



RHI Inquiry

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9 November 2018

Dear Sir

Re: The Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme
Provision of a Section 21 Notice requiring the provision of evidence in the form of a written statement

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I know you will by now be familiar with the work of the Inquiry and its Terms of Reference from your previous engagement with the Inquiry. The Inquiry is grateful for the witness statements and oral evidence you have already provided to it.

As you may be aware, the Inquiry is now in the process of seeking some further written evidence from witnesses and participants, particularly where issues have arisen in evidence recently provided in respect of which it is necessary, or appropriate, to provide an opportunity for further response. The Inquiry Chairman also retains the right to require witnesses to attend to provide further oral evidence, and consideration will be given to whether that is necessary in light of additional written evidence which is received.

The Inquiry will revert to you shortly seeking responses to a number of specific questions arising from evidence or documentation which has been considered by it in the course of its ongoing investigations or hearings. However, without prejudice to that requirement, it is considered that it would be helpful to now give you an opportunity to comment on one particular area of evidence in order that the Inquiry might gain an early understanding of your position in respect of it, namely a particular allegation contained within the witness statement of the independent DETI Board member Claire Hughes of the 23 August 2017 (WIT-18112 to WIT-18118) (and, relatedly, observations made about this in the recent oral evidence of Michael Woods of the 19 October 2018, found at TRA-15975 to TRA-16088).

Please therefore find enclosed with this letter a further Section 21 Notice requiring you to provide evidence to the RHI Inquiry Panel in the form of a further written statement addressing these two matters, as identified in the Schedule to the Section 21 Notice.

As indicated above, it is likely that you (along with others) will receive a more detailed notice in the coming days, however, your response to the enclosed notice – which I acknowledge is required within a short period – will be of assistance to the Inquiry generally in considering how best to approach any further evidence-gathering which may be required in relation to these issues.

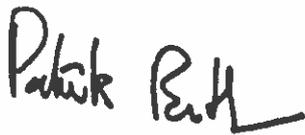
I remind you again of the restriction orders made by the Chairman of the RHI Inquiry, which affect how you may deal with this correspondence and its enclosures (which are also provided to you under a duty of confidentiality to the RHI Inquiry). You may, of course, share the correspondence and the enclosed Notice and documents with your legal representative(s), under the same conditions as I set out in my previous correspondence.

Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

Finally, I would be grateful if you could acknowledge receipt of this correspondence and the enclosed notice by email to Patrick.Butler@rhiinquiry.org.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink that reads "Patrick Butler". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE

[No 207 of 2018]

The evidence of Claire Hughes

You are referred to:

- the first witness statement of Trevor Cooper of the 19 July 2017, and, in particular, the first paragraph on WIT-18544, paragraph 59 on WIT-18553 and WIT-18554, his 5 June 2015 email at WIT-18755, and paragraphs 75 and 76 at WIT-18558 and WIT-18559;
- the witness statement of Claire Hughes of the 23 August 2017 (WIT-18112 to WIT-18118), and in particular paragraphs 6 to 10 on WIT-18114 and WIT-18115, and paragraph 19 on WIT-18117; and
- The witness statement of David Beck of the 19 October 2017 (WIT-24501 to WIT-24555).

You are also referred to:

- The minutes of the 23 June 2015 Departmental Board meeting (DFE-396586 to DFE-396589);
- The minutes of the 24 June 2015 Departmental Audit Committee meeting (DFE-394720 to DFE-394725), and paragraph 19 in particular in relation to RHI (DFE-394723);
- The minutes of the 21 July 2015 Departmental Board meeting (DFE-396590 to DFE-396592);
- The oral evidence Trevor Cooper gave to the Inquiry on the 18 October 2018 (see TRA-15883 to TRA-15893) about the reference to the risk of gaming contained in

paragraph 5.13 (DFE-147540) of the 27 July 2015 first draft of the 2015 addendum business case;

