

Akita Campbell
Head of Policy & Development
C/O OFGEM
9 Millbank
London
SW1P 3GE

5 October 2017

Dear Madam,

Re: The Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme
Provision of a Section 21 Notice requiring the provision of evidence in the form of a written statement

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I know that you will be familiar, from my previous correspondence, with the RHI Inquiry's Terms of Reference, which remain available on the Inquiry's website. You will also be aware that the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference. The Inquiry is continuing with the process of gathering all of the relevant documentation from relevant departments, organisations and individuals.

In addition, the Inquiry is also engaged in the process of requiring individuals who have been, or who may have been, involved in the range of matters which come within the Inquiry's Terms of Reference to provide written evidence to the Inquiry Panel.

In keeping with the approach we are taking with other individuals, the RHI Inquiry is now issuing to you a Statutory Notice (known as a 'Section 21 Notice') pursuant to its powers to compel the provision of evidence in the form of a written statement in relation to the matters falling within its Terms of Reference.

The Section 21 Notice enclosed with this letter requires you to provide evidence to the RHI Inquiry Panel in the form of a written statement addressing the matters identified in the Schedule to the Section 21 Notice. As the text of the Section 21 Notice explains, you are required by law to comply with it.

The aim of the enclosed Notice is to require you to provide all relevant evidence you have within your knowledge, information or belief which is pertinent to the Inquiry's Terms of Reference. The Schedule to the enclosed Section 21 Notice provides further detail as to the matters which should be covered in the written evidence which is required from you. In the event that there is a category of information in respect of which you have no evidence which you can provide, please state this in your response. Where you can provide evidence, the more comprehensive your statement is, the less likely it may be that the Inquiry will have to revert to you at a later stage for clarification, although in many cases this is likely to be necessary to some degree.

It is vital that the witness statement you provide to the Inquiry is your own evidence, absent the influence of others; that it is comprehensive; and that it fully explains your involvement in the matters about which you have been asked.

As you may be aware, the Inquiry has already required the provision of a statement setting out the corporate position of Ofgem in relation to the Northern Ireland RHI Scheme. However, the Inquiry Panel is also interested in the roles played by individual officials from Ofgem who were involved with the Scheme. Moreover, the Inquiry Panel recognise that individual officials may have a different perspective from, or may even disagree with certain aspects of, the position adopted by the organisation they work for. The statement, which is required from you pursuant to

the enclosed Notice, is your opportunity to explain what you did in relation to the Northern Ireland RHI Scheme and why you did it; and also to make the Inquiry aware of any concerns you may have about the actions of others.

I appreciate that you may require or desire access to some documentation in order to assist you in preparing your statement. In particular, you may wish to see documentation to which you previously had access but now no longer have access in your current post. If that applies in your case, I understand that Ofgem will assist you, at least in the first instance. You should contact Mark Mills, Principal Legal Advisor at Ofgem. He is contactable at Mark.Mills@ofgem.gov.uk. I have informed Mark Mills that you may be making contact with him to arrange access to documentation, or for general assistance and support; but there is, of course, no obligation upon you to do so. If you encounter any difficulties, of whatever kind, you should not hesitate to get in touch with me.

I also refer you to Restriction Order No 2 made by the Chairman of the RHI Inquiry on 22 June 2017, a copy of which is enclosed for your convenience. This restriction order prohibits you from publishing any documentation received from the RHI Inquiry (save that you may show it to your legal representative) unless you first obtain the consent in writing of the Inquiry Chairman.

In addition to the four restriction orders made by the Chairman of the RHI Inquiry (which you will find published on the Inquiry website) receipt of this correspondence and its enclosures also places you under a duty of confidentiality to the RHI Inquiry in respect of them. You may share the correspondence and the enclosed Notice and documents with your legal representative(s), but neither you nor they may show, communicate the contents of, nor provide this correspondence or the Notice or documents to any other person or organisation without the express permission of the RHI Inquiry. Any breach of this duty of confidentiality is actionable at the suit of the Inquiry Chairman.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice. In particular, you are asked to provide your evidence in

the form of the template witness statement which is also enclosed with this correspondence.

Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

Finally, I would be grateful if you could acknowledge receipt of this correspondence and the enclosed notice by email to Patrick.Butler@rhiinquiry.org.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink that reads "Patrick Butler". The signature is written in a cursive style with a long horizontal stroke at the end.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE**[No 496 of 2017]***Background*

1. Set out a description of your occupational history, qualifications and experience.
2. Set out a summary of your role or roles within Ofgem. Please provide details of dates between which you held the role/s, and what the role/s entailed. In each instance, describe how this role related, if at all, to the Non Domestic Renewable Heat Incentive (RHI) Scheme in Northern Ireland ('the NI RHI Scheme').
3. Explain, insofar as is relevant to any involvement you had with the RHI Scheme, to whom you were accountable and/or reported in Ofgem and who, if anyone, was accountable and/or reported to you.

Involvement with Northern Ireland RHI Scheme

4. Please summarise any involvement you had with the NI RHI Scheme, whether in respect of its creation, operation, administration, or otherwise, and during what period you were so involved.
5. In respect of your particular role or position:
 - a. Explain what proportion or percentage of your role was devoted to work on the NI RHI Scheme (giving details, if applicable, of how this altered over time or at different periods);
 - b. Explain how you carried out your roles or responsibilities in relation to the NI RHI Scheme on a day-to-day basis; and
 - c. Specify whether you consider you were adequately trained and/or resourced in respect of your roles or responsibilities in relation to the NI

RHI Scheme. (If not, please specify clearly in what respects you contend this was not so and, if applicable, what steps you took in relation to this).

6. Identify, in your view, any actual or potential problems, flaws, anomalies, or difficulties with the NI RHI Scheme and/or its operation or administration, explaining in each instance, so far as you can, how those problems, flaws, anomalies, or difficulties manifested themselves, how they came about, and with whom (if anyone) responsibility or accountability for them lay.
7. Please identify when, and how, you first became aware of each of the aforementioned problems, flaws, etc..
8. Please identify and explain any difficulties you encountered within Ofgem in respect of the operation of the administration of the RHI Scheme.
9. Please identify and explain any difficulties you encountered in the relationship between Ofgem and the Department of Enterprise, Trade and Investment (DETI) (later, the Department for the Economy) in Northern Ireland in respect of the operation of the administration of the NI RHI Scheme.

Involvement with Great Britain RHI Scheme

10. If you had any involvement in the Northern Ireland RHI Scheme (as addressed above), please also address the following issues:
 - a. State whether you were also involved in the analogous RHI Scheme which operated in Great Britain ('the GB RHI Scheme');
 - b. If you were involved in the GB RHI Scheme, summarise briefly the extent and nature of your involvement in it;
 - c. If you were involved in both RHI Schemes:

- i. state whether, based upon your experience of each, there were lessons to be learned for the NI RHI Scheme from the GB RHI Scheme and, if there were, clarify what those lessons were, whether they were learned, and, if they were not learned, what you understand to be the reasons for this;
- ii. state whether, based upon your experiences of each, there were differences in how Ofgem dealt with each Scheme and if there were such differences, clarify whether any of them impacted adversely upon the NI RHI Scheme (in particular, concerning the proper administration of that Scheme), clarify what those particular differences were, and set out the reasons for those differences as you understand them.

Promotion of the NI RHI Scheme

11. Specify whether you promoted the NI RHI Scheme and/or encouraged any third party to seek accreditation under the Scheme, assisted any third party in so doing, or provided any third party with information knowing that they might apply, or consider applying, or that they might advise, encourage, assist, or cause other persons to apply, or consider applying, for accreditation under the Scheme. In respect of any such instance, please provide full details including (but not limited to) the third party concerned and the date of any steps taken by you in that regard.

Lobbying and pressure

12. Identify any instances, to your knowledge or belief, of lobbying or encouragement of Ministers, Special Advisers, Civil Servants or other relevant persons in relation to the terms of the NI RHI Scheme and/or the introduction, non-introduction, variation or delay of the introduction of cost controls into the Scheme (including, but not limited to, the amendment of tariffs, tiering, degression and Scheme suspension or closure) at any stage but, in particular, at the creation of the Scheme and in the period from mid-2015 to early 2016.

