

Chapter 23 – Janette O’Hagan and her attempts to warn about the problems with RHI

23.1 As alluded to in chapter 21, the Inquiry received significant evidence from Janette O’Hagan. Ms O’Hagan operated a private business. She went out of her way to alert DETI officials to the problems she discovered relating to the NI RHI scheme. The Inquiry examines interactions with Ms O’Hagan in this chapter.

Ms O’Hagan’s initial contact in June 2013

23.2 On 26 August 2013 Ms Janette O’Hagan emailed the generic DETI email address, ‘information@detini.gov.uk’, at 11.17am. The email was marked for the attention of Minister Foster. Ms O’Hagan introduced herself and explained that she was a co-founder of a local company called ‘Okotech’ that had developed a system of innovative energy efficient heating controls called ‘Heatboss’. She informed the Minister that, by using Heatboss, current customers of her firm were saving on average 30% of their heating bill.

23.3 She stated that the business had been focusing on the local care home market but that they had further plans to branch into adjacent markets such as hospitality, education and other healthcare and government buildings. Ms O’Hagan enquired as to whether the Minister would be free to hear about the activities of her company and she enclosed a recent case study.

23.4 A few minutes later, having become concerned that an email to the DETI office might not reach Minister Foster, at 11.22am Ms O’Hagan sent a similar email to Minister Foster’s MLA constituency address in which she explained that “Given the benefits of RHI” many of their potential customers were “no longer worried about becoming more efficient.”¹²⁹⁸

23.5 Ms O’Hagan told the Inquiry that, prior to sending the emails, she had been attending various marketing events, listening to people from different areas and attempting to network with those who might be interested in her product. In the course of doing so she had noted a distinct lack of interest in energy efficiency among those who had installed biomass fired boilers.¹²⁹⁹

23.6 She used the internet to research both the NI RHI scheme and the GB RHI scheme instituted by DECC. She noted that the DECC March 2011 RHI policy document¹³⁰⁰ had established tiering of subsidies for the small and medium sized categories of biomass boilers but that such a precaution had not been adopted by DETI.¹³⁰¹

23.7 It seems that Ms O’Hagan’s first email of 26 August 2013, the one sent to Minister Foster at DETI, was forwarded to DETI Energy Division by Private Office for consideration and advice.¹³⁰² Private Office did not provide any indication that Minister Foster wished to meet Ms O’Hagan. In the circumstances, in keeping with the practice of the time, Renewable Heat Branch made a recommendation that officials should meet Ms O’Hagan and furnished a draft reply to the Minister.¹³⁰³

1298 WIT-264844 to WIT-264845

1299 WIT-264821

1300 INQ-21023

1301 WIT-264822

1302 DFE-183315 to DFE-183316

1303 DFE-382800 to DFE-382803

- 23.8 The Minister herself forwarded the second email of 26 August 2013, which had gone to her constituency office email account, to her DETI Private Secretary, Ms Aiken. Ms Aiken then sent it to Renewable Heat Branch.¹³⁰⁴
- 23.9 Ms O’Hagan had received no response to her 26 August 2013 emails by the time she sent a further email to the MLA constituency office of Minister Foster on 3 September 2013. On this occasion she added the following information:
- “Given the benefits of RHI we find that many of our potential customers are no longer worried about becoming more efficient, in fact it pays them to use as much as they can – in fact the incentive to use more is leading to misuse in some cases. I firmly believe that the energy efficiency and sustainability should go hand [sic] and I’d really appreciate 20-30 minutes of your time to see what you think.”¹³⁰⁵
- 23.10 By this time Ms O’Hagan had met representatives of BSH, a sister company of Sheridan & Hood, and she had been informed by an email from Mr Cullen that BSH was promoting “20 years of free heat to suit your needs.” Mr Cullen had enclosed promotional material from BSH with his email.¹³⁰⁶
- 23.11 When Minister Foster received the 3 September email to her constituency office she checked, the following day, with her DETI Private Office and was told that a meeting was to be arranged between Ms O’Hagan and officials.¹³⁰⁷ The email of 3 September had been received by the Minister on her iPad and she told the Inquiry that, because she assumed that it was just a reminder, it would have been subsequently deleted. As she thought it was just a reminder, sent by Ms O’Hagan because she had not received a response to her earlier communications, Minister Foster told the Inquiry that she did not read the email in detail, but merely scanned it, and did not forward it to DETI for the attention of her officials.¹³⁰⁸ Consequently Minister Foster did not notice the significance of the allegation of misuse contained in the third email.¹³⁰⁹ Ms O’Hagan did have an opportunity to air her concerns at the subsequent meeting with officials, but it is unfortunate that the Minister did not read the third email with more care – she told the Inquiry that, had she done so, she might have arranged to meet Ms O’Hagan in person.¹³¹⁰

