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The Home Office under Theresa May

UK in a Changing Europe (UKICE): Between 2013 and 2017, you were Permanent Secretary at the Home Office, working first of all for Theresa May. What thinking was going on in the Home Office at that time about the possibility of a referendum, following the Bloomberg speech and the concerns you had about missing the migration target? That was a big political commitment, which free movement was making impossible to deliver.

Mark Sedwill (MS): I think that, after the Bloomberg speech, everyone recognised that a referendum was going to come at some point. We didn't anticipate that in advance, but all of the pressure had been heading in that direction, so it didn't come as a huge surprise.

In terms of the net migration figures, the Government had been committed to this net migration target of tens of thousands. I think everyone interpreted that as meaning 99,999 or less – but, of course, it was missed by a factor of 2 or more, pretty much every year.

That was, as I recall, split pretty much 50-50 between EU and non-EU immigration. Then within that, the mix was really quite different. We had a mixture of people coming to work, but then, of course, there's chain migration, family reunion type migration as well. I think, in the Home Office, Ministers

were really focused on controlling things they could control – which was non-EU immigration. But those numbers remained high.

That was partly pull and partly push; partly demand for people with certain skills, family reunion, migration, but still a demand in the economy for non-EU immigration. Of all skills levels, to be honest, not just high skilled, notwithstanding the fact that was the Government's policy. EU migration included quite short-term but consistent labour, so the Polish plumber, agricultural workers, etcetera. There were clearly certain sectors that couldn't manage without it.

I think the Home Office's big concern during that phase was really to demonstrate that if they had the same powers over EU immigration that they had over non-EU immigration, that they would be able to hit that target. Of course, that was proving extremely challenging because they couldn't hit the target, really, for non-EU immigration either.

UKICE: Did you have any conversations about the prospect of a referendum with the Home Secretary? I think during the campaign she made a speech about some security aspects. Did that loom large in your thinking?

MS: She made quite a high-profile speech where she talked about the ECHR during the campaign and actually set out quite an unusual case, which was being in favour of remaining within the EU but critical of the moving target of jurisprudence from the ECHR, which had caused her significant difficulties in several areas as Home Secretary. That was quite a different take on the whole Brexit question – and, of course, she was campaigning for Remain.

UKICE: When the referendum result came in, were you surprised?

MS: Yes. I think, like most people, I had thought it was going to be close. I was, and I think most people in the Home Office were, sceptical of the deal secured by David Cameron in February 2016. We'd felt that we could have achieved more on immigration than emergency brakes and so on.

We believed we could have secured a tighter definition of 'free movement of labour' that would have essentially meant that people could only come if they had a job, rather than just coming and looking for work. Which would have had

a significant effect, but wasn't secured.

I think there was a general sense in the Home Office, as the immigration issue became more and more central to the campaign, that the Government was vulnerable on it, but I can't claim that I saw that it was going to go the way it did. A bit like the 2014 referendum, I thought in the end it would be quite close but that it would probably go for the status quo. I think most people did.

What was striking about the Home Office at that time was, probably more than any other government department, there were an awful lot of Brexit supporters in the Home Office. It was a caricature to say that the Civil Service is irredeemably Remain. It wasn't, and definitely the Home Office wasn't.

The day after the result, I remember going into the office very early in the morning. I woke up and saw the result, having, I think, just before I went to bed, heard Nigel Farage essentially say that it looked like it was going the other way,

UKICE: I think you must have gone to bed earlier than anyone else that night.

MS: Yes, I didn't stay up for it, because I knew it was going to be a very long day, either way, so I went to bed, got up about five, and saw that it had gone for Leave.

What was striking about that day, really, were two things. It's the day I think I completely fell in love with the Home Office as an institution. One was there were as many people figuratively popping the champagne corks – not literally – as there were people in shock and tearful. That was very striking: that there were as many smiles as upset. That was, I think, unusual around Whitehall.

Second, once we got out and about – I got my board to get out and so on, and be talking to the staff and just saying, 'Look, we're just going to work our way through, work out what this means' – the Home Office was so used to crises it rocked back on his heels and thought, 'Crikey, didn't see that coming'. Then you just felt the whole institution come back forwards again, almost by lunchtime.

It was like, 'Okay, come on, boss. What's the plan?' They just wanted to

know. Very, very striking when the rest of Whitehall was essentially just still in shock. The Home Office was saying, 'We're still here. What's the plan?'