13. Identify any instances, to your knowledge or belief, where influence or pressure was exerted on you in relation to any aspect of the NI RHI Scheme. In respect of any such instance specify:
- a. who provided that influence or pressure;
 - b. when it occurred;
 - c. what it consisted of and how it was conveyed;
 - d. what you believed the motivation to have been (and what you now believe the motivation to have been, if different), and why you believe that; and
 - e. how you dealt with it.
14. Identify any instances, to your knowledge or belief, where influence or pressure was exerted on someone else in relation to the NI RHI Scheme. In respect of any such instance identify:
- a. who provided that influence or pressure;
 - b. who it was exerted on;
 - c. when it occurred;
 - d. what it consisted of and how it was conveyed;
 - e. what you believe the motivation to have been, and why you believe that;
 - f. how it was dealt with; and
 - g. how and when you came to be aware of the influence or pressure.

Standards of conduct and conflict of interest

15. Identify any instances, to your knowledge or belief, where a Minister, Special Adviser, Civil Servant or any other person involved in the NI RHI Scheme (including, if applicable, yourself):
- a. breached relevant standards (including, but not limited to, the Nolan Principles, the Ministerial Code of Conduct, the Civil Service Code of Conduct, the Code of Conduct for Special Advisers and/or terms or

conditions of employment or service) or acted in a way incompatible with their duties (including, but not limited to, by means of making premature or unauthorised disclosures);

- b. acted in circumstances relating to or touching upon the Scheme in any way where they had a real or perceived conflict of interest;

in respect of any such instances, providing details and specifying the basis for any belief that there has been a breach of a relevant standard or duty or that a conflict of interest arose.

- 16. Specify whether, to your knowledge, you have any connection to a person or body receiving payment under the NI RHI Scheme or benefiting commercially from the Scheme in some other way (for instance, by supplying equipment, plant, fuel or other goods or services used by Scheme claimants). In this request, a 'connection' includes (but is not limited to) circumstances where the Scheme claimant or beneficiary is a relative, friend, close acquaintance, business associate or (in the case of politicians or special advisers) donor or supporter (either to or of you or your political party).

Whistle-blowing and raising of concerns

- 17. Identify any instances of which you are aware of whistle-blowing in relation to the Scheme, or disclosures made in the public interest raising concerns about the NI RHI Scheme, setting out details of when this occurred, to whom and by whom any relevant disclosure was made and how it was dealt with.
- 18. In particular, provide an account of how you dealt with any disclosures raising concerns about the NI RHI Scheme made or communicated to you at any time. In relation to each such instance, identify precisely how the concerns were communicated to you.
- 19. Specify when you first became aware that subsidies payable under the NI RHI Scheme exceeded the cost of biomass fuel used to produce heat (so that there

was an incentive in some cases to produce heat merely to make profit from the Scheme) and how you so became aware.

General

20. Considering the RHI Inquiry's Terms of Reference, please identify any representations made to you about the RHI Scheme (which you regard as significant and about which you consider the RHI Inquiry should be aware), whether those representations were made by colleagues, or otherwise. In respect of any such representations please indicate when they occurred, where they occurred, who was involved, and what was said or communicated to you.
21. Considering the RHI Inquiry's Terms of Reference, please identify any conversations or discussions you had about the RHI Scheme (which you regard as significant and about which you consider the RHI Inquiry should be aware), whether those conversations or discussions involved colleagues, or otherwise. In respect of any such conversations or discussions please indicate when they occurred, where they occurred, who was involved, and what was said to you.
22. Provide any further evidence within your knowledge or belief which is relevant to the matters which the RHI Inquiry is investigating as set out in the RHI Inquiry's Terms of Reference.

NOTE:

It is important for the efficiency of the RHI Inquiry that the issues identified above are addressed as fully as possible and by reference, where available, to the dates and locations of specific incidents to which reference is made. The statement should be broken down into paragraphs, which should be numbered sequentially from '1' to the end. The use of appropriate section headings or sub-headings is also encouraged. A template witness statement is provided with this Notice for your assistance and should be used as the format for your response.



INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: Notice 496 of 2017

DATE: 20 October 2017

Witness Statement of: Atika Campbell

I, Atika Campbell, will say as follows: -

Background

1. In summary, I have primarily worked in a policy implementation capacity since graduating from full time education in 2011. From April 2015, I embarked on a career change whereby I have been working and studying simultaneously with the aim of qualifying as a solicitor. I am currently employed by Ofgem as a Trainee Solicitor.

My detailed occupational history, qualifications and experience is as follows:

- (i) From September 2007 to June 2011, I was in full time education, studying for a Bachelors of Science in Geography at the University of Glasgow. I graduated with a 2:1(Hons) in July 2011.
- (ii) I worked in a number of part time roles during this period, including various roles within the sales and debt collection sector, international internships with an NGO and teaching organisation, and fixed term contractual work for an outsourcer working on behalf of Westminster City Council.
- (iii) Upon graduation, I commenced full time employment with Hewlett Packard, as a Senior Account Manager. I remained in this position until May 2012, when I commenced employment at Ofgem. I have remained in employment with Ofgem to this date. I have not provided details of



my work history at Ofgem at this stage as full details of this have been provided in paragraph 2 of this statement.

- (iv) Alongside my full time role(s) at Ofgem, I commenced a period of full time postgraduate study in September 2012. I graduated with an LLM in International Law and Sustainable Development from The University of Strathclyde in July 2013. During this period of study, I undertook unpaid research work with the University of Strathclyde, conducting research on the right to sanitation in developing countries, within the sphere of international law.
- (v) In September 2014, I undertook a period of part time study to achieve the necessary academic qualifications required to practice as a solicitor in England and Wales. Again, this was alongside full time employment at Ofgem. I commenced study for the Graduate Diploma in Law and graduated with this qualification from the University of Law in July 2016. In September 2016, I commenced part time study for the Legal Practice Certificate at BBP Law School, for which I am currently still studying. I am due to graduate in July 2018.
- (vi) I was on maternity leave from February 2017 to September 2017. I returned to work on 13 September 2017 and commenced work at a pre-arranged secondment as a Legal Trainee at the Government Legal Department. This secondment forms part of my vocational training to qualify as a solicitor. I remain an employee of Ofgem and will return to Ofgem to continue the vocational element of my legal training (also known as a 'training contract') in March 2018.

2. A summary of my roles within Ofgem is set out as follows:

- (i) May 2012 to February 2013 – Assistant Finance Manager, Non Domestic Renewable Heat Incentive (Great Britain scheme, hereon referred to as the 'GB RHI'). This role entailed supporting the Finance Manager to calculate and process payments for GB RHI scheme participants.
- (ii) February 2012 to March 2014 - Policy and Regulations Manager, Domestic RHI. I was responsible for working closely with the



Department of Energy and Climate Change ('DECC', now known as the Department for Business, Energy and Industrial Strategy) to lead Ofgem's feedback on the creation of the new Domestic RHI scheme regulations. It was not within the scope of this role to focus on anything other than the Domestic RHI scheme, therefore I had no involvement with the NI RHI scheme, nor the GB RHI scheme.

- (iii) March 2014 - February 2015 - Senior Manager, Non Domestic RHI. I was responsible for managing a policy implementation team, developing Ofgem's feedback on policy and legislative changes to the GB RHI scheme as proposed by DECC; and managing updates to external/internal communications, IT systems, guidance and business processes to reflect any changes to the scheme. I had limited involvement in the NI RHI scheme as it was my understanding that my role primarily focused on the GB RHI scheme, with policy changes for NI RHI being considered out of scope. However, I did have some limited involvement whereby I finalised a Data Sharing Agreement between Ofgem and the Department for Enterprise, Trade and Investment (now known as the Department for Economy, hereby referred to as 'the Department' in this document).
- (iv) February 2015 to April 2015 - Acting Head of Policy and Communications, Non Domestic RHI. I was responsible for managing a policy implementation and communications team, which primarily included the same duties for which I was responsible for in my previous role as Senior Manager (see paragraph 2 (iii)), with the additional responsibility of leading the communications team, who were responsible for the management, creation and dissemination of all external communication material relating to the scheme (e.g. newsletters, statistics, website and guidance changes and updates to participants and applicants). As per my previous role, my understanding was that policy changes to the NI RHI scheme were deemed out of scope. However, I was approached by the Department at some stage during this period (I cannot recall exact dates), to discuss the feasibility of limited policy changes suggested by the



