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Programme	Nolan – Arlene Foster
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STEPHEN NOLAN

It was 8 o'clock last night when I went up to Stormont Castle to speak to the First Minister of our country, Arlene Foster.

Let's go back to when this scheme that has been in the centre of the new cycle was first created, so that's November 2012. It's created under your watch, you were the Minister of the Department and it was such a flawed scheme, wasn't it, that the cost controls that should have protected the public's money was not there. Why didn't you protect our money?

ARLENE FOSTER

Well of course that's all with the benefit of hindsight at the time, back in 2012 and indeed during the 2011 and the run up to the scheme being brought in, we engaged a number of consultants both within the Energy Division and outside external consultants, and they looked at the GB scheme, and in the GB scheme, what's called the counterfactual was gas, in other words what we trying to move, what they were trying to move people from was gas into renewable heat. Here in Northern Ireland the counterfactual was oil and so it was decided that instead of being part of the GB scheme and actually the GB scheme moved faster than we could move, so we decided we would have our own renewable heat incentive scheme and it was important that we did have a renewable heat scheme, because it was important that we moved people away from fossil fuel...

STEPHEN NOLAN

...but the question is why didn't you protect our money...?

ARLENE FOSTER

...one has to put the context in place Stephen before one decides to ask these questions, so let me put the context in place. So it's important therefore that we

have a renewable heat scheme. Officials brought forward the scheme to me and the recommendation was that I should go forward with this scheme without, you're right, with the benefit of hindsight there should have been tariffs put in place, but there weren't at that time, and so when I was in the Department, I left the Department in May of 2015, no problems were highlighted to me by officials, there were no recommendations in relation to doing anything differently...

STEPHEN NOLAN

...yes but it was under your watch, and it's not all about officials getting the blame for this, First Minister is it?

ARLENE FOSTER

...well nobody is saying officials are getting all of the blame that's why I'm being accountable in going to the Assembly on Monday about my time in Office. And so then in May of 2015, I left the Department and then the Department passed over to Minister Bell.

STEPHEN NOLAN

So I think I need to be able to ask you questions about what happened when this scheme was up and going under your watch. In June 2013, consultants told your Department to seriously consider tiering, it didn't happen, why not?

ARLENE FOSTER

Well they didn't because that went out for a consultation then from June to October of 2013, after that consultation instead of officials bringing me back recommendations to as to what I should do, no recommendations were forthcoming, therefore I didn't have any information to tier scheme...

STEPHEN NOLAN

...but it's under your watch...

ARLENE FOSTER

...and at that...

STEPHEN NOLAN

...people vote for you...

ARLENE FOSTER

...yes Stephen, I'm suppose to have a crystal ball...

STEPHEN NOLAN

...no the consultants were saying to you...

ARLENE FOSTER

The consultants wouldn't say it to me they said it to my officials...

STEPHEN NOLAN

...so it's their fault again...

ARLENE FOSTER

...and the officials did not bring me any information...

STEPHEN NOLAN

...so it's their fault...

ARLENE FOSTER

...in relation to the recommendations. Well how am I suppose to know if I don't get any submissions in relations to the matter.

STEPHEN NOLAN

So what was the point of you being Minister if we're not holding you accountable...

ARLENE FOSTER

...you are holding me accountable...

STEPHEN NOLAN

...people don't vote for this...

ARLENE FOSTER

...you are holding me accountable...

STEPHEN NOLAN

...people vote for a politician...

ARLENE FOSTER

...you are holding me accountable which is why I'm going to the Assembly on Monday to set out all of the difficulties around this scheme, and why we find ourselves in this situation. So come May of 2015 actually what we had was an underspend in relation to renewable heat, so you recognise that there was an underspend in relation to the renewable...

STEPHEN NOLAN

...we will get to May in 2015, but what I am trying to do here is ask you why you didn't protect the public's money. There's one example, June 2013, January 2014, there was supposed to be the first review by the RIA into amending tariffs. So there was another key flag, why weren't the tariffs amended?

ARLENE FOSTER

A key flag that wasn't brought to me Stephen.

STEPHEN NOLAN

But you're the Minister?

ARLENE FOSTER

Yes I am the Minister and the recommendation was not brought to me.

STEPHEN NOLAN

So you didn't know about it?

ARLENE FOSTER

No I didn't know about it.