The other thing was we had prepared. We knew that, for a lot of people on overnight flights, the first person that they would encounter would be a Border Force officer at the border. So, although we were told, 'You can't put any messages out, because we don't know what the result is going to be', all the rest of it, we had a little narrative ready to go, whichever way the referendum went, for those Border Force officers. Because people were confused – some people were worried that they going to be turned around that morning if it went for Leave. Were the border procedures going to be the same?

We had actually done quite a lot of preparation, quietly, for Leave. Even though there was a broader prohibition on policy preparation for Leave, we decided – well, I decided – that we needed at least operational preparation for a Leave vote.

UKICE: You mentioned David Cameron resigning. Obviously, one of the consequences was that the Home Secretary decided to run for leader. At the same time, you lose your second Permanent Secretary, as Olly Robbins is taken by Jeremy Heywood to run the newly created Europe Unit under Oliver Letwin.

How did that affect you? Were you surprised at Theresa May going for Prime Minister? Were you surprised that Olly Robbins, who hadn't been with you for very long, was put in charge of the Europe Unit?

MS: No. Jeremy (Heywood) and I had discussed it, as Cabinet Secretaries sometimes do. I ended up at the Home Office, because of conversations like that with Jeremy. And, indeed, that was how I ended up stepping in for him several years later. He essentially said, 'Look, if this goes the way for Leave, I'm going to need Olly. I just need you to help me, and I need you to help me persuade the Home Secretary that that's the right answer', because as you say, he hadn't been there long.

He'd been an incredibly able guy. She'd started to rely upon him, having not really known him beforehand, to run that area of policy, and of course, therefore, wasn't keen to see somebody of that ability move on quite so fast.

So, yes, Jeremy, essentially, said, 'I need you to not be difficult about it. By the way, I need you to help me persuade the Home Secretary that this is the right answer'. It clearly was the right answer. Olly was what Jeremy felt he needed. In the end, if that's what the boss says, that's what the boss says.

UKICE: What was the effect at the Home Office of having a Home Secretary who was then spending the next few weeks campaigning to be leader rather than focusing on the result? Did it matter?

MS: She, as you know, is a pretty assiduous minister and so there was no real sense in which the work of the Home Office was disrupted by it. I think that around the Home Office, although civil servants are politically neutral, everyone wants to have a Secretary of State who's seen as a heavyweight operator. So, I think there was almost a sense of pride that a longstanding Home Secretary was giving it a shot.

The Home Office under Amber Rudd

UK in a Changing Europe (UKICE): When Theresa May becomes Prime Minister, you have Amber Rudd as your new Home Secretary. In the period until you became National Security Advisor in April 2017, how preoccupying was getting ready for Brexit in the Home Office?

Mark Sedwill (MS): Yes. I think there were two areas in particular. One was, of course, that the nature of the Brexit deal was still completely up for grabs, really. It was the first few months of the Theresa May administration and so one of the things that we were wrestling with was the UK's position on immigration, free movement, and so on.

Essentially, there was a strong view, particularly among the Brexit wing of the Government, that we should have a single system that did not differentiate the EU from the rest of the world, but we'd have a sliding scale. You wouldn't treat Germany like a high-risk African country, for example, but there was a strong view – and of course, in the end, that is where we ended up – that you should treat immigration from Germany, immigration from Australia, or the United States or Canada, pretty much the same.

That was one position and was probably where the centre of gravity of the

Government as a whole was. But, there was also a question of whether in the negotiations we were going to have to continue, as the EU were pressing very hard for, with some kind of preferential access for EU citizens. That wasn't just a question of a transitional period, it was for the permanent arrangement. So do you have a single system or a two-tier system? So, we had to work up both of those policy options through that period.

Of course, one is conscious of working up policy options for the Government and the Brexit negotiations, while also loyally supporting our Secretary of State in her view – knowing that this was a highly contested area of policy right at the heart of the Government's primary policy agenda.

UKICE: One of the things that did strike through that period was that if Brexit meant anything – it was obviously the period when the Prime Minister was saying, 'Brexit means Brexit' and starting to lay out some red lines – it was the end of free movement as we'd known it. Do you think that's right?

MS: Yes, I think that was clear. People will rewrite exactly what was said during the referendum campaign and what was said immediately afterwards, but it was money, borders, laws. Borders were, of course, the part that was central to the Home Office and so I think what was clear was that the legal basis of free movement would end. We would no longer have free movement in the way defined under the European treaties.