- The minutes of the 22 September 2015 Departmental Board meeting (DFE-396593 to DFE-396595);
- The minutes of the 29 September 2015 Departmental Audit Committee meeting (see DFE-394846 at DFE-394848);
- The minutes of the 20 October 2015 Departmental Board meeting (DFE-396596 to DFE-396597);
- The minutes of the 17 November 2015 Departmental Board meeting (DFE-396598 to DFE-396600);
- The minutes of the 2 December 2015 Departmental Audit Committee meeting (see DFE-394959 at DFE-394963/4 and the RHI paper at DFE-394901 to DFE-394905);
- The minutes of the 19 January 2016 Departmental Board meeting (DFE-396601 to DFE-396603);
- The minutes of the 16 February 2016 Departmental Board meeting (DFE-396604 to DFE-396606);
- The minutes of the 2 March 2016 Departmental Audit Committee meeting (see DFE-395092 at DFE-395095/6 and the RHI paper at DFE-394972 to DFE-394981);
- The minutes of the 22 March 2016 Departmental Board meeting (DFE-396607 to DFE-396609);
- The minutes of the 21 April 2016 Departmental Board meeting (DFE-396610 to DFE-396612);
- The minutes of the 24 May 2016 Departmental Board meeting (DFE-396613 to DFE-396614);

- The minutes of the 25 May 2016 Departmental Audit Committee meeting (see DFE-395217 at DFE-395218 and DFE-395222);
- The 6 June 2016 DAC Focus Group meeting on RHI (DFE-395371); and
- The minutes of the 24 May 2016 Departmental Board meeting (DFE-396615 to DFE-396617).

At WIT-18544 Trevor Cooper refers to, on the 5 June 2015, briefing the independent board members of the DETI Departmental Board about RHI. At the bottom of WIT-18553 he may be referring to the same conversation as occurring on the 3 June 2015. At WIT-18554 he indicates that he informed the independent board members about 5 matters: that the RHI scheme was over budget; about a possible 5% DEL penalty; about the lapse in DFP approval and irregular expenditure; that demand was being driven by the poultry sector; and that a key difference between the GB and NI Scheme was the lack of tiering in the NI RHI Scheme. David Beck has said to the Inquiry (see WIT-24530) that the discussion was about "*the emerging issues of DFP approvals and funding pressures*". Claire Hughes has said (see paragraph 10 on WIT-18115) that Trevor Cooper informed them of an unprecedented spike in applications, and that many of the applications were from Moy Park poultry farmers. It appears that following the discussion (WIT-18755) Trevor Cooper emailed you and informed you that he had briefed David Beck and Claire Hughes on RHI, and that "*they fully understood the issues and potential implications*" .

1. As to this:

- a. What briefing did you tell Trevor Cooper to give, or understand Trevor Cooper was going to give, to the independent board members?
- b. What were the issues that Trevor Cooper subsequently indicated to you that the independent board members "*fully understood*"?

- c. What were the “*potential implications*” that Trevor Cooper subsequently indicated to you that the independent board members were then appraised of?
- d. What was the purpose of having Trevor Cooper brief the independent board members?

The independent board member, Claire Hughes, has said to the Inquiry (see paragraphs 6 to 10 of her witness statement of the 23 August 2017) that when Trevor Cooper “*briefed*” her and David Beck on the 5 June 2015 she would have informed Trevor Cooper:

- that she had an installation in the Domestic RHI Scheme, and
- of information she had received from Neil Elliott, the installer of her domestic heat pump, in January or February 2015, that (in summary):
 - o Neil Elliott’s business was extremely busy because of RHI;
 - o The RHI scheme was open to abuse;
 - o The reason it was open to abuse was because the more fuel you burned the greater the return; and
 - o As a result, there were:
 - reports of farmers heating empty sheds; and
 - reports of the heating of churches when no one was in them.

2. Trevor Cooper is being asked to give a response to what Claire Hughes has told the Inquiry, but as to this:

- a. Please give an account of any discussion that you had with Trevor Cooper after he had briefed the independent board members.
- b. Did Trevor Cooper, in June 2015, tell you anything that resembles what Claire Hughes claims to have told him? Please give an account in this regard. If Trevor Cooper did give you such an account, but at some other time, please provide as full details as you can of this, including details of when this information was conveyed to you.