STEPHEN NOLAN

What type of Department were you running?

ARLENE FOSTER

Well the Energy Division were having grave difficulties at that time in terms of capacity. I had raised that issue with the Head of the Civil Service on a number of occasions that there were difficulties in Energy Division and that they needed to be sub-rented and unfortunately they weren't. And we got to the situation then that they were not bringing me the information that I should have had. But of course at this time, Stephen, and this is all with the benefit of hindsight, at this time there were no alarm bells ringing within the Department.

STEPHEN NOLAN

Why did sign that?

ARLENE FOSTER

Because there were no alarm bells ringing in the Department at that time.

STEPHEN NOLAN

But you put fail safes in to protect our money...

ARLENE FOSTER

...there were no alarm bells ringing at that time because we were in an underspend situation.

STEPHEN NOLAN

But you don't leave money out...

ARLENE FOSTER

...do you understand that we were in an underspend situation...

STEPHEN NOLAN

...I do understand that. Do you understand, with respect, First Minister, that you don't leave public money out on the street for grabs and if someone comes and grabs it, you say, oh with the benefit of hindsight maybe we should have put protection in.

ARLENE FOSTER

But they didn't do that when I was the Minister...

STEPHEN NOLAN

...you failed to protect public money...

ARLENE FOSTER

...they didn't do that when I was the Minister, when I was the Minister there was an underspend in the Department.

STEPHEN NOLAN

But there were caps and 2-tier tariff systems that could have been in place and they were not put in place to protect public money, those are two examples of flags.

ARLENE FOSTER

Flags that weren't brought to me Stephen. And are you saying, are you suggesting that evidence that they were brought to me, because it would be very interesting to see that evidence...

STEPHEN NOLAN

...maybe some people would feel you should have been across the detail?

ARLENE FOSTER

And how would one be across the detail when it wasn't brought to me. If submissions had have been brought to me and these were flagged up, then I would have known that there was a difficulty. But of course at that particular point in time there was no difficulty because there was an underspend.

STEPHEN NOLAN

Well here's a flag from the Regulator now, May 2014, Ofgen recommends considering tariffs...

ARLENE FOSTER

...was that to me...

STEPHEN NOLAN

...Why didn't you (unclear)

ARLENE FOSTER

...was that to me?

STEPHEN NOLAN

What did you mean?

ARLENE FOSTER

Was that addressed to me or was it addressed to the Energy Division in the Department...

STEPHEN NOLAN

...it was to your Department...

ARLENE FOSTER

...yes, was it brought to me? Was it brought to me?

STEPHEN NOLAN

Well you tell me.

ARLENE FOSTER

No it wasn't brought to me.

STEPHEN NOLAN

So my follow-up question. What was your authority like in your Department? The public were trusting you as a Minister....

ARLENE FOSTER

...one can only act when one is brought the information Stephen, and I was not brought the information, unlike in June of 2015 when the information was brought to the then Minister in relation to these issues.

STEPHEN NOLAN

Haven't got to June yet, 18th December 2014, this is the fourth example, Ofgen raises concerns about multiple boilers, they invited DETI to consider amending the regulations, why didn't you do that?

ARLENE FOSTER

Because it wasn't brought to me. This is going to be very repetitive Stephen, I have to say, because none of the submissions were brought to me. I'm quite happy and I've said it very openly that the PAC, that anybody else that wants to look at the paperwork and have a look at the paperwork because it's not there.

STEPHEN NOLAN

What's not being brought to you now, as First Minister, what's happening in this country under your watch that you don't know about?

ARLENE FOSTER

Well you tell me.

STEPHEN NOLAN

Well no I'm asking you, and presumably...

ARLENE FOSTER

...well you tell me, because again I don't have a crystal ball Stephen, one relies on the professionalism of the Civil Service to bring...

STEPHEN NOLAN

So it's their fault?

ARLENE FOSTER

...no one relies on the professionalism of the Civil Service to bring forward recommendations, to bring forward submissions, and you know, are you seriously saying that we are over, ideally with the policy in these areas and then the implementation of that policy is left to the professionalism of the Civil Service...

STEPHEN NOLAN

...well the policy was that we shouldn't have cost controls in here...

ARLENE FOSTER

...the policy...yes...

STEPHEN NOLAN

...that's the policy under your watch, that's what you delivered to the people of Northern Ireland...