That seemed to be pretty clearly where the Government's centre of gravity was, although not every member of the Cabinet agreed with that, but what would that mean in practice? Could you have a system with tiers, essentially, or categories, where Category A would look very much like free movement? Would it essentially mean almost unimpeded, visa-free access, and very easy, light-touch arrangements for people to come to work? Was that preferential for the EU or more broadly applied to the lowest-risk category countries across the board, down to something much more restrictive, which would essentially say, 'For countries where we don't have good criminal records exchanges, then migration is extremely restricted'?

We looked at a range of models of that kind, so I think, in a sense, there were two arguments going on again. One was, was the legal basis going to change? Of course, the EU were pushing very hard for a separate legal basis for EU

free movement, whereas the centre of gravity within the Government was there would be a single legal basis.

That was where the Prime Minister was, but then the second question was, irrespective of the legal basis, how liberal is the most liberal end of that scale? That again was where there were a range of views in Cabinet, but probably the majority – including the current Prime Minister, of course – was towards the more liberal end, as long as the principle that it was a sovereign decision, a single legal basis, was established.

Becoming National Security Advisor

UK in a Changing Europe (UKICE): In April 2017, you move over to be Theresa May's National Security Advisor (NSA). In the period that you were NSA, before you became Acting Cabinet Secretary in the middle of the following year, were you very involved in the Brexit negotiations? Did you find that Brexit was competing for bandwidth with wider national security issues?

Mark Sedwill (MS): No and no. I wasn't involved, somewhat to my relief. Essentially, it didn't really compete it out, but because of the bandwidth that she had to devote to Brexit she trusted me to get on with the rest of it, and keep an eye on it, and then bring things to her when I needed to, The National Security Council still met weekly, just about, even though every now and again it was crowded out by a Brexit meeting.

We imposed quite a lot of structure on that. We had the capability review, the 'fusion doctrine' and all that stuff.

I travelled a lot during that period. One of the things I really missed when I became Cabinet Secretary was that I didn't travel as much. I went to China, I think four or five times in my first year. I went to the States three or four times. I went to Japan, Korea, the Middle East. So, really, I was getting on with the wider agenda. Brexit really impinged most in terms of, essentially, explaining to people that we weren't totally preoccupied with Brexit, that actually we were still involved in Iran, North Korea, whatever it might be.

UKICE: There were some hints at this time that the UK was tempted, maybe, to use security co-operation with the EU as a bit of a bargaining chip in the

negotiations. I wondered whether you focused at all in the NSC about what the future security co-operation arrangements might look like.

MS: Yes, that did. That, sort of, floated around. It was never really a serious policy option within government. But I think a point I would make to European counterparts was essentially the reverse of that: that we had no intention of having some kind of trade-off between security co-operation where the UK is a quite a significant net contributor to the security of the continent, whether through NATO, EU, Domestic Security Cooperation, JHA type issues, and we weren't – we absolutely were not – going to put that on the table and say, 'More or less of this against trade' in the economic agreement.

But there was a more subtle point, where the linkage was important. I would make the point, that, if the trade or economic negotiations become really difficult and contentious, that will inevitably sour the political atmosphere within which security co-operation happens.

There were certain elements where, of course, there was a read across, so data adequacy, data exchange and so on. These kinds of cross-cutting issues would inevitably affect both.

UKICE: Did you, in the NSC, pay much attention to the potential consequences of Northern Ireland that started to loom much larger in the exit negotiations, with the risks around the re-emergence of a hard border, which the Prime Minister had ruled out in her Lancaster House speech?

MS: Not that I recall within the formal mechanisms of the NSC, but that was one of the issues where the security community, including me, became more intimately involved in the Brexit negotiations.

I'm told I was the first serving National Security Advisor to actually go to Northern Ireland. My first deputy, Paddy McGuinness, had been a lot, but I think I was the first to do it. Not just to do a, kind of, breeze in, breeze out, but to really spend time there, build relationships with the PSNI and the civil servants – and, indeed, some of the parties and local politicians on the ground – because I felt it was really important that I did so.

I also, again, put quite a lot of effort into my relationships in Dublin, which I

then was able to draw on when I became Cabinet Secretary. I guess just the fact I invested considerably more of my own time in it than my predecessors had is a sign that it was affecting the national security agenda. But that was less taking Northern Ireland into the NSC and more taking the national security, or those elements of the national security community concerned with an expert on Northern Ireland, into Brexit. It was more that way round: us contributing to their process, rather than them contributing to ours.