Claire Hughes goes on to say (see paragraph 9 of her witness statement of the 23 August 2017) that at subsequent 'Board meetings', when RHI was being discussed, she commented that what was known and being discussed concurred with what her installer had said:

3. As to this:

- a. Please confirm what form of "Board meetings" you would have attended at which Claire Hughes would also have been present.
- b. When was the first "Board meeting" when Claire Hughes discussed information about RHI received from her installer?
- c. What was the information she disclosed?
- d. What was done with this information?
- e. Where, if at all, was this information recorded?

Claire Hughes also says (see paragraph 10 of her witness statement of the 23 August 2017) that it is her recollection that at one of her early board meetings when the Non-Domestic RHI Scheme was being discussed, she did mention the fact that she was a claimant on the Domestic scheme and asked if there was a conflict of interest for her.

She says then DETI Permanent Secretary Andrew McCormick thanked her for raising the issue, but he and the board members agreed that there wasn't a conflict of interest.

4. As to this:

- a. Please give an account, as far as you can, of the events Claire Hughes refers to.
- b. When do you say any such events occurred (and please explain the basis for your answer)?
- c. Was any note or record made of the disclosure? If not, why not?

In paragraph 76 of Trevor Cooper's first witness statement (WIT-18558) he speaks of an occasion in "*the autumn of 2015*" when he says he did have a conversation with Claire Hughes that appears to resemble the conversation that Claire Hughes says she had with Trevor Cooper and David Beck on the 5 June 2015. Trevor Cooper says the discussion involved Claire Hughes' installation on the Domestic RHI scheme, a discussion she had with her installer, and the installer having mentioned to her that "*people may generate heat excessively under the non- domestic scheme*". He says poultry was also mentioned.

5. As to this:

- a. Please set out, as far as you can, what exactly was said to you (Trevor Cooper says that following his discussion with Claire Hughes he spoke to you, the then DETI Grade 3 and his line manager).
- b. What was your understanding of why Trevor Cooper needed to speak to you about what Claire Hughes had told him?
- c. What was your understanding of how soon after Trevor Cooper's discussion with Claire Hughes that he spoke to you about what Ms Hughes had said?

- d. Where did your discussion with Trevor Cooper take place, in what context, and who else was present?
 - e. What exactly did Trevor Cooper tell you as to what Ms Hughes had said?
 - f. With whom did you share the information that Trevor Cooper was bringing to you? Please give an account of any steps you took.
 - g. Was the information you received about what may be happening on the Non Domestic RHI Scheme new information to you? If not, when had you received similar information, from whom, in what context, and what was the similar information? If it was new, what questioning did you engage in of what Ms. Hughes was telling Trevor Cooper?
6. Trevor Cooper has said to the Inquiry that, as a result of what he told you Ms Hughes had said to him, you asked him to go back to Claire Hughes to find out whether she was prepared to put what she had told him "*on the record*". As to this:
- a. Why did you ask Trevor Cooper to do that?
 - b. Why, if relevant information was provided to you about the potential abuse of the Non Domestic RHI Scheme, was there any question of whether someone was prepared to go "*on the record*" about it?
 - c. When and where did you engage further with Claire Hughes about what she had told you, and who else was present?
 - d. What was she "*not prepared to do*"?
 - e. What reasons did she give as to why she was not prepared to do it?
7. Trevor Cooper has said that, following his discussion with you, that he reverted to Claire Hughes but she "*was not prepared to do this*", and that, following his further

discussion with Claire Hughes, he reverted to you and confirmed Claire Hughes' position to you. As to this:

- a. When and where did Trevor Cooper further discuss the matter with you, and who else was present?
 - b. What did you Trevor Cooper tell you?
 - c. What did you say to him?
 - d. What further steps did you take?
8. Claire Hughes has said to the Inquiry (see paragraph 10 of her witness statement of the 23 August 2017 at WIT-18115), albeit potentially dating the conversation to the 5 June 2015, that at no stage was she asked to put what she had told Trevor Cooper "*on the record*". What do you say about the assertion by Claire Hughes that at no time was she asked to put her information on the record?
9. What written record (if any) did you make, at the time, of any of the exchanges on this subject? If no written record was made about any of these exchanges, please explain why that was the case.
10. Who else did you speak to about Claire Hughes' information? If you did not speak to anyone else then please explain why not. If you did speak to others please outline who they were, when you spoke to them, what you told them, and for what purpose.
11. You are referred to the oral evidence Michael Woods gave to the Inquiry, in particular the passages at TRA-16031 to TRA-16036. Did you ever tell the DETI Head of Internal Audit, Michael Woods, about what Claire Hughes' information? If not, why not?
12. For the avoidance of doubt:

- a. when did you first learn of allegations of members of the RHI Scheme heating empty sheds (and please provide an account of how you came to know about this allegation, and what you did when you found out about it)?
 - b. when did you first learn of allegations of members of the RHI Scheme heating empty churches (and please provide an account of how you came to know about this allegation, and what you did when you found out about it)?
13. If you knew of the information from Claire Hughes, why was that information not reflected in the records of the Audit Committee, or the Departmental Board?
14. If you knew of the information from Claire Hughes, why was no entry made in the records of the Audit Committee or Departmental Board, until (it appears) June 2016, of the fact she had an accredited installation on the Domestic RHI Scheme.
15. Reflecting on whatever your evidence is in respect of the above matters, please set out whether you consider you should have done anything differently from that which you did do at the time and, if so, what?

NOTE:

It is important for the efficiency of the RHI Inquiry that the issues identified above are addressed as fully as possible and by reference, where available, to the dates and locations of specific incidents to which reference is made. The statement should be broken down into paragraphs, which should be numbered sequentially from '1' to the end. The use of appropriate section headings or sub-headings is also encouraged. A template witness statement is provided with this Notice for your assistance and should be used as the format for your response.



INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: Notice 207 of 2018

DATE: 22 November 2018

Witness Statement of:

I, Eugene Rooney, will say as follows: -

The evidence of Claire Hughes

You are referred to:

- the first witness statement of Trevor Cooper of the 19 July 2017, and, in particular, the first paragraph on WIT-18544, paragraph 59 on WIT-18553 and WIT-18554, his 5 June 2015 email at WIT-18755, and paragraphs 75 and 76 at WIT-18558 and WIT-18559;
- the witness statement of Claire Hughes of the 23 August 2017 (WIT-18112 to WIT-18118), and in particular paragraphs 6 to 10 on WIT-18114 and WIT-18115, and paragraph 19 on WIT-18117; and
- The witness statement of David Beck of the 19 October 2017 (WIT-24501 to WIT-24555).

You are also referred to:

- The minutes of the 23 June 2015 Departmental Board meeting (DFE-396586 to DFE-396589);

- The minutes of the 24 June 2015 Departmental Audit Committee meeting (DFE-394720 to DFE-394725), and paragraph 19 in particular in relation to RHI (DFE-394723);
- The minutes of the 21 July 2015 Departmental Board meeting (DFE-396590 to DFE-396592);
- The oral evidence Trevor Cooper gave to the Inquiry on the 18 October 2018 (see TRA-15883 to TRA-15893) about the reference to the risk of gaming contained in paragraph 5.13 (DFE-147540) of the 27 July 2015 first draft of the 2015 addendum business case;
- The minutes of the 22 September 2015 Departmental Board meeting (DFE-396593 to DFE-396595);
- The minutes of the 29 September 2015 Departmental Audit Committee meeting (see DFE-394846 at DFE-394848);
- The minutes of the 20 October 2015 Departmental Board meeting (DFE-396596 to DFE-396597);
- The minutes of the 17 November 2015 Departmental Board meeting (DFE-396598 to DFE-396600);
- The minutes of the 2 December 2015 Departmental Audit Committee meeting (see DFE-394959 at DFE-394963/4 and the RHI paper at DFE-394901 to DFE-394905);
- The minutes of the 19 January 2016 Departmental Board meeting (DFE-396601 to DFE-396603);
- The minutes of the 16 February 2016 Departmental Board meeting (DFE-396604 to DFE-396606);



- The minutes of the 2 March 2016 Departmental Audit Committee meeting (see DFE-395092 at DFE-395095/6 and the RHI paper at DFE-394972 to DFE-394981);
- The minutes of the 22 March 2016 Departmental Board meeting (DFE-396607 to DFE-396609);
- The minutes of the 21 April 2016 Departmental Board meeting (DFE-396610 to DFE-396612);
- The minutes of the 24 May 2016 Departmental Board meeting (DFE-396613 to DFE-396614);
- The minutes of the 25 May 2016 Departmental Audit Committee meeting (see DFE-395217 at DFE-395218 and DFE-395222);
- The 6 June 2016 DAC Focus Group meeting on RHI (DFE-395371); and
- The minutes of the 24 May 2016 Departmental Board meeting (DFE-396615 to DFE-396617).

