

## **Brexit, interest groups and changes to the ‘logic of negotiation’. A research note.**

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### **Abstract**

Did the Brexit lead to a decline in interest group influence in British government? This research note reports on a survey of 268 public affairs professionals and examines whether the ‘bandwidth’ taken up by Brexit diminished the areas of domestic policy that groups might seek to influence and whether groups found it harder to engage with government in the three years up to 2020. The figures indicate that Brexit significantly displaced other domestic issues but that government did not ‘freeze out’ interest groups in the period. Moreover, the evidence points to a growing role for groups post-Brexit.

### **Keywords**

Interest groups, Brexit, policymaking, British government

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Brexit might well have been expected to have had a profound impact on the relationship between government and interest groups in the UK. Brexit took up a large proportion of the time and resources available for policy-making in Whitehall and Westminster and thus consumed much of the ‘bandwidth’ of British government. There was consequently much less other policy for interests to shape. Moreover, many groups themselves were so taken up with Brexit that they could not ‘engage with and properly respond to non-Brexit related policy consultations or initiatives’ (Selby 2019). The issue of Brexit itself appears to be one where interest groups have found it hard to make an impact, amplifying longer-term changes in the Westminster/Whitehall policy-making ‘style’; from a ‘policy style’ based upon the ‘logic of negotiation’ (Jordan and Richardson 1980; Richardson 2018; Richardson and Rittberger 2020) to one where interest groups are increasingly excluded. With Brexit, the style change was, not a simple one of the interest groups being frozen out of significant negotiation, but rather one of the politicians freezing out almost all others. Richardson and Rittberger (2020: 660) argued that ‘[a]n overriding feature of the Brexit saga was the determination of politicians to ignore civil service advice (and advice from the Bank of England), ignore warnings from interest groups, and to regard “expert” as a pejorative term’. The object of this note is to explore these arguments through the results of a survey of public affairs professionals conducted in early 2020.

One might consider these arguments highly plausible and in need of no additional investigation. A cross-party group of MPs supported its view that Brexit had ‘sucked the life’ from British government and led to the neglect of ‘the most urgent challenges facing our country’ by citing a series of major reforms, from financing care for the elderly to knife-crime and transport, that were neglected in favour of Brexit-related issues (Helm and Courea 2018). The Institute for Government (IfG 2020) points out that ‘beyond Brexit, the government’s legislative agenda has been limited’ as legislative output has been routine and humdrum and devoid of ‘big new policy proposals’, albeit only six of the 48 bills passed in the 2017-19 Parliament were about Brexit. In terms of Statutory Instruments (SIs), laws that typically deal with technical aspects of policy and do not require significant parliamentary time, government output appears to have been similarly constrained. Brexit occupied 29 per cent of all SIs in the 2017-19 Parliament. ‘While this figure may seem small, Brexit SIs have tended to be longer than non-Brexit ones, meaning Brexit SIs have made up a higher proportion of the total amount of secondary legislation produced’. Moreover the number of SIs produced in many departments not so directly affected by Brexit declined since 2015 as ‘the high volume of Brexit SIs squeez[ed] out non-Brexit ones’ (IfG 2020).

One piece of evidence that Brexit led to a decline in interest group influence comes from the generally subdued role of groups during the Brexit referendum debate and campaign (Parks 2019). Another comes in the form of James and Quaglia’s (2019) empirical analysis that shows large powerful interests, financial interests in the City of London, were ‘surprisingly unsuccessful in shaping Britain’s Brexit policy’ in part because of the electoral and party-political pressures on the government not to backslide and the government’s deliberate exclusion of traditionally powerful interests from the key decision making arenas.

