

INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME**RHI REF: Notice 143 of 2017****DATE: March 2018**

Supplementary Witness Statement of: John Mills

I, John Mills, will say as follows:

In response to the Inquiry's Notice 143 of 2017, I further answer the questions in email from the Inquiry Solicitor dated 27 February 2018 as follows:

Para 75 (WIT-14536) of John Mills' witness statement indicates that he raised the question of whether someone needed to be temporarily promoted to cover the gap left by Joanne's and Peter's departure, and that the initial advice from the branch was this was unnecessary. Would it be possible to ascertain:

1. When this question was raised (for instance was Peter Hutchinson and Joanne McCutcheon each still in post when the question was asked?)

My first discussions about staffing in Energy Division were with Fiona Hepper at the handover meeting in November 2013. She did not mention any issues relating to RHI, but did mention that one member of senior management had left and this would leave no-one to deal with the Energy Bill. I do not believe she mentioned the departures of Joanne McCutcheon and Peter Hutcheson before she left in November 2013.

I believe some time around January 2014 Joanne McCutcheon spoke to me about taking a career break (mentioned in her statement to PWC - PWC 04552). She outlined why she needed this (which included personal medical reasons).

I was happy, therefore, to approve the career break. I planned to replace her (part-time) post with a (full-time) member of staff. I think it was about that this time that she also mentioned that Peter

Hutchinson wanted to apply for career opportunities elsewhere (i.e. in different departments). She suggested I should promise him “temporary promotion” and that would prevent him leaving. She said he had a “lot of knowledge” and was “very capable”.

She said she thought Peter would leave unless I offered him the “acting up” role (i.e. temporary promotion). The emphasis was on Peter’s ability and this was how to “entice” him to stay. It was not suggested that (i) Peter was the only person who “understood” RHI or (ii) the RHI schemes would be in danger or jeopardy if he left.

My thinking at that time was:

- (i) It would have been unfair not to have a competition process. I did not want to start my time in the Department making “assumptions” about who should be “promoted” or not;
- (ii) Temporarily promoting Peter would not solve the loss of a member of the RHI team when Joanne departed;
- (iii) I thought Peter wanted to go and didn’t want to stop his career development;
- (iv) If Joanne had thought Peter should not go, she should have refused the request (as she was his Line Manager) or advised me (in unequivocal terms) why he should stay. (Such permission was refused by other Heads of branches during my time).

By April 2014 I believe I had spoken to Human Resources about an “elective transfer process” to fill various Energy Division posts and the process had been launched (i.e. advertisements had been circulated within the NI Civil Service).

Unfortunately, that process had gone more slowly than I had hoped. Although there had been a “good” response to the advertisements (for 5 posts) a lot of time had been spent drafting the job specifications, liaising with the Trade Unions via HR etc.

Therefore by a point in April 2014, I knew that Joanne was leaving and that Peter had applied for a new post and been successful.

I discussed the matter with Joanne and Peter some time during April and asked them whether someone should be appointed to

“act up” in Peter’s role. They told me there was no need to do so and that Dan Sinton was very experienced.

After Joanne had left (or about the time she was leaving) I spoke to Peter again. His post had not yet been filled. I asked again whether someone should “act up” in his post. This time Peter told me that someone should be appointed. (I do not recall asking him why he had changed his opinion. I thought then that he must have had a different option to Joanne - but had not voiced this during our earlier discussion.) Peter did not suggest that he should “act “ and/or delay his own departure.

I launched a “competition” within Energy Division for the temporary “acting up”. This was circulated to the 12 or so Deputy Principals in the Energy Division. Each candidate had to prepare a short submission, to be considered. After this process Davina McCay was selected.

Whilst I had recognised, during January, that the departure of Peter and Joanne at or about the same time was not ideal, I thought by launching the competition process I could solve these problems. For the sake of clarity - their departures were not the only staffing issues requiring resolution. There were two other Deputy Principals pressing to leave Energy Division; another vacancy which preceded my arrival in Energy Division and a number of instances of over-burdened posts/un-resourced work commitments. I believe I had raised these issues at a senior management team meeting (sometime before the posts were advertised) I was directed (correctly) to discuss these issues with the Head of Human Resources.

She had advised me that the Department had no replacements (a helpfully clear answer) and we discussed the options (e.g. “competition”; lateral transfers; an internal “trawl”). Human Resources confirmed that competition was the appropriate way forward particularly as Peter Hutchinson’s post was defined as a “generalist” one i.e. therefore capable of being carried out by any competent Deputy Principal. Also, the “open” competition process allowed us to require certain skills (e.g. policy and legislative experience) and to select appropriate candidates within a defined timescale (i.e. as opposed to taking whoever became available next).

There was no option to obtain staff for an “extended handover” or “work shadowing” (i.e. to “watch Peter and learn what he was doing). The NICS system only allows replacement.

I had hoped that the competition process would have been completed before Peter moved without leaving “a gap”. However (as outlined above) the “recruitment” procedure was slower than I had hoped and my optimism was misplaced. I tried to delay Peter’s departure (and did so for a couple of weeks) but his new Department said they would withdraw their offer to Peter should his departure be delayed further.

2. How it was raised (was it an email sent to someone?)

The discussions with Peter and Joanne were verbal. I do not know if Human Resources retained a note of our discussions. There should be records about the competition process the formal aspects of which would have been carried out by the NICS shared service – HR Connect.

3. Who answered the question?

As above.

4. How did they answer it (was it by email?)

As above.

5. What precisely, as far as it can be said, was the answer?

As above

6. At what point, and why, did John Mills change his course and act someone up, contrary to what had been previously said to him when he asked the question as to whether this was necessary.

As above.

Statement of Truth

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

Signed: _____ 

Dated: __12/03/18_____