At WIT-18544 Trevor Cooper refers to, on the 5 June 2015, briefing the independent board members of the DETI Departmental Board about RHI. At the bottom of WIT-18553 he may be referring to the same conversation as occurring on the 3 June 2015. At WIT-18554 he indicates that he informed the independent board members about 5 matters: that the RHI scheme was over budget; about a possible 5% DEL penalty; about the lapse in DFP approval and irregular expenditure; that demand was being driven by the poultry sector; and that a key difference between the GB and NI Scheme was the lack of tiering in the NI RHI Scheme. David Beck has said to the Inquiry (see WIT-24530) that the discussion was about “*the emerging issues of DFP approvals and funding pressures*”. Claire Hughes has said (see paragraph 10 on WIT-18115) that Trevor Cooper informed them of an unprecedented spike in applications, and that

many of the applications were from Moy Park poultry farmers. It appears that following the discussion (WIT-18755) Trevor Cooper emailed you and informed you that he had briefed David Beck and Claire Hughes on RHI, and that “*they fully understood the issues and potential implications*” .

1. As to this:

- a. What briefing did you tell Trevor Cooper to give, or understand Trevor Cooper was going to give, to the independent board members?

A Departmental Audit Committee meeting had been held on 1 June 2015. There was another Departmental Audit Committee scheduled later in June 2015 (which took place on 24 June 2015) to consider the finalising of the Departmental Accounts for 2014-15. David Beck and Claire Hughes were members of the Audit Committee. I understood that Trevor Cooper was to explain to them the issues emerging with RHI at that time, namely that projected spend was greater than the budget allocation, and that there was no DFP approval for expenditure after March 2015. I did not tell Trevor specifically what he had to say to the members.

- b. What were the issues that Trevor Cooper subsequently indicated to you that the independent board members “*fully understood*”?

I do not know the details of what was discussed at the meeting with David Beck and Claire Hughes on 5 June 2015. It would have been my understanding that what had been discussed were the financial and governance issues which were subsequently discussed at the Audit Committee of 24 June 2015, and recorded in the minutes of the meeting, on the absence of DFP approval after March 2015 and a projected spend significantly above budget. In regard to the comment made by Claire



Hughes that Trevor advised them of an “unprecedented spike in applications”, the spike did not occur until several months later in the year so would not have been known in June 2015.

- c. What were the “*potential implications*” that Trevor Cooper subsequently indicated to you that the independent board members were then appraised of?

As explained at 1b, I am not aware of the details of what was discussed at the meeting which could have been categorised as being “potential implications”, but I had expected that this was a reference to the potential for the spend after March 2015 to be treated as irregular with a potential qualification to the Accounts, as well as work to identify how to address the projected overspend on the budget.

- d. What was the purpose of having Trevor Cooper brief the independent board members?

The Audit Committee has an important role in endorsing the Annual Accounts of the Department which are signed off by the Accounting Officer and laid in the Assembly. The issues of the lapse in Department of Finance and Personnel approval and the projected spend above budget emerged as DETI was about to finalise its 2014-15 Accounts. It was important that Committee members were made aware of these emerging issues when considering the draft Accounts.

The independent board member, Claire Hughes, has said to the Inquiry (see paragraphs 6 to 10 of her witness statement of the 23 August 2017) that when Trevor Cooper “*briefed*” her and David Beck on the 5 June 2015 she would have informed Trevor Cooper:

- that she had an installation in the Domestic RHI Scheme, and
- of information she had received from Neil Elliott, the installer of her domestic heat pump, in January or February 2015, that (in summary):
 - o Neil Elliott’s business was extremely busy because of RHI;



- The RHI scheme was open to abuse;
 - The reason it was open to abuse was because the more fuel you burned the greater the return; and
 - As a result, there were:
 - reports of farmers heating empty sheds; and
 - reports of the heating of churches when no one was in them.
2. Trevor Cooper is being asked to give a response to what Claire Hughes has told the Inquiry, but as to this:

- a. Please give an account of any discussion that you had with Trevor Cooper after he had briefed the independent board members.