Yet the evidence is not at all clear. ‘Urgent challenges’ have been missed or ducked by governments pre-Brexit despite promises to address them, from the financing of elderly care to prison reform; and important reforms have been passed after the Brexit referendum including on tax evasion, money laundering and domestic abuse. The volume of legislation after 2016 is not noticeably different from the volume in the period immediately before, indeed there has been a steady decline in Acts of Parliament since 1900 (Loft 2019). Moreover while ‘the

government's limited legislative agenda' during the 2017–19 session might stand 'in contrast to the last two-year parliamentary session, that of 2010–12', the pre-Brexit period in between was widely described, as it was by a Senior Fellow of the Institute for Government, as a 'zombie Parliament', with few great policy ambitions and 'not much legislating to do' (Rutter 2014). Metrics based on secondary legislation are crude and unreliable as their reported numbers reflect changes in the way regulations are made and reported and do not necessarily indicate the amount of policy work going on (see Elliott and Thomas 2017). Moreover, as the IfG (2020) acknowledges, the number of UK SIs increased after the referendum, from 1,243 in 2016 to 1,410 in 2019. A significant portion of SIs in 2018 (113 or 8 per cent) and 2019 (528 or 37 per cent) were certainly connected with leaving the European Union (as indicated by having 'EU Exit' in the title). Nevertheless, these figures also suggest there may well have been a lot of bandwidth left to do many other things, especially in the departments producing fewer Brexit SIs such as the Home Office, the Department for Work and Pensions and the Department for Education (IfG 2020). Moreover, Stewart, Cooper and Shutes (2019: 20) pointed speculatively to the possibility that with 'the absence of direct pressure on social policy departments for quick new ideas, and with Downing Street attention firmly elsewhere, civil servants [might] have had space to develop longer-term solutions to some of the more intractable problems'.

While interest groups were undoubtedly unable to shape the broad contours of Brexit, this is not quite identical with having 'little or no role' (Richardson and Rittberger 2020: 660); interest group influence rarely extends to reversing key electorally-backed pledges of governing parties, rather their role usually is strongest in problem-solving activities once political priorities have been established and in shaping details about how policies based on them have been applied. Brexit involved the realisation of core political goals to which most interest groups were opposed and about which the scope for negotiation was limited (Richardson and Rittberger 2020: 660). Thus the idea that groups might well have been demonstrably unable to shift government from one of its central policy priorities might do little more than illustrate their long-standing position in policy making in the UK rather than indicate a fundamental change in government-group relations.

### **The survey**

Given the shortage of clear direct evidence, the purpose of this research note is to examine the expectations set out in our first paragraph about the impact of Brexit by reporting on a survey of public affairs professionals who have had contact with Whitehall. We sent an online survey to public affairs professionals working for commercial public affairs consultancies and established interest groups<sup>1</sup> in February 2020. The 268 responses received gave us an overall response rate of 18 per cent; this varied substantially between the respondents from consultancies (13 per cent) and established interest groups (32 per cent). The response rate from the established interest groups was within the range observed for interest group

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<sup>1</sup> For the public affairs people for associations we looked through lists (from different places including lists of top charities, organizations responding to consultations) and then searched online for the name(s) of their public affairs people. For the public affairs people in consultancies we used the 'registered Lobbyist' list from the Office of the Registrar of Consultant Lobbyists and then went to the relevant organization in the Public Affairs Board's Register which lists names of 'practitioners', and these people were added to the mailing list (usually guessing email addresses as the organizational style of email addresses is also clear from the register). Many of those on both consultancy and associations lists were likely to be media relations people, it was not always easy to distinguish those working in government relations and we have almost certainly erred heavily on the side of including media relations people where unsure.

questionnaires (between 25 and 45 per cent) found in Marchetti's (2015: 5) survey of the field. It is likely that the low response rate from the consultancies resulted in part from the inclusion in our mailing list of many individuals, such as media and public relations consultants, whose public affairs work did not involve contact with Whitehall. Nevertheless, there are sufficient completed questionnaires to allow us to explore how Brexit affected government-group interaction.

It is worth noting that the two different types of public affairs professionals, labelled here 'consultancy' and 'association' professionals, do appear to have rather different profiles. The 114 association professionals who responded tend to be older (only 28 per cent are 35 or under compared with 64 per cent of the 154 consultancy respondents – all differences significant at  $p < .05$  level using a chi squared test unless otherwise stated), they have longer experience of work involving contact with government than those in consultancies (51 per cent have over 4 years' experience compared with 33 per cent), their contact with government is likely to be more frequent (45 per cent have contact once a week or more frequently compared with 21 per cent among consultancy respondents), and their contact with government tends to be predominantly with civil servants rather than with ministers (64 per cent compared with 33 per cent). Where the differences between the two types of respondents are important we will explicitly say so.

