

**From:** [Stewart, Chris \(DFE\)](#)  
**To:** [McCormick, Andrew \(DFE\)](#)  
**Cc:** [McIlwrath, Linda](#)  
**Subject:** Draft note for the record  
**Date:** 16 December 2016 16:55:07  
**Attachments:** [RHI note for the record in relation to BBC spotlight programme of 15 December 2016.tr5](#)  
[RHI note for the record in relation to BBC spotlight programme of 15 December 2016.DOCX](#)

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Andrew

Draft attached.

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**RENEWABLE HEAT INCENTIVE (RHI) – NOTE FOR THE RECORD IN RELATION TO THE BBC SPOTLIGHT PROGRAMME OF 15 DECEMBER 2016**

1. This note refers to a matter raised by former Minister Jonathan Bell during the above programme, as described in the excerpt from the transcript of the programme (attached at annex A).
2. On 4 February 2016, I put a submission to Minister Bell, via his political advisor, Timothy Cairns. The subject matter of the submission, a copy of which is attached at Annex B, was the seeking of Executive approval to the proposed closure of the RHI schemes, by means of the 'urgent procedure'.
3. Paragraph 1 of the submission, as presented to Minister Bell, notes that he had previously agreed to close the schemes to new applicants, subject to the outcome of public consultation. It goes on to say that: '*following further consideration* (my emphasis) you have decided to proceed...without public consultation.'
4. In the original draft of the submission, the corresponding sentence in paragraph 1 read: 'However, *further to discussion with DFP and OFMdfM* (my emphasis), you have decided to proceed...without public consultation.'
5. The revision of the draft was made by me, at the request of Timothy Cairns. I challenged the request on the grounds that I understood that there had been consultation with OFMdfM. However, Mr Cairns continued to press for the change to be made, and I agreed. I assumed that the request had been made at the behest of Minister Bell, or at least with his knowledge. Email exchanges relating to the change are attached at Annex C.
6. Some days later (*DN I can't recall the date, but there was an issues meeting on 10 February*). I attended a meeting with Minister Bell, initially on a one to one basis. The Minister asked why the submission made no reference to discussion with OFMdfM. I explained that the draft had been revised by me at Mr Cairns' request. The Minister indicated that he had not had prior knowledge of this, and expressed concern that it had been done without his knowledge. I explained that I had assumed that he was aware of, or had requested the change.
7. Mr Cairns and the Permanent Secretary (Dr McCormick) joined the meeting. Minister Bell asked Mr Cairns for an explanation of what had happened. After a brief exchange, Dr McCormick and I were asked to leave the meeting, to allow for a private discussion between the Minister and Mister Cairns.

8. Shortly thereafter, the Minister left to attend to another matter, and there was further discussion involving me, Dr McCormick and Mr Cairns. Mr Cairns expressed the view that I had misrepresented the position to the Minister. Through discussion (which was initially heated, but which ended amicably) agreement was reached that this was not the case. The Minister then returned and advised that he had dealt with the matter to his satisfaction elsewhere, and that it was closed.

**CHRIS STEWART**

**EXCERPT OF TRANSCRIPT OF THE BBC SPOTLIGHT PROGRAMME OF 15 DECEMBER**

JONATHAN BELL

Here is the fact that I do know which reveals it. The Deputy Permanent Secretary of my department, Chris Stewart, asked for something that was highly unusual and only done once in the five years that I sat in the Executive, he asked to meet the minister, as he is entitled to do, to whistle-blow on a one to one basis. One to one basis.

STEPHEN NOLAN

What did he say?

JONATHAN BELL

He said the purpose of me being here today and for you not having even your own Special Adviser with you is, minister we have to advise you that without your knowledge the Special Adviser in your department has been asked by the other Special Advisers to remove references to Arlene Foster, the First Minister, and to the Department of Finance and Personnel. I have spoken about this subsequently to the Permanent Secretary who has verified all of this and is prepared if asked to put it formally on the record in an inquiry. I have asked for the changes that were sought to be made, when I said to him how can I see the evidence of what your deputy Permanent Secretary was telling me, he said there is an email trail, I cannot show you the email trail because you are only entitled to see the final email but he said you will see the changes that there were to take out the references to the Office of First Minister the Department of Finance and Personnel. Fact.

STEPHEN NOLAN

Now why would they want to do that?

JONATHAN BELL

That is for them to answer.

STEPHEN NOLAN

Why do you think? You have told me you are going to tell me the truth from your heart today. Why?

JONATHAN BELL

I can tell you the truth from my heart.

STEPHEN NOLAN

Why would they want to do that?

JONATHAN BELL

I cannot tell you what their thinking or motivation was. Personally I was deeply; deeply hurt that as a minister, the supposed number one in that department, the person who the buck stops with that without my knowledge and without my consent this attempt was made. It took a whistle-blower, a person of considerable integrity to brief me as minister that this was happening.

**Annex B**

**SUBMISSION OF 4 FEBRUARY 2016**



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