

Christine McLaughlin
Room 54
Netherleigh
Massey Avenue
Belfast
BT4 2JP

28 November 2018

By Post and Email: Christine.McLaughlin@economy-ni.gov.uk

Dear Sir

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').

The Terms of Reference of the RHI Inquiry continue to be available on the Inquiry's website: www.rhiinquiry.org

I am sure that you are aware that the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference. Although the Inquiry's oral hearings are largely complete, it is still 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.

The RHI Inquiry considers, arising from material provided to it, that you may be able to assist the RHI Inquiry with its work.

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.

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, arrangements have been made with

DfE to facilitate this; and you should contact Terence Coyne, the RHI Task Force's Information Manager, in the first instance. Alternatively, or if you encounter any difficulties, of whatever kind, you should not hesitate to get in touch with me.

I further refer you to Restriction Order No 2 made by the Chairman of the RHI Inquiry on 22 June 2017, a copy of which is also available on the Inquiry website. This restriction order prohibits you from publishing any documentation received from the RHI Inquiry (save that you may show it to your, or the Department's, legal representative, as appropriate) 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 of the name.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE
[No 236 of 2018]

Introduction

1. Set out your position and role within DETI / DfE during the period 2012 to 2016.

Summer 2015

2. At **DFE-466169 to DFE-466170** there is a screen-shot from the Private Office Knowledge Network relating to SUB-1075-2015 (the submission of 8 July 2015 in relation to the introduction of cost control measures in the RHI Scheme). This has an entry (at 08.23 on 09/07/2015) which suggests that the submission was "*Referred to [the] Minister*" on 9 July 2015, so that its status was then "*With Minister*". DfE has already indicated to the Inquiry on your behalf (**DFE-466687**) that, "*Recording papers on Knowledge Network as being referred to the Minister is not conclusive proof they are actually with the Minister. Although recorded as being with the Minister, the hard copy will initially be passed to [the Special Adviser] for consideration who in turn either passes them directly to the Minister or back to the [Private Secretary] to give to the Minister.*" As to this:
 - a. Set out what you consider the Knowledge Network record referred to above shows as to how the submission of 8 July 2015 was processed and dealt with.
 - b. On the basis of the information you have available to you, are you able to say when Minister Bell himself actually received a copy of the submission?
 - c. Have you any further evidence you can provide as to how the submission of 8 July 2015 was dealt with, processed and cleared during the summer of 2015?

The evidence of the Minister's Private Secretary

3. You are referred to the written evidence to the Inquiry of Sean Kerr, Minister Bell's Private Secretary (see **WIT-25819 to WIT-25830** and **WIT-25843 to WIT-25857**). Insofar as the issues addressed within his written evidence are within your own knowledge, information or belief, please:
 - d. Set out any respect in which you believe Mr Kerr's evidence is materially incomplete or in respect of which you have additional relevant information or evidence to provide (and, if so, please provide it).
 - e. Specify whether there is any issue in respect of which you materially disagree with the evidence provided by Sean Kerr (and, if so, please identify same and provide your reasons for disagreement).

General

4. 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 236 of 2018

DATE: 30th November 2018

Witness Statement of: Christine McLaughlin

I, Christine McLaughlin, will say as follows: -

Introduction

1. Set out your position and role within DETI / DfE during the period 2012 to 2016.

The position I held within DETI/DfE during the period of 2012 to 2016 was that of Assistant Correspondence Secretary in Private Office. My role involved administrative tasks regarding the processing of correspondence that came into the office.

Summer 2015

2. At DFE-466169 to DFE-466170 there is a screen-shot from the Private Office Knowledge Network relating to SUB-1075-2015 (the submission of 8 July 2015 in relation to the introduction of cost control measures in the RHI Scheme). This has an entry (at 08.23 on 09/07/2015) which suggests that the submission was "Referred to [the] Minister" on 9 July 2015, so that its status was then "With Minister". DfE has already indicated to the Inquiry on your behalf (DFE-466687) that, "Recording papers on Knowledge Network as being referred to the Minister is not conclusive proof they are actually with the Minister. Although recorded as being with the Minister, the hard copy will initially be passed to [the Special Adviser] for consideration who in turn either passes them directly to the Minister or back to the [Private Secretary] to give to the Minister." As to this:



- a. Set out what you consider the Knowledge Network record referred to above shows as to how the submission of 8 July 2015 was processed and dealt with.

The Knowledge Network record referred to above details that the submission was received on 8th July 2015 and was registered by me on the system on 9th July 2015 at 08.20am.

The documents attached to the submission are detailed in the Case Documents Box.

The Case History Box shows that I made an amendment on 9th July 2015 at 08.22am. This is detailed as "edited referrals" and this would be the next window that appears on the system once a case is registered and wherein one is invited to enter the details and add the names of officials who are involved and require notification.

The next step in the process is to refer the submission to the Minister, and this is detailed on the record above as having taken place at 9th July 2015 at 08.23am. This does not mean that the Minister receives an electronic version of the submission at this stage, as he does not receive an electronic version at any stage from the Knowledge Network system. Everything is provided in hard copy format to the Minister by his Private Secretary.

The record referenced above then shows that Damien Hegarty Edited Referrals and this could mean that he has added an official or made some other administrative change as instructed by the Private Secretary or Assistant Private Secretary.

It then shows that on 3rd September 2015 at 2.05pm, it has been approved by the Minister. This means that the physical submission has been returned to the Private Office by the Minister as approved, and the hard copy approval is uploaded to the system and then a process of recording this is followed.

The step of notification of officials follows on from this and is recorded as having taken place on 3rd September 2015 at 2.07pm and is detailed on the record as showing "Decision issued to Wightman, Stuart."

The Case Comments Box details that the submission was revised on 28th August 2015. I cannot recall this particular submission but generally any revision or instruction would come by email. From the commentary detailed, namely "revised submission to Minister/Timothy Cairns", I can only assume that I was instructed that Timothy had requested revisions to the submission which was then provided to me by officials.

**RENEWABLE HEAT
INCENTIVE INQUIRY**

- b. On the basis of the information you have available to you, are you able to say when Minister Bell himself actually received a copy of the submission?

In my role, I would not be involved at all in when the Minister would actually have physically received the copy. I would receive the submission when it arrives and possibly be involved once it is approved and to be recorded on the system but am unable to assist as to when he actually received it.

- c. Have you any further evidence you can provide as to how the submission of 8 July 2015 was dealt with, processed and cleared during the summer of 2015?

I have nothing to add over and above my answer at 2.a.

The evidence of the Minister's Private Secretary

3. You are referred to the written evidence to the Inquiry of Sean Kerr, Minister Bell's Private Secretary (see **WIT-25819 to WIT-25830** and **WIT-25843 to WIT-25857**). Insofar as the issues addressed within his written evidence are within your own knowledge, information or belief, please:
- d. Set out any respect in which you believe Mr Kerr's evidence is materially incomplete or in respect of which you have additional relevant information or evidence to provide (and, if so, please provide it).

Having reviewed the statements of Sean Kerr, there is nothing that I can see that is incomplete or of which I feel that I have additional relevant information to add.

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INCENTIVE INQUIRY

- e. Specify whether there is any issue in respect of which you materially disagree with the evidence provided by Sean Kerr (and, if so, please identify same and provide your reasons for disagreement).

In relation to his statements, I feel that I would only have knowledge of procedures of the Private Office and in relation to that, I cannot see any issue that I disagree with.

General

4. 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.

I have nothing further to add.

Statement of Truth

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

Signed: Christine McLaughlin

Dated: 30/11/18