### **Did Brexit occupy bandwidth?**

The degree to which the 'bandwidth' of policy making has been taken up by Brexit involves looking at three dimensions: *displacement*, or the overall degree to which other issues have been squeezed out from policy making; *range*, or the types of decisions, whether they are matters of broad strategy or finer detail, that have been squeezed out and *extent*, the degree to which squeezing out has been experienced in limited policy areas or across all areas.

On *displacement*, we asked respondents directly whether the time and effort devoted to Brexit meant that 'other important policy issues had been given a lower priority in Whitehall than they deserve'. Here the response was strong and unambiguous and broadly consistent across different types of respondent; 86 per cent agreed that other important policy issues had been neglected because of Brexit, with only 4 per cent agreeing that other important issues had not been neglected (another 4 per cent argued that they had been neglected because of things other than Brexit and 6 per cent disagreed with all these propositions). Some of the written comments submitted with the questionnaire emphasised the level of displacement. One argued that the '(understandable) focus on Brexit has meant little progress on other important policy dossiers' and another 'Brexit resulted in near total paralysis of government for three years'. The planning for the three missed Brexit deadlines appeared to have been particularly costly in this respect; when we asked whether the three missed deadlines created extra work for officials in Whitehall, 59 per cent agreed that it had meant 'a lot of extra work', 36 per cent 'some extra work' and only 5 per cent no extra work. As one respondent wrote 'in the weeks and months running up to each (missed) deadline lots of essential but ultimately unnecessary work was done for a "no deal" contingency'.

On the question of *range*, we asked the 86 per cent agreeing that Brexit led to neglecting other issues what types of issues were neglected, whether it was the broad policy decisions or administrative detail, and 24 per cent argued it was 'major strategic policy issues (such as might be expected to feature in primary legislation or major government initiatives)', 5 per cent that it was 'the detail of policy (such as might be expected to feature in statutory instruments, circulars and guidance)' but 68 per cent said it was both strategic and detailed issues that had

been neglected. While the clear majority thought both detail and strategy were neglected, the sum of these results means that under three-quarters agreed that detail had been affected but over nine-tenths that policy had suffered. While Brexit appears to have occupied the upper range of the bandwidth significantly more fully than the lower range, issues other than Brexit generally tended to be squeezed off the broader strategic agenda as well as the everyday policy agenda.

On the *extent* of the bandwidth reduction we did not ask which individual department respondents had contacts with for reasons of practicality (it would have been cumbersome for the survey instrument and we would be unlikely to have enough numbers in many of the dozens of ministries/agencies we would have had to have listed to do any analysis), rather we asked about contacts with groupings of departments<sup>2</sup>. We asked both whether respondents had had *any significant contact* with a department or departments in each of the groupings and in which grouping contained the *single department* with which they tended to have *most contact*. The percentage of respondents believing Brexit meant other important issues were neglected broken down by department grouping is set out in table 1. The first column of table 1 shows that the level of Brexit displacement did not vary strongly across department groupings. One might expect that the EFRA grouping and the Treasury grouping would have been more likely to have experienced displacement than others since they were arguably more taken up with Brexit (these two groupings produced the most statutory instruments connected with Brexit, see IfG 2020) than others. Even when we look at those department groupings with which respondents had most contact (column three of table 1), we find that respondents dealing with the least Brexit-consumed grouping, health and social affairs, were marginally more likely to report other issues being neglected due to Brexit than the other two for which we report the data (the numbers for three of the groupings were too small to calculate figures). The survey evidence suggests that the extent of the displacement offered by Brexit tended to be noticeable across government irrespective of the scale of any likely direct involvement in Brexit preparation. We get a similar result when we break down the range of issues neglected because of Brexit – broadly over 70 per cent of respondents believe it is detail and over 90 per cent believe it is policy that is neglected (with two-thirds saying it is both) irrespective of department grouping. As one respondent wrote ‘[i]t just clogged up the government. Case in point: for years now the Government has been saying it wants to do an education bill and that one of our issues (legislating to enable the shutting down of illegal schools) is top priority for it. But the DfE hasn't done a bill since 2017 and an education bill since 2011. That's because of Brexit’.