ARLENE FOSTER

...yes because of the recommendations that were brought to me at the time back in 2012.

STEPHEN NOLAN

So that's something you are responsible for? You're responsible for a policy in Northern Ireland that let people run away with our money?

ARLENE FOSTER

I acted on the advice that was given to me at the time...

STEPHEN NOLAN

...your judgement...

ARLENE FOSTER

...economists, external consultants, DFP officials, everybody said that it was the right thing to do. Should I have issued a directive Stephen, is that what you're saying to me, going against all of the advice that was given to me at that time?

STEPHEN NOLAN

I'm wondering what it means when you're a Minister?

ARLENE FOSTER

When I'm a Minister I act on the recommendations that are given to me, if you don't, if you act outside...

STEPHEN NOLAN

...you consider recommendations...

ARLENE FOSTER

...if you act outside...

STEPHEN NOLAN

...you make a judgement...

ARLENE FOSTER

...if you act outside the recommendations that are given to you, then you're making a Ministerial Direction, that brings you then into the PAC as to why you did make that Ministerial Direction.

STEPHEN NOLAN

Is there anything around that lack of policy to protect our money that you are responsible for?

ARLENE FOSTER

Well as I said, I'm going to the Assembly on Monday to set out exactly the plan I have for dealing with the issues that have arisen.

STEPHEN NOLAN

That's not my question, is there anything around that policy that you were responsible for, that you will now say to the public, I am sorry I did not put in cost controls?

ARLENE FOSTER

Well of course I'm sorry I didn't put in cost controls, but I wasn't advised that I needed to put in cost controls at that particular point in time, Stephen. I mean, this is all very well looking back knowing now what we know, but at that particular point in time the recommendations, the submissions from all of the experts in the field here in Northern Ireland, was that this was the scheme that we needed to go forward on.

STEPHEN NOLAN

There was a whistle-blower contacted you, and let's try to deal with the whistle-blower saga because I don't understand it. Nigel Dodds has told the public and I will quote him "there has been quite a scurrilous attempt to blame Arlene Foster for the RHI saga, the endlessly repeated claims has been that she failed to follow-

up on the whistle-blower concerns, now we know that no such concerns were raised with her". So he's saying no concerns were raised with you, while you told Spotlight, in 2013 a whistle-blower made allegations to me about the operation of the RHI scheme, I passed these concerns onto departmental officials to investigate. How can you pass concerns on that Nigel Dodds said you never received?

ARLENE FOSTER

Well I'm glad you brought this up because it is important that people understand this, so when Spotlight came to me before I went to China they said that they whistle blower had made allegations against the RHI scheme, of course they didn't provide me with the email that the lady had sent to me, I understand that you have now seen this email. We looked for the email, couldn't find a whistle blower email anywhere in the system, I went off to China, I knew that I had passed on any concerns to my officials that were raised with me because that's my practice and that's what I would have done. When I have returned we had finally found the letter that the lady sent to me and indeed it wasn't a whistle blowing letter, the whistle blowing was raised in later correspondence and in later meetings with the various officials that she met. So the letter actually that she sent to me was along the lines of the fact that she wanted to know how energy efficiency sat alongside renewable heat and how I could help her with that and I asked the officials to help her with that. So that's the background to it all.

STEPHEN NOLAN

So you did receive allegations or not?

ARLENE FOSTER

No I didn't receive allegations, all I received...

STEPHEN NOLAN

Why did you tell Spotlight you did?

ARLENE FOSTER

I said I passed on the concerns the lady had raised with me.

STEPHEN NOLAN

No you did not, detail First Minister, you said a whistle blower made allegations to me, your words...

ARLENE FOSTER

Yes because that's what was said to me by Spotlight, it now turns out that the lady only made those whistle blowing concerns to the officials later on, they didn't provide me with any correspondence, so I had to go on memory and I knew that I had passed on the correspondence that was sent to me by this particular lady but I hadn't sight of it, Stephen, so I couldn't remember what was in the letter.

STEPHEN NOLAN

For as much as I respect Spotlight, do we not expect the leader of our country to know what she's talking about?

ARLENE FOSTER

Are you seriously expecting me to know the content of every letter that's sent to me, I didn't have the letter, you have the letter but you chose not to share that letter with your listeners, Stephen, that's something which I regret deeply because of course you could have assisted in all of this, you decided not to.

