with the advice that the UK needs to keep on offering concessions, and needs a long additional Transition period following on from the 2 years 9 months wait to get out which should be the transition period. Many Eurosceptic MPs offer different advice. We advise against a Transition period, especially before we know what we might be in transit do. We advise against offering money and other concessions, as the UK is a very generous partner even without such offers. A free trade Agreement is clearly good news for the rest of the EU and will happen unless they wish to self harm. If they wish to do that no amount of concession might change their mind.

The fact is the Prime Minister is in charge. She decides which advice she likes best, and she decides who her advisers will be. She has chosen Mr Robbins to lead many of the talks with the EU, and we must assume he keeps her fully informed. Those of us who wish to see the UK now withdraw some of its very generous offer if the EU does not start to offer us a worthwhile future deal need to ensure the Prime Minister herself is aware of this view. She probably did learn on her recent whistle stop tour of the UK that many people do now just want to get on with it. Many of us do not share Whitehall's worries about what might go wrong if we do not end up replicating the EU in all but name.

It is true that the Treasury officials produced some very poor work ahead of the Referendum, where they were clearly under political instruction to do so by the Chancellor. They would be well advised to redeem themselves by producing some more realistically optimistic work now they are under a government which says it is pro Brexit. The whole civil service needs to ensure all is ready to leave on March 29 2019, and should help Ministers

speed up the necessary work on new fishing, farming, borders and spending policies for the UK. This surely is a very exciting prospect for those interested in the work of government. After years of having to conform, from March 2019 – unless we sign it away again – we will be free to do as we wish. We do not need any more mapping of Project Fear. We need some practical answers to a series of detailed matters, all of which can be resolved. Ministers should enthusiastically lead their officials in getting on with this task. Ministers should send back for changes any document which just repeats the endless false rumours of the Project Fear campaign which we have heard all too often and are one by one being proved wrong.