



RENEWABLE HEAT
INCENTIVE INQUIRY

WIT-13801

RHI Inquiry

Headline Building
10-14 Victoria Street
BELFAST, BT1 3GG

T: 028 9040 8833

E: general@rhiinquiry.org

W: www.rhiinquiry.org

Ms Glynis Aiken
Private Office
Department of Education
DE Corporate Services
Room 14, Rathgael House
43 Balloo Road
Bangor
Co Down
BT19 7PR

By email to: Glynis.Aiken@education-ni.gov.uk

21 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 that you will be familiar with the work of the Inquiry and its Terms of Reference from your previous engagement with it; and the Inquiry remains grateful for the witness statement you have already provided.

However, as you may be aware, the Inquiry continues to seek 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.

In the circumstances, please 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 the matters identified in the Schedule to the Section 21 Notice.

Where you have been asked about a matter which has been addressed to some degree in your previous written and you are clear that there is no further evidence which you can provide, please simply say so.

In the interests of fairness, you are also encouraged to provide, through the further written statement now being requested of you, any additional information that you can which is relevant to the Inquiry's investigation of the matters falling within its Terms of Reference in relation to any of its phases, in light of any additional matters which have emerged during the course of the Inquiry's evidence-gathering processes, particularly in the period since you provided your last witness statement.

As the text of the Section 21 Notice explains, you are required by law to comply with it.

As before, it is vital that the further witness statement you provide to the Inquiry is your own evidence, absent the influence of others; that it is comprehensive; and that it fully explains your involvement in the matters about which you have been asked.

In the event that you require or desire access to some documentation, not already in your possession, in order to assist you in preparing your statement, the Department

for the Economy (DfE) can make arrangements to permit such access, at least in the first instance, and you should contact Terence Coyne at DfE, who is the Department's RHI Task Force Information Manager. Emer Morelli is the relevant contact at DoF. Alternatively, please contact me. However, for the most part documents referred to in the attached notice are enclosed.

I also remind you, as before, 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 blue ink that reads "Patrick Butler". The signature is written in a cursive, slightly slanted style.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE**[No 229 of 2018]***Phase 3*

1. In relation to the period from June 2015 to 17 November 2015 (Phase 3 of the Inquiry's work), evidence provided to the Inquiry indicates that Andrew Crawford was involved in correspondence and discussion about the issues arising from the RHI Scheme and measures being considered or taken to amend it (in particular, although not limited to, exchanges with Timothy Cairns, the DETI Special Adviser). As to this, please address the following matters:
 - a. Please indicate whether you were aware of any aspect of Dr Crawford's involvement at this stage.
 - b. If so, please provide as full details as you can of how you were so aware of this and of what you were aware.

Phase 4

2. In her written evidence to the Inquiry (at **WIT-263849**) Janet McCollum of Moy Park provided evidence of a meeting she and Mike Mullan had with Minister Storey and Andrew Crawford on 15 January 2016, at Moy Park Head Office, at which Andrew Crawford is said to have informed Moy Park that the RHI scheme would soon be closing. Andrew Crawford gave oral evidence in relation to this meeting (see **TRA-13251 to TRA-13257**), in the course of which reference was made to an email exchange between you and he in relation to it (see **DOF-60709**). As to this meeting and the email exchange, please address the following matters:
 - a. Please explain the meaning and context of your reference to causing an "*international incident*". In the course of your response, please also explain whether you consider that there was any difficulty in relationships at this time between DETI and DFP, and/or between the respective

Ministers or officials, which is or might be relevant to the Inquiry's terms of reference.

- b. Please provide as full details as you can as to how and by whom the meeting with Moy Park was arranged and the purpose of such meeting.
- c. Please also explain, insofar as not addressed in responses to the above, whether you (or, to your knowledge, any DFP official) attended the meeting and, if not, why not.
- d. Please provide any evidence you are in a position to give as to what was discussed or disclosed at this meeting in relation to the RHI Scheme.

Post-Phase 4

3. In relation to the text exchange between yourself and Arlene Foster at **IND-12967**, please provide details of the context of these messages and any related discussions; and any actions you undertook on foot of them. In the course of your answer, please address (a) whether former Minister Foster was especially concerned about any particular aspect, or potential aspect, of her previous involvement with the RHI Scheme; and (b) whether, as a result of any research or enquiries undertaken by you, any concern was (to your knowledge) heightened or lessened.