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<sup>2</sup> *Treasury grouping*: HM Treasury; Business, Energy & Industrial Strategy; Exiting the European Union; International Trade; UK Export Finance; Competition and Markets Authority; HMRC. *Health & Social Care grouping*: Health & Social Care; Work & Pensions; Education; Digital, Culture, Media & Sport; Health and Safety Executive. *Environment Food & Rural Affairs grouping*: Environment Food & Rural Affairs; Food Standards Agency; Transport; Ministry of Housing, Communities & Local Government; Environment Agency; Forestry Commission. *Home Office grouping*: Home Office; Ministry of Justice; Attorney General's Office; CPS; National Crime Agency. *Non-English offices grouping*: Northern Ireland Office; Offices of the Advocate General for Scotland, the Secretary of State for Scotland or the Secretary of State for Wales; FCO grouping: Foreign & Commonwealth Office; Ministry of Defence; International Development; Cabinet Office.

**Table 1: Perceived displacement by departmental grouping**

	Agree that Brexit displaced other issues			
	<i>contact with</i>		<i>main contact with</i>	
	%	<i>N</i>	%	<i>N</i>
Treasury grouping	86	203	83	56
Health & Social Care grouping	87	163	91	49
EFRA grouping	85	163	89	56
Home Office grouping	90	70	na	2
Non-English departments grouping	78	36	na	3
Foreign Office grouping	82	74	na	6
Other	82	17	90	50*

*\*includes all groupings with under 40 respondents*

What was it about Brexit that tended to take up the bandwidth of government policy making? The period between the referendum and when our questionnaire was sent out in February 2020 was characterised not only by the uncertainty of Brexit but also by a range of related features that might make it difficult for non-Brexit issues to be developed. This was a period when there was, after the 2017 election, no government majority, an increasing political dissensus within the minority governing party (Russell 2020) and, not itself related to Brexit, a period of austerity in which any new policies involving significant public spending might be difficult to develop. Which of these things tended to make it difficult to discuss other things? We asked which of these features of the period ‘generally made it harder or easier to get government to listen to the ideas you have sought to further on behalf of your organization’ between 2017 and 2019.

Very few respondents thought that any of these features of the politics of the time made it easier to get views across to government. A few respondents appeared to have found that, in the words of one of them, ‘Brexit .. opened up some opportunity spaces for small, more or less cost-free policy changes to be made ...[as] the political “big beasts” were distracted, but civil servants working on topics like housing and planning (less influenced by the EU) were still engaged. They could make technical changes which were beneficial to the sector, without the big beasts derailing things’. Yet that did not appear to be the experience of many. A majority thought that each of these features made it harder. The ‘uncertainty over Brexit’ was by far the most likely feature of the environment to make it hard to get ideas taken up by government (81 per cent of respondents) followed by the lack of a government majority (68 per cent), with fewer, but still a majority, believing that dissent within the Tory government and austerity made it harder. When asked which of these were the single most important reason making it harder to get views across, 49 per cent selected Brexit uncertainty, 27 per cent the lack of a government majority, 14 per cent intra-government disagreements and 11 per cent austerity.

### **Were interests frozen out?**

We cannot assume that Brexit was really just a matter of the government’s agenda and that interests were more keen on developing policies unrelated to Brexit that further their own causes. Brexit and Brexit-related matters formed an important part of the agenda of public affairs professionals too. As one respondent wrote, ‘Brexit has been an unwelcome distraction for *all* parties involved in public policy’. Public affairs professionals were likely to argue that

their own workloads were increased by Brexit; 28 per cent stating that it increased ‘a lot’, 45 per cent that it increased ‘a little’ and only 27 per cent said that it was not increased at all. Association professionals were significantly more likely to say ‘a lot’ (40 per cent) than consultancy professionals (20 per cent). A consultancy respondent explained this: ‘While there might be a feeling that Brexit was huge for everyone, not all public affairs consultants, companies or clients were focussed on Brexit and related activity. If working for or with organisations for whom Brexit was not core, or where they had made a decision not to engage on it, it could often prove be a very quiet time!’