STEPHEN NOLAN

Let me be very, very clear to the viewing public tonight, that initial letter that came from that whistle blower did not have allegations in it...

ARLENE FOSTER

No.

STEPHEN NOLAN

...absolutely, but the point is do we not need to...

ARLENE FOSTER

Then why didn't you share that with the public?

STEPHEN NOLAN

...do we not need to be able to trust you when you tell the public that you, that a whistle blower came to you with allegations and that you passed those on?

ARLENE FOSTER

Had Spotlight told me that this lady who later, I think admirably, told the officials that there were difficulties with the RHI scheme, there's no point in shaking your head, Stephen, this is the reality...

STEPHEN NOLAN

It is because you are telling the public you did something which you didn't...

ARLENE FOSTER

I did pass on the letter...

STEPHEN NOLAN

...First Minister...

ARLENE FOSTER

I did pass on, well listen to this, I did pass on the letter to officials...

STEPHEN NOLAN

You did not pass on the allegations because you hadn't got them?

ARLENE FOSTER

I passed on the letter to officials, I did not have the recall back to 2013 in relation to what was in the letter, of course I didn't have the recall as to what was back in 2013 and how could I find the letter when actually it wasn't the whistle blowing letter at all, it was just the letter that had come in about energy efficiency.

STEPHEN NOLAN

So why didn't you state the facts at that stage?

ARLENE FOSTER

Because I didn't have the letter and Spotlight wouldn't share it with me.

STEPHEN NOLAN

Hold on a second, why didn't you say, I don't have the letter, I don't know, why did you give the public a false impression?

ARLENE FOSTER

I knew I had passed whatever was in the letter to officials.

STEPHEN NOLAN

Not what you said, you gave the distinct impression that...

ARLENE FOSTER

Well if I gave the distinct impression I apologise for that distinct impression, I passed the letter and whatever was in the letter to officials. I was being hounded for not following up on that letter, it now turns out that the reason I didn't follow up on that letter was the fact that there was no whistle blowing claims in the letter at all. So that's the fundamental issue around this, people were calling for me, as they have been, throughout this system, that I should resign on the basis of this letter because I didn't follow up on the letter when now it turns out actually there's no allegations in the letter.

STEPHEN NOLAN

It's about your authority isn't it, it's about when the public hear you say something they need to be able to believe that what you are saying...

ARLENE FOSTER

What are you saying, Stephen?

STEPHEN NOLAN

..here's what I'm saying, the public need to be able to believe that when you say something that is what happened, in this instance..

ARLENE FOSTER

I passed the letter to officials.

STEPHEN NOLAN

In this instance, First Minister, you told the public that you received allegations, you did not, it is factually incorrect. You told the public that you passed those allegations on, it is factually incorrect.

ARLENE FOSTER

So if I had of had that letter and if Spotlight had shared that letter with me...

STEPHEN NOLAN

Why are you (unclear)...?

ARLENE FOSTER

This is what happened, Stephen, do you want me to talk about the reality of what happened. Spotlight claimed that a whistle blower had come to me and that I hadn't followed up on that. I knew that I had received correspondence from this lady but I knew I'd also passed on that correspondence to the appropriate officials, so I had taken and the Permanent Secretary has confirmed, I had taken all appropriate action on this matter. It was then whipped up into a storm by Spotlight and indeed by your programme. So now you're coming back to me and saying that I have reacted in the wrong way. I acted in the correct way in relation to that letter and actually others have jumped on a bandwagon asking for me to do something on the back of that letter which is not correct.

STEPHEN NOLAN

If we fast forward now into the summer of 2015 and then September, October,

November 2015 because this is when a lot of the public money was spent on this part of the lucrative scheme, in other words the scheme where there was only one tier of tariff and many people were jumping in on that. Jonathan Bell, as you know, a member of your party, still a member of your party, is accusing the Office of First and Deputy First Minister and special advisers of trying to stop delays. What's your reaction to that?

ARLENE FOSTER

Trying to stop delays or trying to stop cost control?

STEPHEN NOLAN

Trying to stop delays in implementing the cost controls?