The October 2013 meeting

- 23.12 On 5 September 2013 Ms O’Hagan received a response from the Private Office of Minister Foster to her initial email of 26 August. The response indicated that, unfortunately, due to diary commitments, the Minister herself was unable to meet Ms O’Hagan, but by way of alternative she was offered a meeting with Ms Hepper, then head of Energy Division.¹³¹¹
- 23.13 A meeting was duly arranged for 8 October 2013 to be attended by Ms O’Hagan and, on behalf of DETI, by Ms Hepper, Ms McCutcheon and Mr Hutchinson.¹³¹² In anticipation of the

1304 DFE-382804 to DFE-382805

1305 WIT-264846

1306 WIT-264965 to WIT-264968

1307 TRA-08438 to TRA-08441

1308 TRA-08438

1309 WIT-20624

1310 TRA-08442

1311 DFE-382798

1312 TRA-04699

meeting Ms O’Hagan drafted a proposed agenda dealing with: an overview of Heatboss and its impact on the energy efficiency of commercial buildings; the impact of the RHI scheme on energy efficiency; a discussion of the potential opportunities to align RHI and energy efficiency measures; and a discussion on the potential for future incentives for energy efficiency measures in commercial and public buildings.¹³¹³ The agenda was forwarded to DETI, but Ms O’Hagan was unable to recall whether it was specifically referred to during the course of the meeting.¹³¹⁴

- 23.14 It is important to note that no official minute, record or note was made of the meeting.¹³¹⁵ According to Ms Hepper it would have been normal practice at that time, given the number of meetings that would have been occurring, for officials to take informal notes in their notebooks and record action points. However, no notebook entries have been submitted to the Inquiry. This is perhaps unsurprising as the Inquiry heard evidence that such informal notes were usually destroyed after a short period of time or when the official left their role. Ms Hepper’s recollection in her evidence to the Inquiry was that the main action point in this case was to send Ms O’Hagan a link to the July 2013 RHI Phase 2 consultation document after the meeting.¹³¹⁶
- 23.15 In late 2016, after she had been approached by both the PAC and PwC, Ms O’Hagan put together a note of the October 2013 meeting, which appears to have been based on her account of the meeting in her email to DETI of 12 May 2014, (discussed below), in which she recollected a number of matters that were discussed.¹³¹⁷ Her note indicated that she had told the Department’s representatives that the flat, un-tiered rate of subsidy meant that there was no incentive at all to be efficient, and it was more likely that the heating would be kept on in buildings all year round with the windows open everywhere.
- 23.16 She further recalled that departmental officials informed her that they did not believe this to be the case as, in their view, “people would not do this.” Ms O’Hagan advised them that it was happening and that it made it impossible to sell energy efficiency equipment, even when such equipment should be installed, and would be in GB. She was advised by the officials that she should feed her thoughts into the current RHI consultation on the proposal to extend the scheme to the domestic sector and to consider new tariffs/technologies for the non-domestic sector. Ms O’Hagan told the Inquiry that subsequent to the meeting in 2013 she read the July 2013 NI RHI Phase 2 consultation document but was unable to find therein any mention of amending the subsidy to tiered payments in line with GB.
- 23.17 Ms O’Hagan left the meeting with a feeling of frustration, believing that it had been a waste of her time, since the officials did not seem to acknowledge the issue.¹³¹⁸
- 23.18 Subsequent to the meeting on 8 October 2013 Mr Hutchinson wrote to Ms O’Hagan suggesting that she should contact DFP as they had responsibility for energy efficiency and energy usage in the public estate.¹³¹⁹
- 23.19 Both Mr Hutchinson and Ms Hepper have referred to the evidence given by Ms O’Hagan, as to what she had to say at the meeting, as “anecdotal”¹³²⁰ and to the effect that suppliers were