There was no discussion between Trevor Cooper and myself on the details of his meeting with the independent Board members on 5 June 2015.

- b. Did Trevor Cooper, in June 2015, tell you anything that resembles what Claire Hughes claims to have told him? Please give an account in this regard. If Trevor Cooper did give you such an account, but at some other time, please provide as full details as you can of this, including details of when this information was conveyed to you.

Trevor Cooper did not discuss with me the details of the discussion with Board members either in June 2015, or at a subsequent point. He did not mention the points made in Claire Hughes' 23 August 2017 statement at a later date. The email of 5 June 2015 confirmed to me merely that the meeting had occurred to brief the Audit Committee members on the RHI issues. Trevor Cooper also briefed the NI Audit Office representative that attended the Committee. There was an Audit Committee meeting on 24



June 2015 so there would have been an opportunity for any of the attendees of the 5 June 2015 meeting to raise concerns at that meeting.

Claire Hughes goes on to say (see paragraph 9 of her witness statement of the 23 August 2017) that at subsequent 'Board meetings', when RHI was being discussed, she commented that what was known and being discussed concurred with what her installer had said:

3. As to this:

- a. Please confirm what form of "Board meetings" you would have attended at which Claire Hughes would also have been present.

Claire Hughes was an independent member of the Department of Enterprise, Trade and Investment Board, and of its Audit Committee. The Board generally met once a month and I would normally have attended those meetings, and meetings of the Department's Audit Committee.

- b. When was the first "Board meeting" when Claire Hughes discussed information about RHI received from her installer?

From June 2015 onwards there were updates on the RHI at Departmental Board meetings, but I do not recall Claire Hughes raising concerns at those meetings based on details she had been provided by her installer. I do not recall that the information was raised at the Audit Committee.

- c. What was the information she disclosed?

See 3b above.

- d. What was done with this information?

See 3b above.

- e. Where, if at all, was this information recorded?



A minute taker attended all Departmental Board and Audit Committee meetings. The minutes of the Departmental Board and Audit Committee are the means of recording discussions at those respective meetings and action points arising. There is nothing I can see in the minutes of those meetings to indicate that the information from the installer was raised.

Claire Hughes also says (see paragraph 10 of her witness statement of the 23 August 2017) that it is her recollection that at one of her early board meetings when the Non-Domestic RHI Scheme was being discussed, she did mention the fact that she was a claimant on the Domestic scheme and asked if there was a conflict of interest for her. She says then DETI Permanent Secretary Andrew McCormick thanked her for raising the issue, but he and the board members agreed that there wasn't a conflict of interest.

4. As to this:

- a. Please give an account, as far as you can, of the events Claire Hughes refers to.

At each meeting attendees are asked to declare if they have any conflicts of interest with items on the agenda. I do recall that Claire Hughes did mention that she had a domestic RHI boiler installed and I expect it was at the point of declaring any conflicts of interest.

- b. When do you say any such events occurred (and please explain the basis for your answer)?

I do not recall when Claire Hughes mentioned her Domestic RHI boiler. The Board meetings were generally monthly though I note the minutes for that period do not recall it being raised.

- c. Was any note or record made of the disclosure? If not, why not?

There is no record in the minutes of this disclosure. The minutes would usually record any declarations of interest or potential conflicts of interest. Attendees



can also ask for amendments to minutes at subsequent meetings for points of accuracy. There is no indication of this being done through this period.

In paragraph 76 of Trevor Cooper's first witness statement (WIT-18558) he speaks of an occasion in "*the autumn of 2015*" when he says he did have a conversation with Claire Hughes that appears to resemble the conversation that Claire Hughes says she had with Trevor Cooper and David Beck on the 5 June 2015. Trevor Cooper says the discussion involved Claire Hughes' installation on the Domestic RHI scheme, a discussion she had with her installer, and the installer having mentioned to her that "*people may generate heat excessively under the non- domestic scheme*". He says poultry was also mentioned.