Department (which were primarily in relation to introducing biomass sustainability criteria and new technologies, such as bio-liquids). The proposals put forward by the Department were in very early stages of policy development and were no where near being fully formed. I provided whatever feedback I reasonably could at this early stage, before moving onto my new role in April 2015.

- (v) April 2015 to September 2016 - Paralegal, Sustainable Development and Enforcement. I undertook a career change to pursue a career in law, as I was studying for the Graduate Legal Diploma part-time alongside my full time position at Ofgem. I provided paralegal support to a team of approximately 15 lawyers in Ofgem's Sustainable Development and Enforcement Division. I had no involvement in any of the RHI schemes or Ofgem's E-Serve division, which is responsible for administering environmental schemes.
- (vi) September 2016 - current - Trainee Solicitor, Improving Regulation (previously the Sustainable Development and Enforcement Division). I am completing a Training Contract at Ofgem with the aim of qualifying as a solicitor in September 2018. I spent the first 5 months (September 2016 to February 2017) of my training contract in the Ofgem E-Serve division. I had limited involvement with the GB RHI and NI RHI scheme, however I did complete a small amount of work in relation to the RHI Inquiry, whereby myself and a colleague categorised and created chronologies of senior management emails which were deemed to be relevant to the nature of the RHI Inquiry. I was on maternity leave from February 2017 to September 2017. I returned to work in September 2017 where I commenced an external placement in the Employment Division of the Government Legal Department. I still remain an employee of Ofgem as this secondment is part of my Training Contract. I am due to return to the Improving Regulation Division of Ofgem in March 2018, to complete the final seat of my Training Contract.

3. I reported into the following individuals across the following periods:



- (i) May 2012 - February 2013: Deckerson Thomas (Finance Manager, RHI);
- (ii) March 2014 to May 2014 (approximately): Simon King (Head of Policy, RHI);
- (iii) May 2015 to February 2015: Edmund Ward (Head of Technical, RHI);
- (iv) February 2015 to April 2015 - Gareth John (Associate Director, RHI).

I was accountable for the following individuals:

- (i) March 2015 - May 2014 (approximately): Jessica Ladbury and Karen Wood;
- (ii) March 2014 to April 2015: Katy Read, Aysha Ahmed, Sarah Driver, James Woods-Segura;
- (iii) February 2015 to April 2015: Cida Morrison, Yetunde Akentewu.

Involvement with Northern Ireland RHI Scheme

4.

(i) March 2014 - February 2015 - At some point during this period (I cannot recall exact dates), I undertook the operational task of finalising a Data Sharing Agreement between Ofgem and the Department. I liaised with the Department and key Ofgem personnel (in particular, Teri Clifton, Edmund Ward, Jacqueline Balian and Omolade Barker) to agree provisions in the Agreement; and arranged for the final copy to be signed by Chris Poulton (Acting Managing Director, Ofgem E-Serve). I took over this work stream from Karen Wood, who had previously been the key contact for creating draft versions of this Agreement.

(ii) February 2015 to April 2015 - I was approached by the Department at some stage during this period (I cannot recall exact dates) to discuss the feasibility of limited policy changes suggested by the Department (which were primarily in relation to introducing biomass sustainability criteria and new technologies, such as bio-liquids). I recall that the proposals put forward by the Department were in the early stages of policy development and were not particularly detailed. I provided whatever feedback I reasonably could at this



early stage, before moving onto my new role in April 2015.