ARLENE FOSTER

It's my understanding, looking at the papers, that Jonathan was told in June that there were big difficulties with this scheme, he received a submission in early July, he did not sign that submission off until I think somewhere in early September and in that submission in early September he chose to close the scheme in November. So Jonathan took all of those decisions, no one from the Office of First and Deputy First Minister, as I understand it, having spoken, not directly but understand from the former First Minister that nobody in that office intervened. I certainly didn't intervene because I was the Finance Minister at the time, what authority would I have had to intervene because I was at the same level as Jonathan, why would he have listened to me in relation to any of these issues.

STEPHEN NOLAN

He is saying, and this is a man who was a Minister, your party appointed him as a Minister, he was saying, he is saying that an official or officials from OFMDFM and SpAds, special advisers...

ARLENE FOSTER

Well I have no evidence to that, this is Jonathan trying to distract from the fact of course that he took the decision in September after being sent the submission in July to close the scheme in November, thereby leaving a gap and thereby allowing a spike.

STEPHEN NOLAN

He named one of the special advisers who you know well as Timothy Johnson and when we asked Mr Johnson, did you ever attempt to influence any decision in relation to the RHI scheme he replied, the role of advisers is to offer advice, I never sought to influence any decision. Did he advise to delay the tariff being delayed, the tariff being changed?

ARLENE FOSTER

No I understand that no one from the Office of First Minister and deputy First Minister intervened in terms of the tariff change in September. What I do understand is that advisers of course will advise but the Minister takes the decision.

STEPHEN NOLAN

It was the Minister now, its Jonathan Bell's responsibility now?

ARLENE FOSTER

The Minister on advice from officials, yes.

STEPHEN NOLAN

So did Timothy Johnson have any role in advising to keep that lucrative scheme open?

ARLENE FOSTER

No.

STEPHEN NOLAN

I want to move on, there seems to have been delay after delay, if you think about it they want the scheme changed in September, they then want the scheme changed in October, they then want the scheme changed to November...

ARLENE FOSTER

No the submission that was signed by Jonathan in September stated that the scheme was to close in November.

STEPHEN NOLAN

No there was a period of October when they wanted it changed...

ARLENE FOSTER

No, the submission that he signed off in September said November.

STEPHEN NOLAN

1st October was also a point that they aimed for...

ARLENE FOSTER

Yes but what he signed off..

STEPHEN NOLAN

It is (unclear)...

ARLENE FOSTER

No what he signed off on 4th September was that the scheme would close in November.

STEPHEN NOLAN

What I'm asking you is, do you know why there were these delays then?

ARLENE FOSTER

I have no idea.

STEPHEN NOLAN

You haven't asked?

ARLENE FOSTER

No, that's a matter for Jonathan, why would I ask I was Finance Minister at the time.

STEPHEN NOLAN

Why would you ask?

ARLENE FOSTER

Yes.

STEPHEN NOLAN

You are the First Minister of our country, this is a scheme which has cost hundreds...

ARLENE FOSTER

Yes a scheme which Jonathan kept open for a period of weeks.

STEPHEN NOLAN

...and you still haven't asked what the delay was about?

ARLENE FOSTER

No because Jonathan hasn't spoken to me for a long period of time...

STEPHEN NOLAN

I'm talking about you asking on behalf of the public.

ARLENE FOSTER

Yes, well perhaps, I'm sure he'll tell you why he delayed the scheme and left it open for a period of time, it will be very interesting to hear because I am bemused as to why he would leave it open for such a period of time.

STEPHEN NOLAN

So let me get this right, we are hearing now of people who have been putting boilers into sheds and blasting heat into the sky, we know that these delays were a factor and as our First Minister you still haven't asked what the delays were about, you still haven't briefed yourself?

ARLENE FOSTER

No because Jonathan signed off on a submission on 4th September.

STEPHEN NOLAN

Do you not want to know?

ARLENE FOSTER

Well I'm sure you've asked him the reason why he has left the scheme open for that period of time, it will be very interesting to hear why he has said that because of course there was no influence from the former First Minister, there was no influence from me as Finance Minister, how could I have an influence because I was at the same level as Jonathan. He took the decision to leave it open for that period of time.

STEPHEN NOLAN

Do you think you maybe should ask?

ARLENE FOSTER

This will all be part of the investigation as to why it was left open for that period of time.

STEPHEN NOLAN

So you are not going to, again, a leader of this country is not aware...