5. As to this:

- a. Please set out, as far as you can, what exactly was said to you (Trevor Cooper says that following his discussion with Claire Hughes he spoke to you, the then DETI Grade 3 and his line manager).

I am not aware of when or where Claire Hughes had a conversation with Trevor Cooper about her installation of a Domestic RHI scheme, or what was said. I do not recollect that Trevor Cooper came to me to relay this conversation with Claire Hughes about comments made by her installer.

- b. What was your understanding of why Trevor Cooper needed to speak to you about what Claire Hughes had told him?

As noted at 5a above, I do not recall that Trevor Cooper spoke to me, or felt that he needed to speak to me about his conversation with Claire Hughes, or that I had a discussion with Trevor Cooper about information about RHI provided to him by Claire Hughes.

- c. What was your understanding of how soon after Trevor Cooper's discussion with Claire Hughes that he spoke to you about what Ms Hughes had said?

I have no information about if, or when, in the autumn of 2015, or whenever, Claire Hughes mentioned to him comments made by her installer, or at what point Trevor Cooper felt he raised her comments with me.

- d. Where did your discussion with Trevor Cooper take place, in what context, and who else was present?

I am not aware of a conversation taking place about the matter of comments made by Claire Hughes' installer, or who else may have been present. By autumn 2015, it was already known that poultry farms accounted for a significant number of the applications. Tiered tariffs were also introduced in November 2015 to reduce the costs of the Non Domestic RHI scheme.

- e. What exactly did Trevor Cooper tell you as to what Ms Hughes had said?

See 5a above.

- f. With whom did you share the information that Trevor Cooper was bringing to you? Please give an account of any steps you took.

See 5a above. Claire Hughes states that at Board meetings during this period what was discussed concurred with what her installer had said. I do not recall the information being raised by Ms Hughes or anyone else present, nor can I see it reflected in minutes of Board or Audit Committee meetings. I cannot discount though the possibility that there was a discussion at which Claire Hughes made remarks on potential abuse of the scheme as RHI was on the agenda at each meeting from June 2015 onwards.

- g. Was the information you received about what may be happening on the Non Domestic RHI Scheme new information to you? If not, when had you received similar information, from whom, in what context, and what was the similar information? If it was new, what questioning did you engage in of what Ms. Hughes was telling Trevor Cooper?



As noted at 5f above, I do not recall concerns being raised at meetings or correspondence on the potential abuse of the scheme during 2015. The first I recall receiving information on abuse of the scheme was in the anonymous correspondence received by the Office of the First Minister and Deputy First Minister (OFMDFM) in January 2016. I recall that these allegations of abuse came as a surprise to me, and this was an extra dimension to an already difficult set of issues.

6. Trevor Cooper has said to the Inquiry that, as a result of what he told you Ms Hughes had said to him, you asked him to go back to Claire Hughes to find out whether she was prepared to put what she had told him “*on the record*”. As to this:

a. Why did you ask Trevor Cooper to do that?

I do not recall having a conversation with Trevor Cooper about Claire Hughes going “*on the record*”. In discharging her role as a member of the Departmental Board and of its Audit Committee there were opportunities for her to raise the details provided by her installer at the meetings.

b. Why, if relevant information was provided to you about the potential abuse of the Non Domestic RHI Scheme, was there any question of whether someone was prepared to go “*on the record*” about it?

I don’t believe that relevant information was provided to me about the potential abuse of the scheme until we received the correspondence to OFMDFM in January 2016.

7. Trevor Cooper has said that, following his discussion with you, that he reverted to Claire Hughes but she “*was not prepared to do this*”, and that, following his further discussion with Claire Hughes, he reverted to you and confirmed Claire Hughes’ position to you. As to this:

a. When and where did Trevor Cooper further discuss the matter with you, and who else was present?



I do not recall that Trevor Cooper had a further conversation with me on Claire Hughes' comments. If such an exchange had occurred, with Claire Hughes refusing to put on record her comments on the scheme, I believe I would have remembered it.

b. What did you Trevor Cooper tell you?

See 7a above.

c. What did you say to him?