Cabinet Secretary in the May Administration

UK in a Changing Europe (UKICE): You were mentioning your transition to become Cabinet Secretary. You became Acting Cabinet Secretary in July 2018 when Jeremy Heywood took medical leave, and then took over fully around the time of his death in late autumn 2018. How difficult was it to step in with Brexit going on? Was it challenging to take over midway through some quite fraught withdrawal negotiations?

Mark Sedwill (MS): Almost difficult to describe, really. First, I'd known that it was likely he was going to have to take some medical leave for about two months and that I was essentially going to be required to step up as Acting Cabinet Secretary if he did.

Our strong belief – certainly mine and his at the time – was that he would be back. Therefore, it was a temporary arrangement and so I was really conscious that it wasn't right for me to be 'Sedwill as Cabinet Secretary'. I still had to try and run the 'Heywood as Cabinet Secretary' machine, if you like, rather than taking my own approach to it.

Of course, that was challenging in itself because our experiences are so different. I was also clear, at least during the acting period, that it did not make sense to hand over the national security job. Not least because, as I say, I was hopeful that he'd be back within a few months.

I'd started to get myself into it a bit, I suppose, for a few weeks beforehand. Basically I took over just before Chequers, I think about 10 days before. So what I focused on was supporting Olly in, essentially, running the Brexit policy.

He had a really close relationship with Theresa May, Gavin Barwell and the

core team, so I left him to run the policy. I made my own kind of contribution, and advice and so on when I could, but very much left him in the primary position on the policy side and focused my attention on the constitutional and political elements of supporting the Prime Minister in managing a very divided Cabinet, a divided government, and a divided Parliament.

Then over the months, of course, as I became more involved – and it was pretty seamless, in a way, although Jeremy formally stepped down in October and, as you say, died very shortly afterwards, about three weeks later – it had become apparent that he probably wasn't going to be back. Or at least wasn't going to be back for a long time and that, even if he did, he'd be part-time for a while, and we'd have to share things and so on.

So, gradually, over the summer and into that period, I became more involved on the policy side, and more privately vocal on some of the policy issues and chipped my own views in. But to begin with, it was very much managing the Government process. I saw I could add some value, and bring the authority and relationships I had, as National Security Advisor, to that.

I didn't really want to do it, but, as one colleague said to me, 'You're the only civil servant who is already on first-name terms with the Cabinet and whom they will treat that way, so it has to be you'.

UKICE: What was it like, your baptism of fire at the Chequers meeting? Did you think it went quite well, or were you surprised at the resignations? Or were you surprised there were so few resignations as a result of that?

MS: We definitely had some plans in place for a range of outcomes on that issue, because it was clear that this was an absolutely pivotal moment and that the divisions in government were really deep. Therefore, like any Cabinet Secretary would, I'd spoken to the Prime Minister about how to handle the day.

She knew that every member of the Cabinet would want to speak on this, so she was thinking very hard about which order to bring them in and so on. We thought hard about the process around the day, to try and make it as collegiate as we possibly could, whilst creating opportunities for Cabinet ministers to really air their views, to interrogate.

We had a seminar session, as I recall, in the morning, which was much more interrogative and where it was just a case of giving people the opportunity to really make sure they understood what the propositions were. They could test them, and understand the implications and so on.

Then, in the afternoon, we went into formal Cabinet around the table, which was essentially the policy discussion with very few officials in the room. I remember it was really hot in the upper gallery at Chequers, and there's no air conditioning there.

Clearly, there was a possibility – some of the more lurid stories are not true about taxis and stuff, but clearly there was possibility – that there'd be resignations. That would have been widely canvassed in the press and so we were prepared for how to handle that.

I think in the end it wasn't surprising the way it turned out. I was obviously in touch with people like Philip Rycroft and so on, who was the DExEU Perm Sec at the time. I get on very well with David Davis, and always have, and I think, to his credit, he wanted to think really carefully about his next move after the Chequers meeting.

I think he felt that, since the outcome for the policy for which he was essentially the primary ministerial representative, and for which he had responsibility, hadn't can come out where he was, he felt in all integrity he couldn't continue.

I think I was asked about that afterwards. I said, 'This was a classic, honourable resignation on a matter of principle'. He just disagreed with the Government's policy, and it was a policy for which he was directly responsible.

UKICE: Was the Foreign Secretary's resignation more of a surprise?

MS: I think not particularly. Partly because, again, there was so much speculation around it. I think we felt that once David Davis went, it was unlikely that he would be the only one to go.

