

**From:** [McCormick, Andrew \(DETI\)](#)  
**To:** [Mills, John \(DETI\)](#)  
**Cc:** [Hill, Janice](#); [Rooney, Eugene](#); [Stewart, Chris \(DETI\)](#); [McCoy, Laura](#)  
**Subject:** Re: 27-01-16 HCS-018-16 HOCS Memo to Andrew McCormick re RHI  
**Date:** 28 January 2016 13:54:50

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Many thanks John.

WiFi is slow this morning so I haven't opened the Word version. Format wise I assume it has the same heading and Cc list as HOCS' minute - and adds you, Chris and Eugene as additional recipients.

I have amended the first two paragraphs.

Please liaise with Janice to finalise and issue.

Many thanks.

Sent from my BlackBerry 10 smartphone.

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**From:** Mills, John (DETI)  
**Sent:** Thursday, 28 January 2016 12:40  
**To:** McCormick, Andrew (DETI)  
**Cc:** Hill, Janice; Rooney, Eugene; Stewart, Chris (DETI); McCoy, Laura  
**Subject:** RE: 27-01-16 HCS-018-16 HOCS Memo to Andrew McCormick re RHI

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Andrew

See revised note below (including Chris's comment) with changes shown in strikethrough and red. There's a clean copy on your note paper in the attached word document. Let me know if you want us to send or format anything.

To HoCS

As promised here are some initial comments on the issues raised in your minute of 27 January. I will commission a more comprehensive response as soon as possible.

On the action to address the continued flow of uncovered expenditure, I have discussed this with Minister Bell, and I understand that his office will now confirm approval of the DETI submission on action to close the scheme as soon as possible. We are also seeking to reduce the time required for the procedures if at all possible.

In short the unfunded pressure arose from three factors:

- (1) the rapid increase in demand for the scheme from early last year onwards **culminating in a large spike of 900 applications prior to legislative changes in November. In the space of 6 weeks in Autumn 2015, the number of installations doubled from the 900 that had been received in the previous 3 years ;**
- (2) the fact that DETI officials did not realise in time that DFP approval **for the non-domestic part of the RHI scheme** had expired on 31 March 2015; and
- (3) **A change in HMT's treatment of RHI expenditure** ~~change of approach to the budget~~ - from AME with a modest risk of a DEL penalty to the position where they are requiring us to cover the full excess from DEL.

When the issue came to attention in June/July 2015, I commissioned immediate action to:

- seek all necessary approvals, including making whatever changes were needed to align our actions with a revised position in policy and legislation, based on value for money ;
- seek to secure the necessary budget; and
- establish if there was a basis for retrospective approval of the costs incurred after 31 March 2015.

These actions were reflected in formal advice issued to the DETI Minister in early July 2015.

The risk of fraud or abuse of the scheme was also identified and I have commissioned Internal Audit to investigate. The scheme is managed by OFGEM across the UK. We are acting ~~We have also acted~~ to increase the capacity to inspect and confirm if recipients of funds are complying with the conditions that apply. A Business Case for securing the services of an external assurance provider to carry out a programme of additional site checks / audits is currently being developed. It proved very difficult to establish the position on budgetary management, given that a specific arrangement had been put in place at the inception of the scheme whereby we were allocated a Barnet shares of the GB budget but classified as AME. DFP and DETI discussed all the possible scenarios in the Autumn, including the position as now set out in the Chief Secretary's letter, and of course it has been for DFP to deal with the communication with HMT. We held on as long as possible to the hope that some semblance of the clear original basis (AME funding, with a limited DEL penalty) would endure.

It also proved difficult to begin to limit the payments under the scheme. There were delays in introducing the reduction in entitlements in the Autumn, as there was some initial reluctance to make the necessary legislative changes (any change to the scheme requires the affirmative approval of the Assembly). With hindsight, I might perhaps should have sought a Ministerial Direction at an earlier stage. However, the spike in demand prior to the November legislation to tighten tariff controls was beyond reasonable prediction. It was only at this stage and, following the November SR and HMT's change in policy (conveyed 22 December 2015), that scheme closure became the only realistic option.

~~The scheme is managed by OFGEM across the UK. We are acting to enhance the checking process.~~

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**From:** McCormick, Andrew (DETI)

**Sent:** 28 January 2016 02:28

**To:** Stewart, Chris (DETI)

**Cc:** Mills, John (DETI); Hill, Janice; Rooney, Eugene

**Subject:** Re: 27-01-16 HCS-018-16 HOCS Memo to Andrew McCormick re RHI

Please consider and improve the following fuller response to HOCS. I want to send a very quick response so please keep to the style of the material below but check accuracy and enhance the weaker bits. Will call when I wake up.

To HoCS

As promised here are some initial comments on the issues raised in your minute of 27 January, beyond the immediate issue around the action needed to close the scheme. I will commission a more comprehensive response as soon as possible.

In short the unfunded pressure arose from three factors:

- the rapid increase in demand for the scheme from early last year onwards;

- the fact that DETI officials did not realise in time that DFP approval had expired on 31 March 2015; and

- HMT's change of approach to the budget - from AME with a modest risk of a DEL penalty to the position where they are requiring is to cover the full excess from DEL.

When the issue came to attention in June/July 2015, I commissioned immediate action to:

- seek all necessary approvals, including making whatever changes were needed to align our actions with a revised position in policy and legislation, based on value for money ;

- seek to secure the necessary budget; and

- establish if there was a basis for retrospective approval of the costs incurred after 31 March 2015.

The risk of fraud or abuse of the scheme was also identified and I have commissioned Internal Audit to investigate and we have also acted to increase the capacity to inspect and confirm if recipients of funds are complying with the conditions that apply.

It proved very difficult to establish the position on budgetary management, given that a specific arrangement had been put in place at the inception of the scheme whereby we were allocated a Barnet shares of the GB budget but classified as AME. DFP and DETI discussed all the possible scenarios in the Autumn, including the position as now set out in the Chief Secretary's letter, and of course it has been for DFP to deal with the communication with HMT. We held on as long as possible to the hope that some semblance of the clear original basis (AME funding, with a limited DEL penalty) would endure.

It also proved difficult to begin to limit the payments under the scheme. There were delays in introducing the reduction in entitlements in the Autumn, as there was some initial reluctance to make the necessary legislative changes. With hindsight, I perhaps should have sought a Ministerial Direction at an earlier stage.

The scheme is managed by OFGEM across the UK. We are acting to enhance the checking process.

Sent from my BlackBerry 10 smartphone.

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**From:** HOCS

**Sent:** Wednesday, 27 January 2016 18:04

**To:** McCormick, Andrew (DETI)

**Cc:** Bullick, Richard; Johnston, Timothy; Wallwin, Judith; Sterling, David; Brennan, Mike; McKibbin, Malcolm

**Subject:** 27-01-16 HCS-018-16 HOCS Memo to Andrew McCormick re RHI

Andrew

Please see attached from Malcolm McKibbin.

Kind Regards

Stephen

**Stephen McConnell**

**Executive Assistant to Dr Malcolm McKibbin, Head of the Civil Service.**

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