

CLOSING SUBMISSION ON BEHALF OF JOHN ROBINSON**Background**

1. John Robinson became Special Adviser to Simon Hamilton, Minister for the Department for the Economy, in June 2016 following the general election in May 2016. He remained in post until the Assembly dissolved in March 2017. In January 2017 Mr Robinson stepped aside from dealing with RHI within the Department.
2. Mr Robinson gave evidence to the Inquiry on day 94 - 26 September 2018.
3. This submission seeks to deal with the key issues relevant to Mr Robinson and draw out particular points of interest to the Inquiry. In line with the Inquiry's guidance it does not attempt to rehearse the evidence given, nor to deal with the substantive work of the Department relating to the Scheme during Mr Robinson's tenure.

Alleged involvement in the Summer of 2015

4. John Robinson is clear that he had no involvement with RHI whatsoever in Summer of 2015. Jonathan Bell alleged in his written evidence that Timothy Cairns said at an issues meeting that Timothy Johnston was not allowing the issue to be progressed as he and his brother-in-law John Robinson had interests in the poultry industry (**WIT 22631** and confirmed in oral evidence at **TRA 12365**). For his part Timothy Cairns denied having said this. Mr Bell could not recollect whether this was said in the Summer of 2015 or in 2016 (**TRA 12365**).
5. It is Mr Robinson's position that regardless of when Mr Bell claims it was said, it is unsubstantiated and simply untrue.

Potential/perceived conflict of interest

6. Mr Robinson's father-in-law, Hugh Rutledge, installed two 36kW biomass boilers between April and June 2015. The boilers were commissioned in July 2015 and he applied to the RHI Scheme on 3 August 2015 (**WIT 215113-4**).
7. John Robinson was not aware that his father-in-law had installed the boilers until he made enquiries within his family following having become Special Adviser in the Department for the Economy (DfE) and being briefed on the Scheme (**TRA 13829**).
8. At that stage he told his Minister, Simon Hamilton, about the connection and a view was reached that, as Mr Robinson was not a decision-maker, there was no need to make a formal declaration of interest (**TRA 13834**). Mr Hamilton's evidence is that he never had any

concern that Mr Robinson was acting in anything other than a wholly professional way in his provision of advice to him, and that on some aspects of the RHI Scheme Mr Robinson was more forceful in his view of what needed to be done to deal with the problem than his Minister, including, for example, seeking 100% inspections (**WIT 21030-1**).

9. Mr Robinson believes that it would have been preferable if he had declared his interest to the Permanent Secretary, and in writing, at that stage.
10. However, when the matter escalated and became the subject of media interest in December 2016 and January 2017, Mr Robinson completed a formal written declaration of interest and stood aside from taking any further role in the RHI Scheme.

Investigation into Stephen Brimstone's installation

11. Mr Robinson was made aware by the DfE Permanent Secretary in or around 12 October 2015 that there had been an Ofgem investigation into Stephen Brimstone's RHI installation. The investigation had been completed and Ofgem had found Mr Brimstone's installation to be compliant.
12. Mr Robinson was concerned that the investigation had been ongoing for some time but that his Minister, those in the Office of the First Minister, and he had not been aware of it. As such, he contacted Timothy Johnston and went to Stormont Castle to discuss the issue with him. Mr Brimstone happened to join the meeting and was therefore also made aware that the Ofgem investigation had taken place and was now complete (**TRA 13858-60**).
13. The fact that a further investigation involving the Auditor General was taking place was also discussed with OFM Special Advisers, but not with Mr Brimstone. Mr Robinson stated he would not have believed it to be appropriate to share information about a live investigation with the subject of that investigation (**TRA 13862**).

Discussion with Andrew McCormick in December 2016

14. Dr McCormick stated in his witness statements that he had made Mr Robinson aware in September 2016, in preparation for the PAC hearings, that he believed delay in introducing the tariff changes was influenced by others in the party (**WIT 10548, WIT 26307 and TRA 13866**). Dr McCormick also then claimed he had spoken to Mr Robinson on 9 December 2016 to make him aware of his belief that Special Advisers were involved in the delay.
15. Mr Robinson believes that in September the conversation about delay centred on the policy of in/out Ministers, rather than on the

involvement of Special Advisers (**TRA 13868**). This view is supported by Simon Hamilton's evidence (**WIT 21031-2**).

16. In relation to the timing of the conversation with Dr McCormick in December 2016 in which Dr McCormick alleged that Special Advisers were involved, it is Mr Robinson's belief that this conversation took place after 12 December 2016 i.e. following Dr McCormick's recorded meeting with Jonathan Bell (**TRA 13870**), and not earlier as claimed by Dr McCormick.

Disclosure of emails

17. Andrew Crawford provided Mr Robinson with industry-to-industry emails in December 2016 that showed that industry had been briefed by officials in early July 2015 that there would be changes in the biomass tariffs and bands in October 2015 (**WIT 10601-4**).
18. Following discussion with Mr Bullick and Mr Hamilton, it was decided that the emails should be sent anonymously to the Permanent Secretary and to Conor Murphy MLA, Chair of the Economy Committee. This would ensure the relevant investigations received the information, while protecting the original source of the emails (**WIT 22040 and 22043-4**).
19. The emails were then subsequently also shared with the media in order to counter the developing narrative that industry had been briefed about the changes by political sources (**WIT 22045**).
20. Mr Robinson's evidence is that he was not entirely comfortable with the way in which the matter was handled, and with hindsight, he would have passed the documents directly to Dr McCormick; the protection of the source not being the important consideration it was felt to be at the time (**WIT 22048 and WIT 22041**). Mr Robinson regrets not passing the emails directly to Dr McCormick (**WIT 22044**).

Conclusion

21. Mr Robinson is clear that he had no role whatsoever in the RHI Scheme throughout 2015 when tariff controls were introduced, and the early part of 2016 when the Scheme was closed to new applicants. Suggestions made by Jonathan Bell to the contrary are unsubstantiated and unsupported by Timothy Cairns, said to be the source of the suggestion. It is submitted that the Inquiry should give no credence to this allegation.
22. Mr Robinson did make a declaration of interest to his Minister upon becoming aware that he had connections who were recipients under the Scheme. It is submitted that, while it would have been preferable given the events that have taken place since, this was an appropriate course

of action at the relevant time, especially as there was no practice, or established mechanism within the Department of seeking declarations of interest from Special Advisers upon their taking up post or routinely thereafter.

23. Mr Robinson has stated he regrets the way in which the passing of emails to Dr McCormick was handled. By way of explanation, rather than of mitigation, it was done to protect the original source of the document while ensuring the emails were considered by the relevant Departmental investigations. However, with hindsight, Mr Robinson has stated he would pass the emails to Dr McCormick directly.
24. While the latter two issues could have been handled differently, it is for the Inquiry to determine the impact of the actions or inactions of Mr Robinson. In relation to the failure to make a formal written declaration of interest, the people whom this most affected were Mr Robinson himself, and his family.

Julie Ellison BL

27 November 2018