

From: [Woods, Michael \(DETI\)](#)
To: [McCormick, Andrew \(DFE\)](#)
Cc: [Stewart, Chris \(DFE\)](#); [Rooney, Eugene](#); [Mills, John \(DETI\)](#); [Cooper, Trevor](#); [Hill, Janice](#); [Wightman, Stuart](#); [Cardwell, Mark](#)
Subject: Renewable Heat Incentive
Date: 10 February 2016 18:53:19
Attachments: [Renewable Heat Incentive.docx](#)

Andrew

Following our meeting on Friday 5th February 2016 in respect of the RHI Non-Domestic scheme, I attach a brief paper on the suggested way forward.

Michael Woods

DETI IAS

Ext 2892

To: Andrew McCormick
Permanent Secretary

cc Chris Stewart
Eugene Rooney
John Mills
Trevor Cooper
Janice Hill
Stuart Wightman
Mark Cardwell

From: Michael Woods
Head of Internal Audit

Date: 10th February 2016

RENEWABLE HEAT INCENTIVE (RHI)

1. Further to our meeting on 5th February 2016, I am writing to outline the proposed steps to be taken to address the allegations that were received on 28th January 2016 in respect of the RHI Non-Domestic scheme and to bring to conclusion the current review by Internal Audit of the design and implementation of the RHI Non-Domestic scheme.

Investigation of Allegations

2. The allegations received on 28th January 2016, state that the RHI Scheme is being “seriously abused” by many of the Businesses and that they are not working within the scheme guidelines. The allegations also state that the “where the problems are arising is that the scheme is not being monitored and is very much left to the installer to vet whether you are a suitable business to enter this scheme”.
3. In addition, a number of specific (unnamed) examples are provided including:
 - Factories who have no previous heating have installed three biomass boilers and intend to run them 24/7, with the intention of collecting approximately £1.5m over the next 20 years; and
 - A local farmer who has no business or need for biomass boilers is aiming to collect £1m over the next 20 years heating an empty shed.

4. To fully address these concerns it proposed that the Department jointly commission with Ofgem an independent investigation of the allegations. I have attached at appendix 1 a suggested set of objectives for such a review.
5. This review will need to sample, on site, a selection of installations in Northern Ireland and should seek to establish if there is any evidence of the scheme having been abused, fraud having occurred or if Businesses who have applied or are in receipt of funding have failed to operate with the confines of the scheme guidelines. While the specific sample sizes will need to be determined in conjunction with Ofgem the sample should be stratified into the following bands:
 - Site inspections of a sample of current applications awaiting award, this is allowable under paragraph 22 (4) of The Renewable Heat Incentive Scheme Regulations (NI) 2012;
 - Site inspections of a sample of businesses, currently in receipt of funding, who have multiple installations; and
 - Site inspections of a sample of businesses with single installations.
6. The Terms of Reference for this independent review will of course need to be agreed with Ofgem and it was agreed that officials from Energy Division will contact their colleagues in Ofgem to discuss and agree the way forward.

Completion of Internal Audit Review

7. Internal Audit is currently undertaking a review of the RHI Non-Domestic scheme. This review focus is on the effectiveness of internal controls exercised from the initiation of the scheme and the action taken to address concerns which arose over regularity, affordability and value for money of the scheme.
8. The scope of the review also included an objective to review the payment and inspection programme undertaken by Ofgem on behalf of the Department. At the time the scope of the audit was agreed it was envisaged that this part of

the review would be undertaken with reference to controls operated and information received by Energy Division from Ofgem. As the review has progressed it has become clear that the reliance on Ofgem for the administration of the scheme has resulted in limited oversight of these processes by Energy Division.

9. To adequately review these processes would effectively require access to Ofgem and in effect would be an audit of Ofgem. However, in light of the decision to approach Ofgem with a view to jointly commissioning a review of a sample of installations, the effectiveness of the controls operated by Ofgem in administering the application, payment and inspection processes of the scheme could be assessed as part of this jointly commissioned review. The reality of the installations on the ground would in effect provide much more tangible evidence on whether the administration of the scheme was ensuring compliance with the scheme guidelines. I propose, therefore, that the Terms of Reference for the internal audit review be amended to remove the current objective in relation to the controls operated by Ofgem. The Departments oversight of Ofgem will still be covered by the remaining objectives. I have attached a revised Terms of Reference at appendix 2 for consideration.