UKICE: You got the Cabinet behind Chequers. You said there was 'A division of labour' with Olly Robbins, where Olly Robbins was doing Europe and you were, in a sense, thinking about the political fallout.

Did you anticipate at that stage the extent to which this was going to cause the Prime Minister difficulties in her party and in Parliament, or did you think we'd found the way through that was going to pave the way to a withdrawal agreement and successful long-term relationship?

MS: I thought it was possible that we'd found a way through. However it was clear that the Chequers proposition was going to be really hard to negotiate, because it required big compromises on the EU side, as well as on the British side. It seemed that, if it could hold, then there was a reasonable chance of it going through, but, of course, the DUP's position made that much harder.

I listened to the politicians. Particularly on the Conservative party politics of this, I just thought, 'Let's see what Dominic Raab, and Jeremy Hunt, and David Davis – both in and outside government – are saying about this and about where they think the numbers are in Parliament on this'.

I think the thing that probably was more unexpected was the degree to which, on both sides of the argument – certainly both hard-end ends of the argument – the coalitions in Parliament were no longer party coalitions. It was much more cross-cutting. I hadn't quite expected the degree to which MPs were willing to use some fairly, shall we say, innovative approaches to parliamentary procedure in order to try and pursue their goals. I thought it was part of where, as Cabinet Secretary, I needed to add some value and I was really making sure we were across what the constitutional positions were.

UKICE: How difficult was it to manage Cabinet government with what appeared to be, to those of us outside, a complete breakdown of norms around collective responsibility, and massive numbers of leaks, which I know you were very concerned about during that period as Theresa May's deal runs into that parliamentary stalemate? Did government more or less seize up, or was it business as usual?

MS: No, it didn't. I think this is almost one of the paradoxes: oddly, on Brexit, in a sense, Cabinet government worked, in that there was an explicit understanding that the Cabinet was balanced between ex-Remainers and ex-Brexiteers, and that they were trying to find a way through a deal that they could all get behind.

After Chequers, there was a clear sense that, while there'd been a lot of latitude for people, publicly, to say what they thought the Government's position should be, that should then be the Government's position. There was an expectation, therefore, that collective responsibility on that should be restored. If ministers couldn't live with it, then they had to go. Of course, we saw several resignations thereafter as the negotiations proceeded.

Because everyone knew how hard Brexit was, and we had these very long, marathon Cabinets every time the Brexit negotiations were discussed, where every single Cabinet minister would speak – and they would run on for three, sometimes four, five, or more hours – there was almost a determination on the part of everyone either side of that argument, to make the rest of Cabinet government work.

So, Cabinets that weren't about Brexit were actually quite normal and quite harmonious because there was, I think, a desire to show government governing in other areas. Of course, there were leaks, and there were particular issues and so on. But oddly, I think, the disciplines applied better, in a way, elsewhere.

UKICE: With Theresa May's Withdrawal Agreement having difficulties in Parliament, how concerned were you about the state of no deal planning in Whitehall? That was nominally being run out of the Department for Exiting the EU, but did you think that it was a realistic prospect? Did you think that the UK government was ready for no deal in that period, the first quarter of 2019?

MS: Yes, I thought it was a realistic prospect. I thought it was important that we prepared for it, partly in case it happened, and partly to strengthen our hand in the negotiation to demonstrate that no deal was something that we had prepared for. I don't think we were as prepared as we should have been at that point.

Certainly, one of the first things I did when I realised I was going to be Cabinet Secretary was really lean hard into no deal preparations. I think that arose, probably, more from my background, having run the Home Office, than anything else. I looked at the preparations and felt, 'Okay, this doesn't feel as operationalised as it needs to be'.

Of course, part of that reflected the political debate and the degree to which resources were allocated to it. There was a bit of a pattern of ministries allocating more, or less, resource to no deal planning, depending upon the political position of their Secretary of State at that time. But I felt that we needed a much more focused, energetic, better-organised set of no deal plans, so essentially set up new cross-government structures.

EU(XTP)O, I think we called it, was basically was the predecessor of the committee that then, under Michael Gove when Boris Johnson became Prime Minister, was raised up to the ministerial level. But, essentially, I created a no-deal planning mechanism, run out of COBR(A), that was really the precursor of that, in order to get us into the best possible shape

UKICE: Were you expanding to fill a gap that ministers had left there?

MS: I don't know whether it was about ministers particularly. I just think it hadn't been part of where the Government had got to in the EU negotiations. It was pretty clear to me, again having run a big operational department, that you do contingency planning, and we hadn't.