1313 WIT-264852

1314 TRA-04719

1315 WIT-264856

1316 WIT-16752

1317 WIT-264856; WIT-264862

1318 TRA-04713 to TRA-04714

1319 WIT-264857

1320 WIT-15140; WIT-06209

discouraging energy efficiency products. Ms O’Hagan emphasised to the Inquiry that she had informed the officials that, for example, one biomass company had asked her to remove the note in her promotional material relating to efficiency and that other installers had told her that efficiency was not in their interest.¹³²¹ She emphasised that the officials did not ask for the identities of those who were doing this and that her own experience was that exploitation of the system would have been apparent to a “blind man on a galloping horse”.¹³²²

23.20 Ms O’Hagan accepted that she did not volunteer the identities and/or specific promotional materials to the DETI officials, but she was somewhat disillusioned and did not receive the impression from the meeting that there was sufficient interest in the information that she provided.¹³²³

23.21 The Inquiry notes that Ms O’Hagan’s information did not stimulate any further consideration of the comparative amount of subsidy and the price of biomass, whether tiering might actually be required in Northern Ireland or how the scheme was being sold and promoted in practice. When she emailed DETI again, in May 2014,¹³²⁴ Mr Hutchinson saw fit to raise the issue of possible overcompensation with Dr Ward of Ofgem¹³²⁵ and include it in his handover note.¹³²⁶

23.22 Ms O’Hagan’s engagement was not limited to DETI. In August 2013 Ms O’Hagan had contacted Mr Stephen Agnew, MLA for the Green Party, and went on to meet him at his office in September.¹³²⁷ At her prompting, Mr Agnew tabled an Assembly question on 7 October 2013 in the following terms:

“To ask the Minister of Enterprise, Trade and Investment for her assessment of whether subsidies for biomass disincentivises [sic] energy efficiency; and if so, what measures can be taken to combat this?”¹³²⁸

23.23 The DETI Minister’s answer asserted that the Department was very keen to promote energy efficiency alongside incentives for renewable heat technology, such as biomass, and concluded with the following sentence:

“Again, within the existing RHI for commercial premises it is assumed that the installation of a biomass boiler, or another renewable technology, would be the final action taken by a business seeking to become ‘low-carbon’, with the costs involved in installing renewable heating much greater than those involved with simple energy efficiency measures.”¹³²⁹

Ms O’Hagan’s 2014 emails

23.24 As mentioned above, on 12 May 2014 Ms O’Hagan again emailed Mr Hutchinson. She reminded him of the representations that she had made at the meeting in October 2013 and continued in the following terms:

1321 TRA-04724; TRA-04729

1322 TRA-04730 to TRA-04731

1323 TRA-04730

1324 WIT-264862

1325 WIT-06068 to WIT-06069; WIT-06214

1326 WIT-07596 to WIT-07609; WIT-07601

1327 WIT-264832 to WIT-264834

1328 WIT-264859

1329 WIT-264859

“As I had said then, what we are seeing on the ground in Northern Ireland is that buildings are using more energy than before because it pays them to do so. The flat rate means that there is no incentive at all to be efficient so the heat in the buildings is all year round with the windows open everywhere. When we had spoken, you did not believe that people would do this, but please believe me that it is happening with almost everyone that we approached. It’s making it impossible for us to sell energy efficiency equipment to these buildings, even when that’s exactly what should be happening as the first step and indeed what is happening in GB. The building owners there know that it’s in their interest to be efficient, in Northern Ireland it is not – it’s in their interest to be wasteful with what’s strictly not a renewable energy source.

