

From: [Coyne, Terence](#)
To: [McCormick, Andrew \(DFE\)](#)
Cc: [McCann, Brendan](#); [Marten, Lucy](#)
Subject: Re: Concerned Citizen
Date: 18 December 2016 11:32:20

I don't have the papers to hand but the 2013 chain consists of an e mail to the Department seeking a meeting with the Minister, advice from Fiona Hepper, and a response from the Minister suggesting that Janette meets with Energy Division officials.

The second official train starts in June 2014 when Janette refers back to her meeting with officials. Nothing has been found relating to the October 2013 - June 2014 period but may not have been filed on TRIM.

Regards

Terry

Sent from my BlackBerry 10 smartphone.

From: McCormick, Andrew (DFE)
Sent: Saturday, 17 December 2016 12:27
To: Coyne, Terence
Cc: McCann, Brendan; Marten, Lucy
Subject: Concerned Citizen

Do you have access today to all of the email chain from 2013 involving Janette O'Hagan?

Sent from my BlackBerry 10 smartphone.

From: [McCormick, Andrew \(DFE\)](#)
To: [McCaughan, Bernard](#)
Cc: [Coyne, Terence](#); [Johnston, Wendy](#); [McCann, Brendan](#); [McCoy, Laura](#)
Subject: Fw: Concerned Citizen Emails
Date: 19 December 2016 10:11:24

Need to search for the 3 September email though as it came to the Minister's personal account it may well not be there.

All the clues I have are below but Nolan's twitter may have a fuller version.

Many thanks.

Sent from my BlackBerry 10 smartphone.

From: Andrew McCormick <Personal information redacted by the RHI Inquiry>
Sent: Sunday, 18 December 2016 19:40
To: Sterling, David; TEO HOCS; Caldwell, Alison
Cc: McCormick, Andrew (DFE)
Subject: Fw: Concerned Citizen Emails

Please see below

Sent from my BlackBerry 10 smartphone.

From: Andrew McCormick <Personal information redacted by the RHI Inquiry>
Sent: Sunday, 18 December 2016 19:35
To: Gaughran, Aine
Cc: 'David'; Gordon, David; McCann, Brendan; Cousins, Heather; Coyne, Terence; Marten, Lucy
Subject: Fw: Concerned Citizen Emails

Please see below.

Sent from my BlackBerry 10 smartphone.

From: Andrew McCormick <Personal information redacted by the RHI Inquiry>
Sent: Sunday, 18 December 2016 19:32
To: 'Richard Bullick'
Cc: 'Timothy Johnston'; 'Simon Hamilton'; 'Clive McFarland'; 'John Robinson'; 'David'
Subject: RE:

Minor tweaks – but this accords fully with my understanding of what happened, so happy to clear it.

From: Richard Bullick <Personal information redacted by the RHI Inquiry>
Sent: 18 December, 2016 7:27 PM
To: Andrew McCormick <Personal information redacted by the RHI Inquiry>
Cc: Timothy Johnston <timothyjohnston@dup.org.uk>; Simon Hamilton <simonhamilton@dup.org.uk>; Clive McFarland <clivemcfarland@dup.org.uk>; John Robinson <johnrobinson@dup.org.uk>; David <Personal information redacted by the RHI Inquiry>
Subject: Re:

Draft response for clearance ...

“As has been apparent over recent days there is clearly some confusion over the precise details in relation to the emails.

The First Minister has no formal record of any emails from this period as her records do not go back this far.

The First Minister initially indicated to Spotlight that she had passed on an email in relation to RHI to her departmental officials.

Subsequently the First Minister was shown the email of 26 August 2013 from the person in question which was published last week. That email which had been passed to officials, and the Minister contacted had then replied to the person in question on 5 September 2013 offering a meeting with officials.

Before it was published the person who had sent the email was contacted by an official in the Department of the Economy who confirmed that it had been the only direct contact with Arlene Foster, and the official's understanding was that she was content to release it subject to redactions. We apologise if there was any misunderstanding, as we certainly would not have released the email had we thought that would be against her wishes. However, we understand that another email has come to light dated September 3 which makes a reference to concerns about the RHI. The First Minister's office has no record of this email, but equally no reason to believe that it was not sent or received.

In any event person in question contacted officials two days later on 5 September 2013 (in immediate response to the letter from the Minister) in order to set up a meeting at which her plans and concerns were discussed. We understand that at this meeting she also raised concerns about the RHI but, very unfortunately, these concerns were not taken sufficiently seriously.