ARLENE FOSTER

Would you honestly believe that if I asked Jonathan Bell why he left the scheme open for that period of time, given everything that we think he's going to say tonight, I don't know what he's going to say tonight, but given the manner in which he has given this interview tonight do you think he would tell me why he left that scheme open for that length of time, I don't think he would.

STEPHEN NOLAN

And you haven't asked one official up there?

ARLENE FOSTER

Why would the official tell me, it was Jonathan's decision.

STEPHEN NOLAN

The public of Northern Ireland are being told that many hundreds of millions of their pounds was committed to over a period of October, Novemberdate in September when this scheme might have been closed...

ARLENE FOSTER

No he didn't, there was no date in September, why do you think there was a date in September?

STEPHEN NOLAN

The Permanent Secretary, Andrew McCormick, said in June he wanted it closed in September.

ARLENE FOSTER

Yes but there's no submission to that affect. He said to Jonathan in June there's a problem here, Minister, and we need to get this signed off as quickly as possible. Jonathan got the sub in July, he didn't sign it off till September, why did he not sign it off?

STEPHEN NOLAN

But of course you had changed, hadn't you, because you were, within this period

you were the Minister for DFP, the Department for Finance and Personnel, and there was supposed to be reviews in there for spending, wasn't there, and your department was supposed to be monitoring the spending, why didn't you do that properly?

ARLENE FOSTER

Because we weren't told by Treasury until I think it was January of the following year, in 2016 that there was a difficulty between the annual managed expenditure and the DEL expenditure, the expenditure that comes from our block grant. So there wasn't actually any red flags given to us until January of the following year by Treasury.

STEPHEN NOLAN

But it's still the role of the Department of Finance and Personnel to monitor spending?

ARLENE FOSTER

In conjunction with officials in the Department of the Economy or the Department of Enterprise as it was then.

STEPHEN NOLAN

Sure, but you don't have to wait for something to go wrong again, the function of your department at that stage was to monitor spending, why didn't you?

ARLENE FOSTER

And the Department of Finance were told that a submission had gone to the Minister, that the Minister signed off in September, that they were going to close the scheme, sorry they weren't going to close the scheme they were going to put a tariff on the scheme.

STEPHEN NOLAN

There was unapproved spending wasn't there?

ARLENE FOSTER

Yes, the unapproved spending of course happened as a result of that spike that was left open up to November, that's right.

STEPHEN NOLAN

In DFP, was that under your watch?

ARLENE FOSTER

Yes it was under my watch, are you saying that everything that happens in any other department is now...

STEPHEN NOLAN

I'm saying you were the Minister of DFP and the spending wasn't monitored?

ARLENE FOSTER

The spending was monitored within the Department of Enterprise, Trade and Investment and then they report into the DFP which then reports to the Executive, yes, that's exactly what had happened.

STEPHEN NOLAN

DFP were supposed to give approval wasn't it?

ARLENE FOSTER

No DFP was not to give approval.

STEPHEN NOLAN

It was not to give approval?

ARLENE FOSTER

No DFP has a role in relation to when something is flagged up to them by the particular department and at that time they believed that it has been dealt with by the Minister.

STEPHEN NOLAN

In relation to keeping this scheme open, Mr Bell alleges that, as you know, there has been an attempt to remove references to you and to the Office of First Minister from email chains. What's your reaction to that?

ARLENE FOSTER

Well now we've moved on to the closure of the scheme in January, February time of 2016.

STEPHEN NOLAN

So by this stage, and thank you for that, so by this stage there is now a two tier system, that happened on the 17th November, and so now we're into January and the Treasury sent a letter to our government here saying we're not paying for this, so there's panic and we need to find the money from somewhere...

ARLENE FOSTER

That aligns with the fact that I had someone who come into me and said that there was fraud in relation to the RHI scheme, that person came into me towards the end of January. I was concerned obviously about that issue, so I shared that, I was then, as you know in the Executive Office, as it is now, OFMDFM, (sic) so I shared that information with the deputy First Minister because I was in a joint office. By this stage Jonathan had received a submission to, which he signed off to close the scheme in March of 2016, we felt that that was too late of a date and so we spoke to him and that was actually brought forward to February. Now the peak that you are talking about and something which I can't understand was actually the fact that we had had a consultation with Jonathan in relation to this issue, not to delay the scheme but to actually bring it forward from March to February and the submissions is there and is quite clear to be (unclear).