Conclusion

10. In summary I recommend the following courses of action
 1. Energy Division initiate discussion with Ofgem with a view to jointly commissioning an independent review of the allegations received and undertaking a programme of site inspections;
 2. The proposed objectives for the independent review as outline at appendix 1 are considered as part of the joint commissioning process;
 3. The Terms of Reference for the current Internal Audit review is amended (as per appendix 2) to remove objective relating to the review of Ofgem and this is built into the jointly commissioned review.

Michael Woods

Appendix 1

Proposed Objectives for Independent review of RHI allegations

- To ensure that all applications to the RHI Non Domestic Scheme are valid, meet the conditions as set out in the Scheme Guidelines and the supporting information supplied as part of the application processes by the applicant is true and accurate;
- To ensure that all approved applications to the scheme are valid, accurate, have demonstrated compliance with the Scheme Guidelines and that information provided in the application remains accurate;
- To ensure that payments made under the scheme are only made on the receipt of valid, relevant and accurate information supplied by the business in receipt of grant
- To ensure by inspection on site of a sample of installations that the installations meet the conditions set out in the scheme guidelines and any changes in the nature of the installation, from the information contained in the application, do no impact on the continuing eligibility of the installation; and
- To consider as a result of the onsite inspections, if there is any evidence to indicate Fraud or abuse of the scheme by the applicants / installations.

Appendix 2**Revised Terms of Reference for Internal Audit Review of RHI Non- Domestic Scheme****1. Introduction**

1.1 In accordance with the established Internal Audit strategy and 2015/16 Internal Audit plan agreed by the DETI Accounting Officer and the Departmental Audit Committee, Internal Audit will carry out a review of the non-Domestic Renewable Heat Incentive scheme administered by Energy Division.

2. Purpose and Scope

2.1 The purpose of the review will be to provide an independent professional opinion on the adequacy and effectiveness of risk management, control and governance.

2.2 The scope of the audit will include control, governance and risk management arrangements associated with the following areas:

- Scheme Design
- Financial Management – Payments and Budgetary Control
- Governance and Oversight Arrangements

2.3 The review will focus particularly on the effectiveness of internal controls exercised from the initiation of the scheme and the action taken to address concerns which arose over regularity, affordability and value for money with the scheme. The review will also assess the potential for fraudulent activity in regard to applications to the scheme.

3. Objectives

3.1 The following objectives will be used as a basis for our evaluations and opinion about the adequacy and effectiveness of risk management, control and governance To ensure that:-

- The non-domestic RHI scheme has been designed so that awards are only made for valid applications that demonstrate they have met all of the scheme criteria, including that the purpose is for a valid business activity. In addition that the proposed heat output of the application is only at a level that is necessary for the proposed business described, and by design the scheme incentive is not such that the award generates payments that would exceed the costs of the heat being generated Finally, that there is a valid legally binding agreement between DETI and the applicant.
- An adequate and effective budgetary control system has been established to enable complete, accurate and reliable financial management information to be extracted for monitoring and reporting purposes. In addition, to ensure that the long term budgetary commitments for the scheme are monitored and that formal budgetary cover for the life of the scheme is in place to make sure that all commitments can be met.
- Adequate and effective governance and oversight arrangements have been established over the relationship between DETI and OFGEM and robust assurances are provided over budgetary transfer payments made to OFGEM and the administration of Departmental funds, including the award and payment processes.
- In light of recent experience with the operation of the scheme, a key objective is to provide a full assessment of:
 - the factors which contributed to the large spike in scheme demand and costs;
 - the effectiveness of existing internal controls;
 - the management of the risks; and
 - on the lessons to be learnt.

4. Conduct of Audit

- 4.1 The audit work will be performed in accordance with the Public Sector Internal Audit Standards (PSIAS) and the professional standards and guidelines of the Chartered Institute of Internal Auditors.
- 4.2 Members of Internal Audit staff, in accordance with the Internal Audit Charter, have access to all records, assets, personnel, premises and such information and explanations as considered necessary to fulfil audit responsibilities.

5. Audit Resources

- 5.1 The audit will be performed by members of the internal audit team Dovile Bagdonaite and Mark Cardwell (Audit Manager).

6. Reporting

- 6.1 The audit team will provide management with regular informal updates as the audit progresses or as requested. Upon completion of the audit the overall findings will be discussed at a post audit meeting with Mr. Stuart Wightman (Head of Energy Efficiency Branch).
- 6.2 Upon completion of the audit a draft report will be issued to Mr. Wightman, Mr. John Mills (Director of Energy Division). Upon receipt of management's formal response to the draft report, a final report (incorporating the management response) will then be issued to Mr. Wightman, Mr. Mills, Mr Andrew McCormick (Accounting Officer) Mr. Chris Stewart (Deputy Secretary), and the NIAO in accordance with established arrangements.
- 6.3 In accordance with Internal Audit Key Performance Indicators, a draft report will be issued within 15 days of completion of fieldwork. The final report will issue within 10 days of receipt of management responses. Management is requested to submit management responses within 15 working days of receiving the draft report.