The Brexit-related work that involved public affairs professionals tended to be more focussed, unsurprisingly, on the more immediate matters dealing with withdrawing from the EU rather than the post-Brexit future (table 2); thus avoiding the harms arising from leaving the EU and establishing/communicating what the effects of Brexit will be were frequent topics of contact for 38 per cent of respondents, with developing domestic policy (27 per cent) and realising the benefits of leaving the EU (17 per cent) less likely to dominate contact with government. Association respondents seemed to spend more time on Brexit issues than those from consultancies; they were more likely (43 per cent) to report frequent contact on two or more of these topics than the consultants (21 per cent).

**Table 2: Brexit issues discussed frequently (percentages)**

	Issues discussed ...			N
	Frequently	Occasionally	Not at all	
Avoiding harms from leaving EU	38	37	24	262
Establishing/communicating effects of leaving EU	38	35	26	268
Developing post-Brexit policy	27	42	30	264
Securing Brexit benefits	17	42	40	263

Brexit-related issues may have been of importance to many public affairs professionals and the organizations they represent, so our analysis of whether interests were frozen out of government policymaking comes in the form of a broad question asking those who have been in the business for three years or longer noticed a tendency for civil servants to be ‘less likely to engage with’ organizations they represent than they had been before. Only 27 per cent agreed, 40 per cent disagreed and 34 per cent neither agreed nor disagreed. Respondents from associations were significantly less likely to agree (20 per cent) than from consultancies (33 per cent).

Curiously, the perception that civil servants were freezing interests out appeared to be smallest among those contacting the departments that were probably most consumed with Brexit-related work. Only 16 per cent of the 44 respondents dealing most closely with the EFRA grouping and 21 per cent of the 34 respondents dealing mainly with the Treasury grouping (see table 1 and note) were likely to agree that civil servants were less likely to engage with them in the past three years, compared with 39 per cent of the 33 respondents in the Health and Education grouping. The written comments of a couple of respondents suggests why this might, in some cases, be so. One wrote, ‘the issue largely has been that over past three years the government did not know which direction it was going re Brexit, therefore civil servants did not know what to plan for. In many ways this made getting meetings easier as [the] gov’t/civil service was looking to business groups (I run a trade association) for answers/solutions. But at the same

time, the people in the meetings didn't know, and had little influence over, the aims or objectives of government'; another 'Although I think the effects of Brexit will be felt negatively on the industry I work in, interestingly it has been positive in terms of my organisation's profile and relationships with Whitehall. Civil servants have been much more proactive in engaging with us over Brexit issues than they have been previously about our other concerns.'

### **The continuing 'logic of negotiation'?**

While Brexit took up a lot of bandwidth across Whitehall and affected issues of policy detail nearly as much as broader strategic policy issues, one of the conclusions of our 'freezing out' discussion above is that Brexit did not mark as sharp a change in what scholars described as traditional patterns of group consultation: the 'logic of negotiation'. Richardson (2018) argues that Brexit contrasts with the traditional style of negotiating with groups, a conclusion somewhat at odds with our evidence. Yet he also predicts that when the immediate Brexit period is over the logic of negotiation is likely to become reestablished even more strongly than immediately before: 'Britain is about to shift back towards a policy style much nearer to the post-war governance and consensus building end of the policy style spectrum, with an emphasis on "what works" rather than on trying to make bright but untested policy ideas fly' because of the 'sheer administrative necessity for government departments to incorporate interest groups into policy-making' (Richardson 2018: 69).