STEPHEN NOLAN

Let's deal with that first. Jonathan Bell alleges that he wanted to immediately close the scheme, this was very much his thought process in January, he alleges that you called him to a meeting, he says there was a stand up row, he uses the word 'abusive', he says you were shouting at him to keep it open?

ARLENE FOSTER

Well there's a couple of things there, first of all he signed off a submission in January to close the scheme in March and I was concerned that that was too long and I believed that it needed to be closed before that, as did the deputy First Minister and we discussed this issue. In relation to a meeting with Jonathan, I do recall a meeting with Jonathan and rather than me being abusive with him he was very aggressive with me and I have a witness in relation to how he spoke to me on that...

STEPHEN NOLAN

What happened?

ARLENE FOSTER

Well I was sitting in my room and he came in and used his physical bulk to stand over me in quite an aggressive way, so much so that he was not physically but he was told to step back and, Stephen...

STEPHEN NOLAN

What was the anger about?

ARLENE FOSTER

I have no idea what the anger was about, but I'll tell you this much, Stephen, the Jonathan Bell that appears, and I've only seen a small clip of what you have tonight, the Jonathan Bell that appears on your programme tonight is not a Jonathan Bell that would be familiar to many of his political colleagues, to many of his civil servants that he worked with in the department..

STEPHEN NOLAN

Wasn't he a friend of yours?

ARLENE FOSTER

...let me finish the point, or indeed to many in the business community, I have

many female colleagues who have felt intimidated and felt bullied by Jonathan over the years, I certainly felt...

STEPHEN NOLAN

Mr Bell would emphatically deny that, emphatically deny that.

ARLENE FOSTER

...well he may well do that, but let me say this, I have felt intimidated by Jonathan Bell on occasions and I certainly did on that occasion. So all of this nonsense that I was aggressive to him is quite the contrary, Stephen.

STEPHEN NOLAN

What was he saying?

ARLENE FOSTER

He had went to the, he had put out a statement saying that he was closing the scheme immediately and representations were made across the political spectrum that there had been a lot of people who had spent a lot of money and capital equipment who hadn't had the chance to apply into the new tiered scheme, don't forget this wasn't the scheme, before November this was the scheme that had been tiered, and we spoke to senior civil servants and they said well there may be a possibility that the legal challenges that these people have spent money and that they haven't been able to apply into the scheme. So we thought that the best way forward was to leave a two week very specific gap for those people to be able to apply in and that was done...

STEPHEN NOLAN

You did ask for it to be accepted?

ARLENE FOSTER

..hold on a wee second, this was after I had said that March was too late, March, don't forget, was Jonathan's date, so we then, in conjunction with senior civil servants who agreed that that was the right thing to do, and indeed if you look at Jonathan's statement in the House that followed he said that the two week period

was in consultation with the Office of First and Deputy First Minister. So what he was angry about on that occasion was the fact that he was going to have to change from immediate closure to another two weeks and he didn't like the fact that he was going to have to go back to the House and he was angry about that fact and he made no bones about it, I have to say Stephen, when he came into my office that day.

STEPHEN NOLAN

So he wanted immediate closure, he didn't want March, he wanted immediate closure you've just said?

ARLENE FOSTER

No he signed off for March, please follow, he signed off from March in January...

STEPHEN NOLAN

You just said to me closure is wanted he...

ARLENE FOSTER

We said to him that March was too late, that we needed to bring it forward, when we brought it forward it was then made clear to us that people may have had legal...

STEPHEN NOLAN

I heard you say it, you just said he wanted immediate closure...

ARLENE FOSTER

After already signing off for March when we went back to him and said we need to close this, Jonathan, he put out a statement saying I'm closing it immediately, we said, but Jonathan there are a number of people in the system that need to get through and that's the reality and do you know what, the paperwork will show all of this and that's why I'm quite confident about it all.

STEPHEN NOLAN

And that's why I'm really keen to get to the paperwork and the allegation that Mr Bell has, he alleges in relation to keeping the scheme open that there has been an attempt to remove references to you and the Office of First Minister from email chains. What is your reaction to that?

ARLENE FOSTER

Well I know nothing about email change, the only change that I have seen is in the draft submission which was to close the scheme in March where it was taken out, OFMDFM was taken out of that draft submission and just left as after consultation, instead of saying after consultation with OFMDFM. It just says after consultation, that's the only thing that I am aware of.