From: [Timothy Cairns](#)
To: [Fullerton, Karen](#)
Cc: [Cairns, Timothy](#); [Kerr, Sean](#); [McCormick, Andrew \(DFE\)](#); [Stewart, Chris \(DFE\)](#); [Rooney, Eugene](#); [DG DETI Press Office](#)
Subject: Re: For clearance - RHI
Date: 10 February 2016 19:33:26

Should we take out the "as previously stated" para to keep this focused on the new date and the fraud?

I think it may be superfluous but I don't mind either way

Also I'd take out the officials are looking at new scheme let's keep that under wraps for now to avoid any heightened expectation!

Tim

Sent from my iPhone

On 10 Feb 2016, at 17:32, Fullerton, Karen <karen.fullerton@detini.gov.uk> wrote:

Tim,
Grateful for clearance on the attached. If content, would like to issue tomorrow morning.
Many thanks,
Karen

From: [Timothy Cairns](#)
To: [Fullerton, Karen](#)
Cc: [Cairns, Timothy](#); [Kerr, Sean](#); [McCormick, Andrew \(DFE\)](#); [Stewart, Chris \(DFE\)](#); [DG DETI Press Office](#); [Rooney, Eugene](#)
Subject: Re: RHI release
Date: 10 February 2016 21:33:00

I'm happy with that but open to other comments, think it's focused and puts the spotlight on the extended period

T

Sent from my iPad

On 10 Feb 2016, at 20:38, Fullerton, Karen <karen.fullerton@detini.gov.uk> wrote:

Folks,
Attached release taking on board comments. If all content, will issue at 10.30.
Thanks
Karen

From: [Rooney, Eugene](#)
To: [Fullerton, Karen](#); [Cairns, Timothy](#); [Kerr, Sean](#)
Cc: [Timothy Cairns](#); [McCormick, Andrew \(DFE\)](#); [Stewart, Chris \(DFE\)](#)
Subject: RE: RHI release
Date: 11 February 2016 08:05:57

Have we alerted others in the system who might be expecting immediate closure for budgetary reasons of the extension?

From: Fullerton, Karen
Sent: 10 February 2016 20:39
To: Cairns, Timothy; Kerr, Sean
Cc: Timothy Cairns; McCormick, Andrew (DETI); Stewart, Chris (DETI); DG_DETI Press Office; Rooney, Eugene
Subject: RHI release

Folks,

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Thanks

Karen

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To: [Rooney, Eugene](#); [Fullerton, Karen](#); [Cairns, Timothy](#); [Kerr, Sean](#)
Cc: [Timothy Cairns](#); [Stewart, Chris \(DFE\)](#)
Subject: Re: RHI release
Date: 11 February 2016 08:30:58

Can you give Mike Brennan a call to make sure please.

Many thanks.

Sent from my BlackBerry 10 smartphone.

From: Rooney, Eugene
Sent: Thursday, 11 February 2016 08:05
To: Fullerton, Karen; Cairns, Timothy; Kerr, Sean
Cc: Timothy Cairns; McCormick, Andrew (DETI); Stewart, Chris (DETI)
Subject: RE: RHI release

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Cc: [Stewart, Chris \(DFE\)](#); [Mills, John \(DETI\)](#); [Cooper, Trevor](#); [Hill, Janice](#); [Wightman, Stuart](#); [Cardwell, Mark](#)
Subject: RE: Renewable Heat Incentive
Date: 11 February 2016 08:52:42

Michael

A key assumption in your proposed approach is the involvement of OFGEM in the investigation of RHI allegations- do we know yet of their likely position ? That is an important consideration. Given the public announcement of *“a comprehensive review and audit, to ensure that the operation of the schemes is in compliance with the scheme requirements”* we need to say something about the approach to domestic scheme compliance.

I would also suggest that once agreed we engage with the NIAO on the approach. I expect they will be engaging with us shortly.

Eugene

From: Woods, Michael (DETI)
Sent: 10 February 2016 18:53
To: McCormick, Andrew (DETI)
Cc: Stewart, Chris (DETI); Rooney, Eugene; Mills, John (DETI); Cooper, Trevor; Hill, Janice; Wightman, Stuart; Cardwell, Mark
Subject: Renewable Heat Incentive

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Following our meeting on Friday 5th February 2016 in respect of the RHI Non-Domestic scheme, i attach a brief paper on the suggested way forward.