At all times Mrs Foster sought to follow the appropriate processes in relation to this issue.

In relation to the RIA issue the Minister had the right to expect that the risks identified in the RIA would be managed by officials. As the Accounting Officer has explained at length to the Public Accounts Committee, there were several important commitments made at the time when the RHI was approved (not least in respect of risk management and review of the tariff) which were not followed through, and those omissions by officials contributed materially to the very serious problem we now face. That is already under investigation in the fact-finding work that has been discussed with the PAC.”

On 18 Dec 2016, at 19:21, Andrew McCormick

Personal information redacted by the RHI Inquiry wrote:

Many thanks

Pretty light but I would still leave out "passing" in your response.

Sent from my BlackBerry 10 smartphone.

From: Richard Bullick
Sent: Sunday, 18 December 2016 19:17
To: Andrew McCormick
Cc: Timothy Johnston; Simon Hamilton; Clive McFarland; John Robinson; David
Subject: Re: RE:

Apparently this was it

3rd Sept is the date

Addressed Mrs Foster

The additional paragraph again is touting for business but in the last line of it it says:

" ... in fact the incentive to use more is leading to misuse in some cases"

Sent from my iPhone

On 18 Dec 2016, at 19:14, Andrew McCormick Personal information redacted by the RHI Inquiry wrote:

Please see suggestions and questions in red below.

Many thanks.

From: Richard Bullick Personal information redacted by the RHI Inquiry
Sent: 18 December, 2016 6:36 PM
To: Clive McFarland <clivemcfarland@dup.org.uk>; John Robinson
<johnrobinson@dup.org.uk>
Cc: Timothy Johnston <timothyjohnston@dup.org.uk>; Simon
Hamilton <simonhamilton@dup.org.uk>; Andrew McCormick
Personal information redacted by the RHI Inquiry
Subject:

could say that AF will address all this points at 1030 but as a holding response

we need to run this past AMc and get an answer to point 4

1.

Does Arlene Foster deny that she received an email dated 3rd September 2013 setting out concerns about the Renewable Heating scheme . For your benefit, the BBC understands an email setting out concerns was sent to Arlene@arlenefoster.org.uk

2.

Did Arlene Foster pass this email on to departmental officials ?

3.

Why did Arlene Foster not personally address the concerns highlighted in this document ?

4.

Does Arlene Foster deny the risks of the RHI were recorded, identified and sent to her in 2012 within a Regulatory Impact Assessment (RIA) document.

As has been apparent over recent days there is clearly some confusion over the precise details in relation to the emails.

The First Minister has no formal record of any emails from this period as her records do not go back this far.

The First Minister initially indicated to Spotlight that she had passed on an email in relation to RHI to her departmental officials.

Subsequently the First Minister was shown ~~an~~ the email from the person in question which was published last week, which had been passed to officials. The Minister had replied to that email on 5 September offering a meeting with officials.

Before it was published the person who had sent the email was contacted by an official in the Department of the Economy who confirmed that it was had been the only direct contact with Arlene Foster, and the official's understanding was that she was content to release it subject to redactions. We apologise if there was any misunderstanding, as we certainly would not have released the email had we thought that would be against her wishes.

However, we understand that another email has come to light dated September 3 which makes a **passing reference** to concerns about the RHI [DN: Are you sufficiently sure of the lightness of the email – if it wasn't **about** concerns, why did she need to add to the email of 26 August].

The First Minister has no record of this email but equally no reason to believe that it was not sent or received.

In any event ~~departmental officials contacted~~ the person in question **contacted officials** two days later on 5 September 2013 **(in immediate response to the letter from the Minister)** in order to set up a meeting at which her plans and concerns were discussed.

We understand that at this meeting she also raised concerns about the RHI but, **very unfortunately**, these concerns were not taken sufficiently seriously.

At all times Mrs Foster followed the appropriate processes in relation to this issue [DN sorry, this could be challenged if it was established that the 3 September email was not passed on - “sought to follow” would be safer].

On point 4:

The Minister had the right to expect that the risks identified in the RIA would be managed by officials. As the Accounting Officer has explained at length to the Public Accounts Committee, there were several important commitments made at the time when the RHI was approved (not least in respect of risk management and review of the tariff) which were not followed through, and those omissions by officials contributed materially to the very serious problem we now face. That is already under investigation in the fact-finding work that has been discussed with the PAC.