STEPHEN NOLAN

The original version said the decision to proceed in this way, proceed without consultation, we're talking about the 3rd February consultation here, 3rd February submission my fault, had been taken following discussion with OFMDFM and DFP and then that changed, the revised version said that Mr Bell had decided and so it was left to him that the record would show that he was the sole decision maker. Now I wonder why OFMDFM and DFP was taken out of that.

ARLENE FOSTER

This is all irrelevant.

STEPHEN NOLAN

It is irrelevant.

ARLENE FOSTER

Can I tell you why it is irrelevant because in the House Jonathan said I have after consultation with OFMDFM, so he makes it clear that we were involved. He makes it entirely clear that we were involved.

STEPHEN NOLAN

Are we going to get some of our money back?

ARLENE FOSTER

Yes we are because we are working on a plan and actually the plan is going to come forward early in January, the Department of Economy have been to see their lawyers and I think it will be a very substantial plan so we're looking forward to that coming in January. And this is all about finding a solution to the difficulties that have arisen and finding a plan to deal with it.

STEPHEN NOLAN

There were 12 audits in 2014/15, 11 of them failed, now we're going to audit everybody now that this scandal is in front of us, by the way again, you were the minister in charge when there were those 12 audits by Ofgem. Why on earth weren't we auditing all along? Why weren't we checking everybody?

ARLENE FOSTER

Because Ofgem who were the regulator didn't alert us to the fact that there was a difficulty and of course there was an underspend.

STEPHEN NOLAN

They said they asked for more money First Minister, did you know this?

ARLENE FOSTER

Of course there was an underspend in my department at the time I left.

STEPHEN NOLAN

Do you know that they asked for more money to do more audits?

ARLENE FOSTER

I have no idea whether they did or not, it wasn't raised with me.

STEPHEN NOLAN

Weren't you the minister?

ARLENE FOSTER

Yes I was and it wasn't raised with me.

STEPHEN NOLAN

So you don't know?

ARLENE FOSTER

It was not raised with me Stephen.

STEPHEN NOLAN

Why not?

ARLENE FOSTER

Well that's a very good question and perhaps that will come out at the PAC.

STEPHEN NOLAN

Jonathan Bell says he believes his political career is over, is it within your party?

ARLENE FOSTER

Well of course that is a matter for the party officers we will meet to discuss Jonathan's future in the party.

STEPHEN NOLAN

You are the leader.

ARLENE FOSTER

Yes and we have a party officer's team that takes decisions such as this.

STEPHEN NOLAN

What do you make of him?

ARLENE FOSTER

Well I think that he is a very aggressive individual, he has been very aggressive to me in the past, I think that he will try and portray himself in a particular way this evening but I think that plenty of people know exactly what Jonathan Bell is like.

STEPHEN NOLAN

Are you prepared to consider stepping aside while there is an investigation into how hundreds of millions of pounds of our money has been committed to being spent?

ARLENE FOSTER

Well of course it won't be spent because we have a plan coming forward to deal with that matter and that plan will come forward in January. So no I am not stepping aside, I am the First Minister and the party leader of the DUP, I have a job to do, I am committed to do that job and can I say to the hundreds of people that have contacted me today, thank you for your support. Thank you for ringing in to my office, thank you for contacting all of the offices across NI, I really do appreciate your support and I won't let you down, I will implement the plan to deal with these issues.

STEPHEN NOLAN

We can both agree that this has been a catastrophe that hundreds of millions have been committed, have you had any sleepless nights over this?

ARLENE FOSTER

No I haven't because I am putting together a plan to deal with this issue. You know a mark of a politician is not in good times, it is in challenging times. I am determined to see this through. I am determined whilst others walk away to make sure that we find a solution to all of this because I owe it to the people of NI and I take my duties and responsibilities as First Minister very very seriously.

STEPHEN NOLAN

Final question, how much of our money do you think we'll get back?

ARLENE FOSTER

We will get a significant, well of course it hasn't been spent yet so it is not a case of getting...

STEPHEN NOLAN

The money that has been committed to be spent...?

ARLENE FOSTER

Well of course we will get a significant proportion of that back.

STEPHEN NOLAN

More than half...?

ARLENE FOSTER

Yes, well I would certainly hope that would be the case yes.

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