We have been told by a well-established biomass Company here to remove the saving detail on our products literature because their clients were no longer interested in making any savings. I think that you’d agree that there is something inherently wrong with that approach to funding and it’s going to put Companies like ours out of business.”

23.25 She concluded by asking what the future plans were for RHI tariffs in the non-domestic scheme and confirmed that she would be happy to provide information. By that time Ms O’Hagan had attended more events and spoken to more people on the ground concerned in businesses such as hotels and care homes etc. The final sentence of her email read, perhaps understandably, that; “it’s got to a stage now where it simply cannot be ignored any longer.”¹³³⁰ The Inquiry notes that, while he included a reference to her email communication in his handover note, Mr Hutchinson had not, before leaving DETI a few days later, replied to Ms O’Hagan.

23.26 On 9 June 2014 Ms O’Hagan made a third attempt to draw the situation to the attention of the relevant DETI officials. She sent an email to DETI for the attention of Ms Hepper who, by this time, had left the Department. Mr Mills was copied into this email when it was forwarded to Ms McCay for consideration.¹³³¹ He told the Inquiry that he did not think that he would have read it on the basis that: “Davina could deal with it”.¹³³²

23.27 On 11 June Ms O’Hagan received a reply from Ms McCay, who informed her that both Mr Hutchinson and Ms Hepper had moved to areas of work outside Energy Division and DETI, and continued:

“I am now looking after Renewable Heat and we intend to review elements of the non-domestic RHI, including tariffs within the next few months. I am sorry I can’t tell you anything more definitive than that at the moment, but I wanted to let you know that the issues you have raised are on our radar.”

Ms O’Hagan received this email with a degree of relief and was hopeful that change might come about.¹³³³

1330 WIT-264862

1331 DFE-382925 to DFE-382926

1332 TRA-09617

1333 DFE-04532 to DFE-04534

Ms O’Hagan’s 2015 emails

- 23.28 However, by Spring of 2015, realising that nothing had changed, she sent a further email to Ms McCay on 11 March 2015. In it she reminded Ms McCay that no change had taken place in tariffs and confirmed that the attitude of biomass installers and companies remained the same; they were not interested in making any efficiencies. She gave an example of a company explaining to their client about running its biomass boiler 24/7 (168 hours per week), rather than the 40 hours the company actually needed its boiler to run, in order to ensure a quicker payback (2 years rather than 3). She said: “In anyone’s eyes this is completely wrong and motivates further waste.” She concluded her email by explaining that she was passionate about the issue not just because the position impacted her business, “but because of its impact on the environment – unnecessary waste of any resource should not be allowed and it should certainly not be encouraged.”
- 23.29 It is also important to record that this email included, as part of its following ‘chain’, a number of earlier emails including the email to Ms Hepper of 9 June 2014 discussed above (to which Ms McCay had replied).¹³³⁴
- 23.30 Ms O’Hagan’s 11 March 2015 email was referred by Ms McCay (who had ceased her short acting up period working on RHI at the end of June 2014 at the time when Mr Wightman and Mr Hughes took up their posts) to Mr Hughes. Mr Hughes replied to Ms O’Hagan on 12 March 2015, copying in Mr Wightman. Mr Hughes referred to the review of Phase 2 of the NI RHI scheme and stated that: “With regard to tiered funding, whilst this is not being proposed as a specific issue under the review it may be introduced at a later date as a budgetary control measure.”¹³³⁵
- 23.31 In the course of her final reply to Mr Hughes, sent on the same date, and which was also copied to Mr Wightman, Ms O’Hagan said:

“I believe that the tiered funding in NI needs to ensure that people who avail of non-domestic RHI don’t just waste fuel for the sake of earning money on the RHI repayments. I have spoken to Fiona Hepper and her team about this two years ago. She advised me then that they didn’t think that businesses would abuse the system, but we see it time and time again when out on client’s sites. That this is happening is not acceptable in my view. This doesn’t happen in GB as the higher rate RHI repayment only covers a certain amount (around 75% of a 40 hour week) of their usage and their remainder of usage is of a lower rate – thus encouraging efficiencies.