General

4. Please provide any further evidence you can give as to Private Office practice generally, or in DETI or DFP, at times material to the Inquiry's investigation, which is relevant to issues which (to your knowledge) have been addressed in the course of the Inquiry's hearings. (Relevant topics might include: the taking of notes or minutes of Ministerial meetings; leaking and/or improper disclosure of information; and/or communication and relationships between Ministers, Special Advisers and senior civil servants). Please also feel free to provide the

Inquiry Panel with any suggestions you may have as to possible improvements in practice and/or procedure for the future.

5. To the extent (recognising that you are not an enhanced participant in the Inquiry) that you are aware of the evidence of any other witness or participant contradicting your evidence on a significant issue, or being materially incomplete in respect of any significant issue, you should take this opportunity to address those issues by way of further written evidence (to the extent that the said issues have not already been addressed in your existing written evidence). In so doing, the Inquiry would be grateful if you could familiarise yourself with the oral evidence of Arlene Foster and Andrew Crawford in particular, in relation to Phases 1 and 2 of the Inquiry's work.
6. Please set out any further significant evidence you have or of which you are aware, having regard to the Inquiry's Terms of Reference, which has not been adequately addressed in your previous written evidence.

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 229 of 2018

DATE: 4 December 2018

Witness Statement of: GLYNIS AIKEN

I, Glynis Aiken, will say as follows: -

Phase 3

1. In relation to the period from June 2015 to 17 November 2015 (Phase 3 of the Inquiry's work), evidence provided to the Inquiry indicates that Andrew Crawford was involved in correspondence and discussion about the issues arising from the RHI Scheme and measures being considered or taken to amend it (in particular, although not limited to, exchanges with Timothy Cairns, the DETI Special Adviser). As to this, please address the following matters:
 - a. Please indicate whether you were aware of any aspect of Dr Crawford's involvement at this stage.
 - b. If so, please provide as full details as you can of how you were so aware of this and of what you were aware.

I was unaware of Dr Crawford's involvement in the RHI Scheme at that stage.

Phase 4

2. In her written evidence to the Inquiry (at **WIT-263849**) Janet McCollum of Moy Park provided evidence of a meeting she and Mike Mullan had with Minister Storey and Andrew Crawford on 15 January 2016, at Moy Park Head Office, at which Andrew Crawford is said to have informed Moy Park that the RHI scheme



would soon be closing. Andrew Crawford gave oral evidence in relation to this meeting (see TRA-13251 to TRA-13257), in the course of which reference was made to an email exchange between you and he in relation to it (see DOF-60709). As to this meeting and the email exchange, please address the following matters:

- a. Please explain the meaning and context of your reference to causing an "international incident". In the course of your response, please also explain whether you consider that there was any difficulty in relationships at this time between DETI and DFP, and/or between the respective Ministers or officials, which is or might be relevant to the Inquiry's terms of reference.

I recall being aware at the time that the then DETI Minister was not clearing part inputs to briefing requests from other Departments. I was unaware of what the issues specifically were that gave rise to the DETI Minister refusing to clear part inputs in respect of briefing requests but I was aware of some form of general tension that existed at a higher level that had given rise to this. I assume that my reference to not wishing to cause an international incident was my not wishing to make any tensions worse.

I was not aware of the specifics of any difficulties that existed in relationships at that time between anyone.

- b. Please provide as full details as you can as to how and by whom the meeting with Moy Park was arranged and the purpose of such meeting.

I have searched my DFP emails which were recovered from the server in January 2018 by IT Assist to enable co-operation with the inquiry. The only email I can find in relation to the meeting is the email exchange which the inquiry have referenced DOF-60709. I can only assume that I was informed verbally that Mervyn Storey had a meeting arranged with



RENEWABLE HEAT INCENTIVE INQUIRY

Moy Park for the 15th January and as he had since been appointed Minister of Finance we would have endeavoured to ensure he was appropriately briefed in the event that the meeting covered wider government issues that he may not have been aware of prior to his appointment as Minister. I cannot find any email requests to INI requesting the briefing nor can I find any briefing being received from INI.