We weren't in the shape we needed to be at that stage. So, I spoke to the Prime Minister about it and said, 'This is something I think I can really do. It's fundamentally an operational matter'. The Government's political position was that we should prepare for no deal, but the implementation of that political position was uneven, so I felt that was my job.

UKICE: During this period, there were quite a lot of attacks on the Civil Service from Brexit supporters, a bit of rubbishing of government analysis which had been published, and quite personal attacks on Olly Robbins.

How difficult was that for you in your role as head of the Civil Service? Were you slightly frustrated, perhaps, that the Prime Minister wasn't stepping up to defend someone she regarded as her Chief Europe advisor?

MS: I think, given how polarised the debate was – and I've talked about this before in parliamentary committees – it was inevitable that institutions that hitherto were just accepted as being neutral would be coming to the crosshairs.

I thought the worst moment was when the senior judges were described as 'enemies of the people', because they ruled in a particular way on a Brexit judicial review. So, I think it would have been naïve to think that the Civil Service could escape entirely from that, because with issues of national identity, whether the 2014 or the 2016 referendums, the protagonists on both sides find it very hard to believe that any institution can be neutral and follow the policy that way.

Of course, it's sometimes also politically convenient to suggest, somehow or other, there's an establishment conspiracy designed to frustrate the will of the people. That's a politically useful narrative sometimes, and Brexit isn't the first time we heard that, but it was really acute during that phase. I wrote that autumn to The Times, I think it was – the classic mechanism for putting something onto the record in that way. I spoke about it in parliamentary committees and essentially said, 'This isn't on. It has got to stop. We're implementing the policy of the Government. It's not fair'.

I think it's a fine judgement. Definitely, some people would have preferred to have seen a more prominent defence of the Civil Service by ministers. Actually ministers did, to be fair to them. In many cases, the more responsible backbenchers – including those on the Brexit side of the argument, who were obviously critical of the Government's negotiating position – were supportive of the Civil Service.

But I think, given how polarised the political debate was, if they'd gone too hard in defending Olly in particular, and the Civil Service more broadly, it could actually have had a counterproductive effect in that it could have convinced people that we really were all just working for a particular policy view, as opposed to working for the Government of the day.

UKICE: Theresa May announced she was standing down. I don't know whether you thought that was inevitable that she'd run out of road by then, but how were those last few months as the Prime Minister tried to do her deal a final time, get Labour on board, and finally was leaving Downing Street? It must have been quite a difficult time for you, as her Cabinet Secretary, who knew her really well from all the time you'd worked together.

MS: Yes, but in the end it's fundamentally a professional relationship.

Therefore, my job was to make sure of the transition, that we supported her right up until the end. There's only one Prime Minister at a time. You support them wholeheartedly, right up until the moment they're no longer Prime Minister, but also the machine is ready to support her successor.

During the Conservative leadership election campaign, when it got down to the last two, we had a rough equivalent of access talks you would have with the Opposition during an election campaign, so that we were ready to support either Boris Johnson or Jeremy Hunt as Prime Minister from the off.

You just get on with it, really. It was obviously very hard for the political team because it's a much bigger change for them. For the Civil Service, it was not unlike seeing a government coming towards the end as you're running towards an election.

Cabinet Secretary in the Johnson Administration

UK in a Changing Europe (UKICE): You've got the Johnson Government coming in and, really quite soon after it has taken over, taking some slightly unusual constitutional positions: first the prorogation move, then Benn-Burt Act passing and then the Prime Minister saying he's not going to observe it. You've also got the 'Get Ready for Brexit' campaign saying, 'The UK will definitely be leaving on 31 October', which I think raised some eyebrows as, perhaps, that was not as dead cert as that campaign suggested.

How difficult was that for you, as Head of the Civil Service and Cabinet Secretary, in working with a government that was, you might say, prepared to take quite extraordinary measures to get Brexit done?

Mark Sedwill (MS): Of course, the legal position at the time was that we were leaving on 31 October, unless something happened, so in that sense it was absolutely correct until the Benn Act went through. Then, of course, you had all of the constitutional stuff.

I was concerned with a couple of things. One was, again, back to the point I made earlier, the degree to which longstanding conventions, particularly in the House of Commons, could no longer be counted on to endure in these circumstances.

I remember having a discussion with the Attorney General when we talked about the constitution being a mix of law and convention. Essentially, his job was to think about the law – the constitutional law – and my job was to think about the constitutional conventions. I sense that's a caricature, but, like all caricatures, there's something to it.