The results of our survey tend to endorse this latter proposition. Much of our evidence suggests that whatever disruption the Brexit process introduced into the policy-making system in general, and relations between government and interest groups in particular, it was predominantly a problem associated with the political project rather than a systemic change in the way negotiation operates. When we asked public affairs professionals whether civil servants and ministers spent too much or too little time on Brexit, 52 per cent believed civil servants spent as much time as the issue deserved ('the right amount of time'); politicians somewhat below that at 32 per cent. Ministers were slightly more likely to be regarded as unduly occupied with Brexit (38 per cent) than civil servants (26 per cent) or to have spent too little time on it (30 per cent compared with 22 per cent). The general sympathy for civil servants put in a difficult position because of their political masters runs through the written comments we received; the civil servants were frequently presented as competent and engaged, the absence of consistency or continuity in the politicians' approach to Brexit was more often cited as a problem.

Please note that where I have chosen [civil servants] 'Spent less time and effort on Brexit issues than necessary' this means "they" should have had more resources (as highlighted by NAO Reports on Brexit preparedness) - it does not mean "they" deliberately chose to spend less time and effort on Brexit issues than necessary.

Morale has been low - to the point where civil servants were admitting (in official meetings) that they had been drafted in to work on Brexit at short notice and that they were seriously under-resourced. Also, some implied that they could not say certain things because they had to toe the government line on Brexit.

Engagement has certainly increased as a result of Brexit. However, it is unclear whether Government is actually listening. Anecdotal evidence seems to outweigh facts. There is a disconnect between the political message at the top and that of officials, especially since the General Election. For example, our industry has suggested clear post-Brexit

opportunities. These have been welcomed by Ministers, but officials are reluctant to take any suggestions on potential policy changes which could help offset some of the fallout from leaving the EU -- most likely because there is so much work to do, there is not enough time to be ambitious on some of the 'smaller' issues. This could have a real detrimental impact on industries like ours if the UK does not agree a deal by the end of the transition period.

Civil servants have been apologetic that a number of initiatives had to play second fiddle to the impact of leaving the EU. That was particularly the case with Statutory Instruments that couldn't progress due to a heavy call on lawyer time. It was made clear that government departments had no choice but to work to various different outcomes (i.e. leave on different dates, deal/no deal and second referendum). I had some sympathy for those involved as they were clearly frustrated by it all.

The degree of political control and direction of HM Government over civil servants has never been greater. This has caused senior civil servants adopting the most surprising policy approaches, and then changing them frequently. It has obviously been a very challenging time for them to have their impartiality removed.

Moreover, one bank of questions in our survey about the role of civil servants endorses this picture of respondents having a broad appreciation of the role of civil servants and an understanding of the difficult position they had been put in under Brexit. Only 7 per cent of respondents disagreed that 'the quality of work done by civil servants on Brexit issues is high'. 39 per cent agreed and 49 per cent neither agreed nor disagreed, with association respondents significantly more likely to agree (49 per cent) than those from consultancies (32 per cent). Only 10 per cent disagreed that 'the best civil servants had been taken off other policy tasks to deal with Brexit', 57 per cent agreeing and 33 per cent neither agreeing nor disagreeing.

Richardson's (2018) suggestion that interest groups will be needed even more after Brexit also finds support from our survey. 84 per cent believe that 'Brexit-related work' will continue at the same level as in the months leading up to the Withdrawal Agreement (39 per cent) or at an increased level (45 per cent). Yet only 11 per cent positively believe that the civil service 'has the capacity to do the policy work that used to be handled by the EU' (56 per cent disagreeing and 33 per cent neither agreeing nor disagreeing). As one respondent commented 'I have found civil servants in both DEXEU and DCMS to be really open to engagement on the issue of Brexit, with a strong willingness to find policy ideas and plans to make Brexit work. I found meetings with Ministers in DEXEU less open to criticism and statements about the potential negative effects of Brexit'. Groups do not appear to have been decisively excluded from the problem-solving aspects of the Brexit process so far; as the problem-solving becomes more important and the stark political battles over Brexit less, our survey suggests it is very plausible that government will become increasingly reliant on groups.

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