I have tried to speak to each person who has subsequently taken on the RHI role and Davina had acknowledged that when she was looking after Renewable Heat she intended to review elements of the non-domestic RHI, including tariffs. She had said that the issues that I was raising were on the RHI Team’s radar and would be dealt with. It is really disappointing to hear that’s not the case anymore, other than possibly in the future for budgetary controls. The rest of us, who are actually trying to save energy, money and the environment have an uphill struggle against such legislation. I understand that it is a renewable resource, if replanted, but really should it be wasted for profit?”¹³³⁶

Ms O’Hagan received no further response from DETI.

1334 DFE-106879 to DFE-106888

1335 DFE-106879

1336 DFE-106889 to DFE-106899

23.32 It does not appear that any link was made by officials between Ms O’Hagan’s initial emails to Minister Foster in 2013 and Ms O’Hagan’s subsequent communications. This is particularly difficult to understand given that Ms O’Hagan’s email of 11 March 2015 included a chain of the earlier emails, at least one of which confirmed contact with Minister Foster in 2013 who had agreed to the original 2013 meeting with officials.¹³³⁷ None of Ms O’Hagan’s communications in 2014 and 2015 were brought to the attention of the Minister. The Minister was not told about the issues Ms O’Hagan was raising in detail and in writing over heat being wasted in order for scheme members to earn money, and the need for the NI RHI to have tiering. Indeed, later in 2015, when tiering was put forward as the solution to be adopted for the NI RHI scheme, no mention was made of Ms O’Hagan’s representations on the subject.

Unjustifiably in the eye of the storm

23.33 Unfortunately, Ms O’Hagan’s adverse experience over RHI was far from over. As part of the media storm developing around the NI RHI scheme towards the end of 2016 Ms O’Hagan took part in an interview broadcast in the course of the BBC’s Stephen Nolan radio programme. During that interview she, understandably, referred to her early attempts to draw the attention of DETI, and the then DETI Minister Foster, to the circumstances in which it appeared that the scheme was at risk of being exploited.¹³³⁸

23.34 Subsequent to the broadcast Ms O’Hagan was contacted by Brendan McCann of the DfE Corporate Governance Directorate (DETI having become DfE in May 2016) and asked if her email to Minister Foster of 26 August 2013 could be released – an email that, in itself, made no specific criticism of the NI RHI scheme. Such criticism was contained in the email to Ms Foster of 3 September 2013, which she had not retained.

23.35 Ms O’Hagan was prepared to agree to the email being released by DfE provided that her identity was effectively concealed by redaction and that she was given an opportunity to check her computer, to which she did not have access at the time of the request, for any other relevant emails.

23.36 Unfortunately, she was not afforded such an opportunity.¹³³⁹ DETI officials provided the First Minister’s Office (by this time, late 2016, Ms Foster was the First Minister), with a copy of Ms O’Hagan’s initial 26 August 2013 email to DETI. However, as a consequence of acting hastily under media pressure, the DETI officials omitted to ensure that the conditions sought by Ms O’Hagan were effectively communicated.