I was really conscious of the constitutional conventions around Parliament – around even, potentially, the role of the sovereign, the prorogation and all the rest of it – and this whole question about the Fixed-term Parliament Act, which of course is silent on exactly what happens in the two week period after a no confidence vote. I was really conscious of how challenging applying some of the conventions to new circumstances was likely to prove, should those scenarios arise.

That was probably the thing I was most conscious of and spent time talking to the constitutional experts, the Peter Hennessys, and Vernon Bodganors, former Cabinet Secretaries, and people of that kind, just to really make sure that my own thinking was clear.

UKICE: Michael Gove took over the no deal planning. Was there new impetus to all of that in that period?

MS: Yes, absolutely.

UKICE: That was a realistic prospect this time?

MS: Yes. I think, essentially, it was more likely because it was clear that the Government – this government – was united behind a no deal exit being better than a further postponement. Obviously, in the end there was a postponement, but it was out of their control.

If you really want to drive a programme of that scale and ambition through Whitehall, you can't do it unless there's a really senior minister at the helm. So, seeing Michael Gove take that on, and there being a real ministerial drive and political drive to do it, was in many ways a relief because we'd almost been trying to do it without that, because the political level had been divided on it before.

UKICE: Did you have any thoughts about the deal that the Prime Minister finally did sign up to when he came back with his Withdrawal Agreement after the summit?

MS: Lots, obviously, because I advised him. But, as you know, Cabinet Secretaries and Prime Ministers have a code of omertà. I will always stick to that.

UKICE: I don't know whether you had planned for a general election sometime in 2019, and whether you were thinking about that. One of the immediate acts after the 2019 general election was the decision to abolish the Department for Exiting the European Union, which seemed to come about incredibly quickly. Were you concerned about the staff morale aspects of that decision?

MS: Machinery of government always – particularly if departments are abolished or merged – obviously involves big transitional issues, including staff morale and so on. The Department for International Development-Foreign Office merger was probably, actually, more challenging in that sense.

I think with DExEU it was clear, whether you were in favour of setting it up in the first place – and, of course, you'll recall there were different views on that, shall we say – it was clear that at some point the mission would be accomplished, the project had come to an end, and DExEU's work would be done.

Politically, I think it was pretty clear that having a Department for Exiting the European Union after we'd exited wasn't going to make sense. Therefore, the question was whether there needed to be a separate department for our new relationship with the EU, or should it be mainstreamed?

We looked at all the options, as one does. I probably signed off some advice to the Prime Minister, saying, 'Options A, B, C,' in the usual way. So, in a sense, I was involved in all of that, in the way that Cabinet Secretaries always are with machinery of government.

I think most people in DExEU knew that it would be coming to an end at some point. Many of them had extended their periods in DExEU beyond their initial

secondments because, of course, in most cases they were seconded there from other departments.

Many of them needed a break because, of course, this had gone on longer than they had expected. No deal planning was exhausting. So, there were some people who were clearly worried about their own position, worried about the future, but probably in the majority of cases the personal plans and the departmental plans actually weren't that far out of sync.

I think, obviously, for someone like Clare (Moriarty), who was running the department at that stage, it was acutely challenging because she had to wind up a going concern. At the very top level, of course, there aren't that many chairs when the music stops.

So, it's more difficult at that level. But I think most people within the department had been thinking about what their next moves were anyway. General elections, Brexit in itself, are natural times when you expect people to rotate on.

UKICE: In terms of the model of running the Brexit negotiations, was it easier to work with the Brexit negotiations being run by someone like Lord Frost as opposed to the model of Olly Robbins? Did that mean you could, basically, step back, not have to be so involved in Brexit, because you knew it was in hands that the Prime Minister trusted?

MS: Both David Frost and Olly Robbins were obviously different – different status and all the rest of it – but they both had a trusted relationship with the Prime Minister. In the end, fundamentally, I think people have often wrongly personalised this around Olly and David. This is the most important thing any government has done in a very long period. Therefore, it's about the Prime Minister.

People sometimes talk about it as Olly's Brexit negotiations, it wasn't. It was Theresa May's. It wasn't David's. It was Boris Johnson's. In the end, they take the big decisions. The real crunch moments have to be done at leader level, whether between Theresa and Jean-Claude Juncker, or as we're now seeing between Boris and Ursula von der Leyen, and (Angela) Merkel, and (Emmanuel) Macron and all of the others.