Michael Woods

DETI IAS

Ext 2892

From: [Woods, Michael \(DETI\)](#)
To: [Rooney, Eugene](#); [McCormick, Andrew \(DFE\)](#)
Cc: [Stewart, Chris \(DFE\)](#); [Mills, John \(DETI\)](#); [Cooper, Trevor](#); [Hill, Janice](#); [Wightman, Stuart](#); [Cardwell, Mark](#)
Subject: RE: Renewable Heat Incentive
Date: 11 February 2016 09:02:49

Eugene

It is my assumption following the meeting on Friday 5th February that the way forward on this will be jointly commissioned review with Ofgem.

The Domestic Scheme is administered in a different manner to the Non-Domestic Scheme, however, the same risks could be present and therefore on completion of the Internal Audit review of the Non-domestic RHI my team will be completing the review of the Domestic Scheme and we will be considering if the controls present in that scheme are sufficient to mitigate the risks that have crystallised in the Non-Domestic scheme.

In response to the Suspected Fraud Notification, Tomas Wilkinson in the NIAO replied asking to be kept informed and that C&AG is concerned about the scheme. Once the Department has reached agreement with Ofgem on the way forward we will need to set out a timeline showing clearing what actions are being taken, by whom and when these are scheduled to be concluded.

Michael

From: Rooney, Eugene
Sent: 11 February 2016 08:53
To: Woods, Michael (DETI); McCormick, Andrew (DETI)
Cc: Stewart, Chris (DETI); Mills, John (DETI); Cooper, Trevor; Hill, Janice; Wightman, Stuart; Cardwell, Mark
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Cc: [Rooney, Eugene](#); [Mills, John \(DETI\)](#); [Cooper, Trevor](#); [Hill, Janice](#); [Wightman, Stuart](#); [Cardwell, Mark](#); [McIlwrath, Linda](#)
Subject: RE: Renewable Heat Incentive
Date: 11 February 2016 09:13:00

Michael

I note that the legislation includes strong powers of inspection and enforcement. How will the sample of premises to be inspected be chosen?

C

From: Woods, Michael (DETI)
Sent: 10 February 2016 18:53
To: McCormick, Andrew (DETI)
Cc: Stewart, Chris (DETI); Rooney, Eugene; Mills, John (DETI); Cooper, Trevor; Hill, Janice; Wightman, Stuart; Cardwell, Mark
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Cc: [Timothy Cairns](#); [Stewart, Chris \(DFE\)](#)
Subject: RE: RHI release
Date: 11 February 2016 09:14:09

I've just spoken to Mike.

He has raised whether this announcement is consistent with what the Executive has agreed – he feels it may not be. Mike is also concerned that there will be an additional budget implication above the Executive's agreed position on immediate closure of the scheme, and whether the Executive has agreed budget cover for the additional amount –and do we have an estimate ?

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Karen

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To: [Rooney, Eugene](#); [McCormick, Andrew \(DETI\)](#); [Fullerton, Karen](#); [Cairns, Timothy](#); [Kerr, Sean](#)
Cc: [Timothy Cairns](#); [Mills, John \(DETI\)](#); [Wightman, Stuart](#); [McIlwrath, Linda](#)
Subject: RE: RHI release
Date: 11 February 2016 09:29:00

Eugene

The Minister's request did not specify a date; nor did the Executive decision. In fact the Minister's recommendation was not qualified by 'as soon a possible' or any similar formulation (although that was clearly envisaged). I suggest that Mike's concern would be best addressed by a letter to Ministerial colleagues, advising them of how the Minister proposes to take forward the Executive's decision.

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HOCS has shared the record of his meeting with FM and dFM on Tuesday afternoon where the view was taken that the scheme should be left open until a date to be determined to allow for the “completion of applications already in progress (to be further defined)”. Given the way the scheme works, that form of words may not reflect the Ministers’ intention, but I assume that the date now adopted (29 February) was brokered through the usual channels, and that should embrace DFP.

Happy to discuss further but my understanding is that legitimate authority and approval exists for the announcement.

Chris’ suggestion might be useful to confirm what has happened.

Many thanks.

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Subject: Re: RHI release
Date: 11 February 2016 09:31:44

I agree with Chris

Sent from my iPhone

On 11 Feb 2016, at 09:29, Stewart, Chris (DETI) <Chris.Stewart@detini.gov.uk> wrote:

Eugene

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Subject: Re: RHI release
Date: 11 February 2016 09:32:53

The note from HOCS is my understanding as well and subsequently confirmed in a private meeting between minister and Conor Murphy yesterday.