23.37 As a result, the email was not effectively or sufficiently redacted to prevent her identity being discovered. The email, having been provided to the First Minister’s office, was released, not by DfE as anticipated by Ms O’Hagan, but on a DUP twitter account. However, it is important to record that the DETI officials were responding to requests from Government Ministers and not on behalf of any political party.¹³⁴⁰

23.38 Dr McCormick, Permanent Secretary in DfE at the time of these events, expressed an unreserved apology to Ms O’Hagan for the Department’s part in the event which inevitably caused her

1337 DFE-106886

1338 DOF-43745 to DOF-43755

1339 WIT-264835 to WIT-264836

1340 WIT-03339 to WIT-03342

entirely understandable distress.¹³⁴¹ The Inquiry considers he was quite right to do so. In the course of her statement to the Assembly on 19 December 2016 in relation to the RHI, First Minister Foster also stated that Ms O’Hagan should be thanked and that she: “...deserves our highest respect and a sincere apology on behalf of my former Department which should not have dismissed her claims with disbelief, but examined them with diligence.”¹³⁴² More recently, in giving oral evidence to the Inquiry, Ms Foster accepted that it was totally understandable that Ms O’Hagan was upset at being caught in the ‘political crossfire’ in December 2016; that the circumstances surrounding the release of Ms O’Hagan’s email at that time were not acceptable; and, in her capacity as DUP party leader, Ms Foster said that she was sorry that Ms O’Hagan had been caught up in the middle of it all.¹³⁴³

23.39 As it happens, DETI officials did not see the email of 3 September 2013 that Ms O’Hagan had sent to Ms Foster’s constituency office until 27 March 2017. However, DUP SpAds became aware of its existence from DUP members on the PAC on 18 December 2016. This issue was then addressed in Ms Foster’s speech to the Assembly in relation to the RHI scheme on 19 December 2016. In a draft of that speech prepared by Mr Bullick, an initial attempt was made to describe the criticism that Ms O’Hagan’s 3 September 2013 email contained as a “passing reference” to concerns about the RHI scheme.¹³⁴⁴ Upon receipt of this draft Dr McCormick advised that the word “passing” should be left out. The relevant passage from the September 2013 email seeking a meeting with Minister Foster was quoted earlier in this Report. It said:

“Customers are no longer worried about becoming more efficient, in fact it pays them to use as much as they can – in fact the incentive to use more is leading to misuse in some cases.”¹³⁴⁵

23.40 The Inquiry considers that this clear reference to the perverse incentive – namely that it paid scheme members to use as much heat as they could, which was leading to misuse – could not reasonably be described as a mere “passing reference” to concerns about the RHI scheme, either on its own or in the context of the rest of the email. Indeed, after considering the issue further, the word “passing” was dropped by Mr Bullick from the text of the draft speech and did not feature in the address which First Minister Foster in fact delivered.¹³⁴⁶

23.41 Whether it was the mind-set that “people would not do this” or over reliance on the CEPA analysis with regard to there being no need for tiered tariffs or simply being badly under-resourced, it seems that no attempt was made to check Ms O’Hagan’s concerns with Ofgem, DARD or any of the major stakeholders. Indeed, as demonstrated by the NIAO investigation of 2016, it would have been relatively simple to perform a trawl of online information available on the website of the installers of biomass boilers.¹³⁴⁷

1341 WIT-03337; WIT-03343

1342 INQ-00118

1343 TRA-08455

1344 WIT-03343; DFE-183322 to DFE-183326

1345 WIT-264846

1346 See the email from Mr Bullick of 7.27 pm on 18 December 2016 with revised text at DFE-183322 to DFE-183323, which Dr McCormick was content to clear; and the relevant portion of the Hansard transcript of First Minister Foster’s speech at INQ-00118.