5.
 - a. For both Senior Manager and Head of Policy & Communications roles, less than 5% of my workload was devoted to the NI RHI scheme.
 - b. I did not carry out any other tasks in relation to the NI RHI scheme other than those detailed above. I did not have rolling duties in relation to the scheme that formed part of my day-to-day workload.
 - c. My role primarily focused on the GB RHI scheme, as such I did not receive or require any training or dedicated resources within my team to deal with NI scheme matters, as far as the position demanded at the time.
6. I was not sufficiently involved in the day to day running of the NI RHI scheme to form a detailed view regarding any of the matters detailed in question 6. No issues were raised to me as requiring engagement with the Department to suggest policy amendments (which would have been the core remit of my involvement should it have been required).
7. Not applicable, as per paragraph 6.
8. I have presumed that this question is asking whether I encountered any difficulties within Ofgem with respect to the administration of the NI RHI scheme (not the GB RHI scheme), although it is not specified. As my role with regards to the NI RHI scheme was limited, I did not encounter any difficulties within Ofgem with respect to the NI RHI scheme, as I was not involved in the day to day operational running of the scheme.



9. I did not encounter any difficulties with regards to the relationship between Ofgem and the Department, as my interactions with the Department were limited.

Involvement with Great Britain RHI Scheme

10.

- a. I was involved in the GB RHI scheme.
- b. A summary of my role(s) in relation to the scheme are provided at paragraph 2 (i) - (iv).
- c.

(i) With regards to whether there were lessons to be learned for the NI RHI scheme from the GB RHI scheme, I was not aware of the extent to which any of the issues that affected the GB RHI scheme impacted the NI RHI scheme (if at all), due to my limited involvement with the day to day running of NI RHI scheme. No areas of concern in relation to the NI RHI scheme were raised or escalated to me to consider from a policy or legislative perspective.

(ii) Based on observation, I noted the following key difference in how Ofgem dealt with each scheme:

- Ofgem devoted more resources to the GB RHI scheme, in comparison to the NI RHI scheme. My understanding was that this was because: (i) application volumes to the GB RHI scheme were substantially higher and therefore demanded correspondingly higher resources; and (ii) the budget allocated to Ofgem by the Department for the administration of the NI RHI scheme was lower than that allocated to the GB RHI scheme by DECC. I was not



aware if the administration of the NI RHI scheme was adversely affected as a result of this.

Promotion of the NI RHI Scheme

11. I did not engage in any promotion of the NI RHI scheme, directly, via a third party or otherwise.

Lobbying and pressure

12. I am not aware of any instances of lobbying or encouragement in relation to the persons and matters listed in question 12.
13. I have not experienced any instances where influence or pressure was exerted on me in relation to any aspect of the NI RHI scheme.
14. I am not aware of any instances where influence or pressure was exerted on any persons in relation to any aspect of the NI RHI scheme.

Standards of conduct and conflict of interest

- 15.
- a. I am not aware of any instances whereby any of the persons listed in question 15 breached any of the relevant standards listed in question 15(a).
- b. I am not aware of any conflict of interest with regards to the matters in question 15.
16. To the best of my knowledge and belief, I do not have any connection to any persons or bodies receiving benefit under the NI RHI scheme.



Whistle-blowing and raising of concerns

17. Prior to the launch of the RHI Inquiry, I am not aware of any whistle-blowing in relation to the NI RHI scheme, nor any disclosures made in the public interest raising concerns about the NI RHI scheme.
18. Not applicable, as per paragraph 17 above.

General

19. I became aware of the matters specified in question 19 upon the launch of the RHI Inquiry. I became aware through external media outlets that reported on the RHI Inquiry.
20. No representations have been made to me in respect of either the GB RHI scheme or the NI RHI scheme.
21. I cannot recall any specific conversations or discussions about any of the RHI schemes that would be considered significant, or which I consider that the RHI Inquiry should be aware of.
22. I do not have any further evidence within my knowledge or belief which is relevant to the matter which the RHI Inquiry is investigating, as set out in the RHI Inquiry's terms of Reference.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: Atika Campbell

Dated: 20 October 2017