Sent from my iPhone

On 11 Feb 2016, at 09:31, McCormick, Andrew (DETI) <Andrew.McCormick@detini.gov.uk> wrote:

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Karen

From: [McCormick, Andrew \(DETI\)](#)
To: [Timothy Cairns](#); [Stewart, Chris \(DFE\)](#)
Cc: [Rooney, Eugene](#); [Fullerton, Karen](#); [Cairns, Timothy](#); [Kerr, Sean](#); [Mills, John \(DETI\)](#); [Wightman, Stuart](#); [McIlwrath, Linda](#)
Subject: RE: RHI release
Date: 11 February 2016 09:33:51

The Urgent Procedure paper proposes “immediate” closure, but the most important point remains the collective agreement as to how that is now interpreted – ie 29 February.

From: Timothy Cairns [mailto:timothycairns@dup.org.uk]
Sent: 11 February 2016 09:32
To: Stewart, Chris (DETI)
Cc: Rooney, Eugene; McCormick, Andrew (DETI); Fullerton, Karen; Cairns, Timothy; Kerr, Sean; Mills, John (DETI); Wightman, Stuart; McIlwrath, Linda
Subject: Re: RHI release
I agree with Chris

Sent from my iPhone

On 11 Feb 2016, at 09:29, Stewart, Chris (DETI) <Chris.Stewart@detini.gov.uk> wrote:

Eugene

The Minister’s request did not specify a date; nor did the Executive decision. In fact the Minister’s recommendation was not qualified by ‘as soon a possible’ or any similar formulation (although that was clearly envisaged). I suggest that Mike’s concern would be best addressed by a letter to Ministerial colleagues, advising them of how the Minister proposes to take forward the Executive’s decision.

C

From: Rooney, Eugene
Sent: 11 February 2016 09:14
To: McCormick, Andrew (DETI); Fullerton, Karen; Cairns, Timothy; Kerr, Sean
Cc: Timothy Cairns; Stewart, Chris (DETI)
Subject: RE: RHI release
I’ve just spoken to Mike.

He has raised whether this announcement is consistent with what the Executive has agreed – he feels it may not be. Mike is also concerned that there will be an additional budget implication above the Executive’s agreed position on immediate closure of the scheme, and whether the Executive has agreed budget cover for the additional amount –and do we have an estimate ?

From: McCormick, Andrew (DETI)
Sent: 11 February 2016 08:31
To: Rooney, Eugene; Fullerton, Karen; Cairns, Timothy; Kerr, Sean
Cc: Timothy Cairns; Stewart, Chris (DETI)
Subject: Re: RHI release
Can you give Mike Brennan a call to make sure please.

Many thanks.

Sent from my BlackBerry 10 smartphone.

From: Rooney, Eugene
Sent: Thursday, 11 February 2016 08:05
To: Fullerton, Karen; Cairns, Timothy; Kerr, Sean
Cc: Timothy Cairns; McCormick, Andrew (DETI); Stewart, Chris (DETI)

Subject: RE: RHI release

Have we alerted others in the system who might be expecting immediate closure for budgetary reasons of the extension?

From: Fullerton, Karen

Sent: 10 February 2016 20:39

To: Cairns, Timothy; Kerr, Sean

Cc: Timothy Cairns; McCormick, Andrew (DETI); Stewart, Chris (DETI); DG_DETI Press Office; Rooney, Eugene

Subject: RHI release

Folks,

Attached release taking on board comments. If all content, will issue at 10.30.

Thanks

Karen

From: [Timothy Cairns](#)
To: [McCormick, Andrew \(DFE\)](#)
Cc: [Stewart, Chris \(DFE\)](#); [Rooney, Eugene](#); [Fullerton, Karen](#); [Cairns, Timothy](#); [Kerr, Sean](#); [Mills, John \(DETI\)](#); [Wightman, Stuart](#); [McIlwrath, Linda](#)
Subject: Re: RHI release
Date: 11 February 2016 09:36:41

Further to Chris' suggestion I think a letter to DFP referencing decision of FM and dFM to agree to proposal of 29th closure (given legislation has no closure date) and attaching statement before release for info purposes and saying we will be releasing at 12 today

Ties all loose ends I think

Tim

Sent from my iPhone

On 11 Feb 2016, at 09:33, McCormick, Andrew (DETI)
<Andrew.McCormick@detini.gov.uk> wrote:

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