- c. Please also explain, insofar as not addressed in responses to the above, whether you (or, to your knowledge, any DFP official) attended the meeting and, if not, why not.

I did not attend any meeting between Mervyn Storey and Moy Park.

- d. Please provide any evidence you are in a position to give as to what was discussed or disclosed at this meeting in relation to the RHI Scheme.

I did not attend the meeting so am not in a position to provide any evidence of what was discussed or disclosed at the meeting.

Post-Phase 4

3. In relation to the text exchange between yourself and Arlene Foster at **IND-12967**, please provide details of the context of these messages and any related discussions; and any actions you undertook on foot of them. In the course of your answer, please address (a) whether former Minister Foster was especially concerned about any particular aspect, or potential aspect, of her previous involvement with the RHI Scheme; and (b) whether, as a result of any research or enquiries undertaken by you, any concern was (to your knowledge) heightened or lessened.

Unfortunately, all the historic texts on my work phone around this period have been deleted -as was my routine practice to regularly delete text messages). Having considered the text messages provided which appear to have been



recovered from Ms Foster's phone, I believe that Mrs Foster asked me at some stage in person to check whether I had any recollection of discussions about costs controls relating to the RHI Scheme during my time at DETI.

I had some personal note books from my time at DETI which I hadn't got round to shredding which were primarily my daily "to do lists" and notes of importance regarding tasks I needed to complete, and recall advising Mrs Foster that I would try and look through them to see if any notes of relevance existed. I recall checking through what notes I had and whilst finding some references to RHI such as the Scheme going to a Committee as detailed in the texts, I didn't locate anything that was considered important. Unfortunately my notes were then disposed of when I moved departments and joined the Department for Education.

I don't recall Ms Foster being specifically concerned about any particular issue regarding her personal involvement. I recall her concerns generally related to what was developing at that time in relation to the Scheme. She appeared to me to be trying to find as much information as she could about the matter generally.

I don't recall that I was able to locate anything of any significance.

General

4. Please provide any further evidence you can give as to Private Office practice generally, or in DETI or DFP, at times material to the Inquiry's investigation, which is relevant to issues which (to your knowledge) have been addressed in the course of the Inquiry's hearings. (Relevant topics might include: the taking of notes or minutes of Ministerial meetings; leaking and/or improper disclosure of information; and/or communication and relationships between Ministers, Special Advisers and senior civil servants). Please also feel free to provide the Inquiry Panel with any suggestions you may have as to possible improvements in practice and/or procedure for the future.

**RENEWABLE HEAT
INCENTIVE INQUIRY**

I have nothing further to add than what I have provided in previous witness statements.

5. To the extent (recognising that you are not an enhanced participant in the Inquiry) that you are aware of the evidence of any other witness or participant contradicting your evidence on a significant issue, or being materially incomplete in respect of any significant issue, you should take this opportunity to address those issues by way of further written evidence (to the extent that the said issues have not already been addressed in your existing written evidence). In so doing, the Inquiry would be grateful if you could familiarise yourself with the oral evidence of Arlene Foster and Andrew Crawford in particular, in relation to Phases 1 and 2 of the Inquiry's work.

I have carried out a word search on the following transcripts for the term Glynis Aiken and have no further evidence to submit.

TRA 07433 – TRA 07586 – 11 April

TRA 07587 – TRA 07756 – 12 April

TRA 07757 – TRA 07901 – 13 April

TRA 07902 – TRA 08045 – 16 April

TRA 08046 – TRA 08197 – 17 April

TRA 08198 – TRA 08375 – 18 April

TRA 08376 – TRA 08529 – 19 April

TRA 09758 – TRA 09893 – 30 May

TRA 09894 – TRA 10032 – 31 May

TRA 12970 – TRA 13155 – 13 September

TRA 13156 – TRA 13280 – 14 September

TRA 13573 – TRA 13775 – 25 September

6. Please set out any further significant evidence you have or of which you are aware, having regard to the Inquiry's Terms of Reference, which has not been adequately addressed in your previous written evidence.

RENEWABLE HEAT
INCENTIVE INQUIRY

I have nothing further to add than what I have provided in previous witness statements.

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.

Statement of Truth

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

Signed: 

Dated: 4/12/18