In the end, the structures didn't make that much difference, I don't think, to the substance of it. There are some procedural differences, but you just have to adapt to those.

UKICE: Clearly the bit you didn't anticipate when you were looking ahead into 2020 was having to simultaneously run the Brexit negotiations, support preparations for a very different relationship with the EU by the end of the year, and manage a pandemic.

How difficult was the conjunction of those things? Did you at any point think, 'Actually, we need to ask for that extension', or was that just politically impossible?

MS: It was pretty clear to me that the Government was committed to sticking with the 31 January deadline.

Of course, that came before Covid, let's not forget, or certainly before the Covid crisis really gained momentum, and so the two interacted less at the time than might seem the case with hindsight. Of course, it was then about implementation, really, so that was less of an issue.

UKICE: I was wondering about the middle-of-the-year extension, when you could have taken a year extra for the negotiations and preparation.

MS: I think the basis on which the Prime Minister had run his election campaign was clear. As you know in government, you don't really have a large debate around manifesto commitments of that prominence, and it was the central manifesto commitment. The whole campaign was 'Get Brexit Done', so I don't recall there being much conversation about it.

There were some questions, but more outside government than in, later on in the spring, when we were in the first lockdown at its peak, about whether the 31 December deadline – as in 2020 deadline – should be extended for the final part of the transition period. But the political steer was so strong; it was just a political matter, really.

UKICE: Did you have the staff that you needed? You were talking about how exhausted people were at the end of 2019, by repeatedly being marched up

the hill of no-deal, and down again, and getting everything done. You've simultaneously got to have people working on Brexit and people working on the pandemic. Did you feel that you had the resources and the energy in government to do all of that?

MS: I think it's a tribute to the stamina of people in government that I think we did. A lot of the no deal planning and the really detailed contingency planning stood us in pretty good stead for the operational elements of switching people onto Covid. We had people who we had trained in crisis management, and contingency planning and so on, who knew how to run those things. Therefore, civil contingency secretaries were able to stand up again.

I think people underestimated the degree to which the Civil Service, in particular, had not had a break over several intense years, really since the referendum. I do remember joking with the current Prime Minister that he'd taken a year off, but I hadn't. I don't think that's breaching the Cab Sec-Prime Minister code of omertà. The Civil Service had been running hot for a long time. But, in a sense, that also meant that people were capable of dealing with the pressure of Covid, because they dealt with the pressure of no-deal.

UKICE: How difficult was it that a lot of this appeared to be playing out against the backdrop of what we might describe as, or appeared to the outside to be, deteriorating relationships between ministers and some of their top civil servants? We had briefings against you, Philip Rutnam's departure, briefings against Simon McDonald who moved on, and Tom Scholar. Did that make things much more difficult?

MS: It definitely made it harder. I don't think those briefings were really coming from ministers, to be honest. Not that I could perceive, mostly. There'll be different circumstances for different examples, of course, but mostly they weren't. I had no sense in which I was being briefed at the Prime Minister's behest or with his consent. Quite the reverse, but, of course, it's harder when you have that kind of thing.

In a sense, my skin was pretty thick. I got a lot of it and woke up every Sunday morning, thinking, 'Okay, what's in the papers about me today?'. I think the three Perm Secs who suddenly found themselves in the crosshairs- I forget which newspaper article, but clearly briefed out- because it hadn't happened

to them before, it came as a bit of a shock to them. There was almost an expectation it went with the territory of being Cabinet Secretary.

UKICE: Can you just give us a reflection on what you think the big lessons are for the Civil Service, and where the Government has gone on Civil Service reform? Looking back over the whole period, what's your verdict on the Civil Service's lessons from Brexit and Covid?

MS: I think if there's one really big lesson, it's that we don't put enough effort, resourcing, and talent into contingency planning. It's really hard to tell governments to do that. They've always got a million priorities, far too many to implement in every manifesto. If you say to them, 'I really want to put some of your best people not onto what you want to achieve, but just in case it all goes horribly wrong for whatever reason', that's a hard thing to do. But I do think, actually, we need to devote more resource to that.

Oliver Letwin has talked a bit about this. There needs to be not just dedicated resource, but real talent doing that, in the way that in the Ministry of Defence you put some of your best thinkers onto nuclear deterrence doctrine or whatever it is, all of which, of course, we hope is complete contingency. I think we need to do more of that.

I think, for the rest, it's all the usual things about public service reform, which is keep modernising, keep digitising, keep bringing in skills, improve the ventilation, all the other things, which would be the subject of a whole separate interview.