See 7a above.

d. What further steps did you take?

See 7a above.

8. Claire Hughes has said to the Inquiry (see paragraph 10 of her witness statement of the 23 August 2017 at WIT-18115), albeit potentially dating the conversation to the 5 June 2015, that at no stage was she asked to put what she had told Trevor Cooper "*on the record*". What do you say about the assertion by Claire Hughes that at no time was she asked to put her information on the record?

As noted at 6a above, I am not aware of what was said in a conversation between Claire Hughes and Trevor Cooper on the recording of her information. As Claire Hughes was a Board member and Audit Committee member I would have thought she would have been raising in any case any specific concerns she had about the operation of a Department's scheme at the relevant meetings during this period. It is not recorded in the minutes of the period.

9. What written record (if any) did you make, at the time, of any of the exchanges on this subject? If no written record was made about any of these exchanges, please explain why that was the case.

I have no record of the exchanges on this subject. I do not recall any discussion of the information she said she raised initially at the meeting on 5 June 2015.



10. Who else did you speak to about Claire Hughes' information? If you did not speak to anyone else then please explain why not. If you did speak to others please outline who they were, when you spoke to them, what you told them, and for what purpose.

See response to 9 above.

11. You are referred to the oral evidence Michael Woods gave to the Inquiry, in particular the passages at TRA-16031 to TRA-16036. Did you ever tell the DETI Head of Internal Audit, Michael Woods, about what Claire Hughes' information? If not, why not?

I didn't discuss with Michael Woods Claire Hughes' "information" as detailed above, as I was not aware of the comments she is said to have made. There were opportunities for Claire Hughes to share her information with Michael Woods directly as Michael normally attended Audit Committee meetings and he would also have had meetings with Audit Committee members. I note that RHI was discussed at the Committee meetings on each occasion from June 2015.

12. For the avoidance of doubt:

- a. when did you first learn of allegations of members of the RHI Scheme heating empty sheds (and please provide an account of how you came to know about this allegation, and what you did when you found out about it)?

There is a reference to heating an empty shed in the anonymous letter received by OFMDFM in January 2016. That is the first occasion I can recall of a reference to heating empty sheds. The correspondence was forwarded to me and I was in communication with Michael Woods in February 2016 on the investigation of the allegations as part of his audit of the non-Domestic RHI scheme.

- b. when did you first learn of allegations of members of the RHI Scheme heating empty churches (and please provide an account of how you came



to know about this allegation, and what you did when you found out about it)?

I do not recall when I heard of heating empty churches though I believe it was much later after January 2016, and I think it may have been via media coverage.

13. If you knew of the information from Claire Hughes, why was that information not reflected in the records of the Audit Committee, or the Departmental Board?

I was not aware of the information recorded in Claire Hughes' statement. As noted at 5 and 8 above, I do not recall it being raised either by Claire Hughes or anyone else at the Departmental Board or the Audit Committee. I would have expected that if specific information on the abuse of the scheme had been raised it would have been discussed and reflected in the minutes. Each Audit Committee meeting normally has attendance from representatives of both the Department's Internal Audit and the Northern Ireland Audit Office.

14. If you knew of the information from Claire Hughes, why was no entry made in the records of the Audit Committee or Departmental Board, until (it appears) June 2016, of the fact she had an accredited installation on the Domestic RHI Scheme.

I do not know why it was not recorded in the minutes before June 2016 if it had been raised. As for every Board and Committee meeting attendee there is an opportunity to agree at each meeting the record in the previous draft minutes so Claire Hughes, like other attendees, had an opportunity to agree or amend the minutes for accuracy.

15. Reflecting on whatever your evidence is in respect of the above matters, please set out whether you consider you should have done anything differently from that which you did do at the time and, if so, what?

I do not recall the issues raised by Claire Hughes in her 23 August 2017 witness statement being discussed during this period, so I am not sure that there is anything I would have done differently. If I had have been aware of the issues, I expect I

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would have engaged the Department's Internal Audit to commence much earlier their planned review of Non Domestic RHI. It is the usual procedure to engage with Internal Audit when information is received on potential abuse of a scheme.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: _____

Dated: 22.11.2018 _____