1347 WIT-115014

Findings

126. The Inquiry considered Ms O’Hagan to be an impressive witness and it was not difficult to sympathise with her sense of frustration at the apparent inaction of a Government Department for some two years, even failing to carry out any investigation into the evidence that she had provided with regard to the perverse incentive to waste public funds. Accepting that she did not provide identities or promotional materials after her interview with DETI officials in October 2013, nonetheless her evidence was clearly and rationally presented and entirely consistent with other representations as well as with the activities and promotional materials available to stakeholders on the ground.
127. While Ms O’Hagan had no difficulty in conceding that her initial interest was, to some degree, stimulated by her own business, Mr Hutchinson told the Inquiry that the officials “did not believe that she was speaking out of self-interest” and he agreed that he and colleagues had expressed the view, with regard to exploitation of the scheme, that they “didn’t think that it would happen.”¹³⁴⁸
128. The Inquiry bears in mind that regardless of how he perceived Ms O’Hagan’s motivation, at least Mr Hutchinson considered it important enough to include a reference to her concern in his handover document in May 2014. In doing so, Mr Hutchinson made a specific reference to the email from Ms O’Hagan of 12 May. He was also aware of Ofgem’s advice of 13 May and made a recommendation that tiering of tariffs should be considered “as a matter of urgency” for biomass boilers under 100kW since higher demand was leading to over-generous tariffs.¹³⁴⁹ Sadly, as Ms O’Hagan’s email of the following year confirmed, no action in respect of tiering appears to have been taken even when she emailed Energy Division officials again in the spring of 2015.
129. The Inquiry notes that guidance on whistleblowing arrangements for DETI staff was published in May 2009 and updated to reflect changes in job titles in July 2012. No guidance existed on handling concerns raised by a concerned member of the public until June 2016 following the conversion of DETI to DfE; the Inquiry received no evidence as to why this was not done earlier.¹³⁵⁰ The Inquiry notes that Ms O’Hagan does not consider herself a whistle-blower.¹³⁵¹ Regardless of what official guidelines said on whistleblowing, any member of the public bringing forward a serious concern was entitled to have those concerns taken seriously. The treatment of both Ms O’Hagan and her attempts at communicating her concerns fell well below the standard that she was entitled to expect from the Department.
130. While she herself was not one of Minister Foster’s constituents, Ms O’Hagan did send emails to her constituency office in an attempt to ensure that communication was achieved. The system for handling correspondence to Ms Foster’s constituency office, where matters were raised relevant to DETI business, was not adequate in this case. Having received two similar emails to her constituency email address, Minister Foster’s assumption that the email she received on 3 September was just a reminder is perhaps understandable in the circumstances. However, the unfortunate

1348 TRA-05032

1349 WIT-07601

1350 DFE-399238 to DFE-399289

1351 WIT-264825

situation that arose in respect of that email could quite easily have been avoided by implementing a secondary check system, such as ensuring that all emails to the constituency office on departmental business were also referred to the ministerial Private Office.

131. Ms O’Hagan met officials on 8 October 2013; given the content of the meeting and the information she provided, it is the Inquiry’s view that the officials’ response was completely inadequate. At best, it was naïve. Apart from the reference by Mr Hutchinson in his handover note no further steps were taken by the officials concerned to raise independent enquiries with the commercial sector or relevant Government bodies and no steps were taken to escalate her concerns. An even more basic step would have been to check the comparison between the tariffs and the price of the fuel. Ms O’Hagan’s reaction to the attitude of the officials with whom she met was both appropriate and entirely understandable.
132. There does not appear to have been any recognised system for managing and collating correspondence of the type received from Ms O’Hagan in 2014 and 2015. Minister Foster said that, with hindsight, the correspondence and issues raised by Ms O’Hagan in 2014 and 2015 should have been collated and escalated within DETI by officials to at least her SpAd if not to herself.¹³⁵² The Inquiry has no doubt that this sorry sequence of events fell well below what a citizen of this jurisdiction, concerned about potential waste of public funds, was entitled to expect.
133. Ms O’Hagan deserved better and had every right to feel aggrieved particularly when, in December 2016, her email of 26 August 2013 was released in an inadequately redacted form, contrary to her clear instruction and her request that her identity be protected.
134. Without probing or testing the accuracy of what they had been told, in terms of potential waste on, or abuse of, the NI RHI scheme, officials simply believed that “people wouldn’t do that”. A culture which allows such blinkered belief in the correctness of their approach is of significant concern to the Inquiry and must not be allowed to continue, if such a situation is to be avoided in the future.