

**To:** Mary Smith[Mary.Smith@ofgem.gov.uk]  
**From:** Keith Avis  
**Sent:** 2012-10-18T09:28:11Z  
**Importance:** Normal  
**Subject:** FW: NIRHI Performance Indicators  
**Received:** 2012-10-18T09:28:11Z

Mary

Grateful for an urgent meeting on this. I have spoken to Ruth and basically legal refuse to sanction these performance Indicators being used for NIRHI. Apparently they were dead against the use of the indicators that are currently in place and in no way would want to see them extended to NI. I mentioned that we can't go back to DETI and say that the indicators that we published are rubbish and we shouldn't have agreed them with DECC, but they are pretty much refusing to move on this. They are happy to have a meeting with Bob to discuss, but I wanted to touch base with you first.

Keith

**From:** Ruth Lancaster  
**Sent:** 18 October 2012 09:45  
**To:** Keith Avis; Marcus Porter  
**Cc:** Mary Smith  
**Subject:** RE: NIRHI Performance Indicators

Absolutely not. I suggest we meet to discuss before you do anything.

**From:** Keith Avis  
**Sent:** 18 October 2012 09:29  
**To:** Marcus Porter  
**Cc:** Mary Smith; Ruth Lancaster  
**Subject:** RE: NIRHI Performance Indicators

Marcus

Thanks for a full explanation. As a way forward, I suggest that we go back to DETI and confirm that our RHI targets contained in the Corporate Plan are also applicable to NIRHI. To be clear, the indicators are:

RHI	90% of all enquiries answered within 10 working days.	Annually
RHI	95% of accreditation, preliminary accreditation and registration decisions within 30 working days of application submission.	Annually
RHI	95% of payments paid within 30 working days of quarterly periodic data submission.	Annually
RHI	The on-line application system will be available for a minimum of 99% of the supported business hours (excluding planned down time). Supported business hours are 08:00-17:30 Monday to Friday excluding bank holidays.	Ongoing

I would **not** suggest that reference is made to them in the Admin Arrangements or indeed that DETI assess us against these (recognising that the purpose is that we assess ourselves). Of course, they are in the public domain, so DETI will be free to consider how we are performing in the same way as anyone else. But assuming that you are content I will go back to DETI and suggest that they refer to these indicators in the Corporate Plan as a way forward. Grateful for you confirmation that you are content with this approach before I go back to DETI.

Keith

**From:** Marcus Porter  
**Sent:** 17 October 2012 17:11  
**To:** Keith Avis  
Received from OFGEM on 18.10.2017  
 Annotated by RHI Inquiry

**Cc:** Mary Smith; Ruth Lancaster  
**Subject:** RE: NIRHI Performance Indicators

Keith

When we spoke earlier you mentioned that the DETI eye had alighted on the fact that the KPIs we aim to comply with are detailed in our corporate plan and that this is published on our website. They had expressed the view that this ran contrary to what we had been saying as to KPIs.

I pointed out that that was incorrect as the KPI's that are published on the website amount to no more than a statement to anyone in the world who has access to a computer, and sufficient interest in the matter to read it, that these are the KPI's which we aspire to comply with.

As such the statement is entirely consistent with the legal advice we have repeatedly given to date to the effect that there is no objection to our establishing our own KPIs for purely internal purposes but that what we cannot lawfully do is enter into any kind of commitment with another government department to comply with the same in our dealings with them: You will appreciate that there is a considerable difference between the two propositions:

We speculated when we spoke that the publication of these details on our website might fortuitously prove to be helpful in that we could invite DETI to conclude from their presence there that we do take our responsibilities generally seriously and that, given the public nature of this information, they need not fret about the fact that we are not willing to go the step further that they have been demanding.

If DETI could be content with that then fine as it would entail no additional commitment by us to them, but I have seen no evidence that they could be.

It has to be asked "what form would the reference to the CP take and what would be the purpose of including it"? Plainly we couldn't just include an *abstract* reference to it without explaining its presence and purpose in the arrangements and it seems from the below that that is indeed not the intention. Rather, the proposal amounts in substance to a commitment on our part to comply, in relation to NI RHI, with whatever KPIs are listed in the CP. That is legally objectionable for reasons of which you are aware and dressing it up (forgive me but that does seem to be what it would amount to) by stating that we would "set" the KPIs would make no difference in that regard as that would not, in reality, take anything away from the commitment to DETI.

I can't see what other form any reference to KPIs in the arrangements could meaningfully take (and which would be acceptable to DETI) if it did not likewise commit us, through one or another form of words, to complying with KPIs in relation to the NI Scheme - but DETI are of course free to make further suggestions if they wish.

In light of the above it can be seen that Joanne's remark about "saving time" is misconceived. Highlighting the CP to them sooner would have made no difference, given what they continue to demand of us.

Marcus

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**From:** Keith Avis  
**Sent:** 17 October 2012 16:20  
**To:** Marcus Porter  
**Cc:** Mary Smith  
**Subject:** NIRHI Performance Indicators

Marcus cc: Mary

To see the up to date Email trail from DETI on performance targets. Clearly we cannot include performance targets in the AA, and I have made that point to DETI. However, from a policy perspective if we could make reference to the Corporate Plan as the vehicle for Ofgem's performance indicators that would be a big step forward to resolve this. We could say something along the line that Performance Indicators will be set by Ofgem and included in our Corporate Plan. Informally I would suggest that we would wish to flag these indicators to DETI before we include them – I am sure that this must be the case for the other schemes that we administer.

Grateful for your view. I should say that this does seem like a neat solution to a very difficult problem that we faced a few hours ago, so I do hope that this option has some legs. Happy to come around and discuss if it helps.

Keith

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**From:** Keith Avis  
**Sent:** 17 October 2012 16:07  
**To:** 'McCutcheon, Joanne'  
**Cc:** Hutchinson, Peter; Hepper, Fiona; Mary Smith  
**Subject:** RE: Performance Indicators

Joanne

Our view remains that we would not be content for these targets to be included as part of the Admin Arrangements – which has been the key focus for our discussions to date. On your second point on whether the arrangement can make reference to the Corporate Plan, can you leave that with me. I will discuss with legal colleagues and come back to you with a view tomorrow.

Rgds

Keith

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**From:** McCutcheon, Joanne [<mailto:Joanne.McCutcheon@detini.gov.uk>]  
**Sent:** 17 October 2012 15:56  
**To:** Keith Avis  
**Cc:** Hutchinson, Peter; Hepper, Fiona; Mary Smith

**Subject:** RE: Performance Indicators

Keith

Sorry Keith but there seems to be some confusion between us. You are asking whether I think the performance targets I found in your Corporate Plan would be sufficient? Following our various discussions, here is what I suggested in my e-mail of 11 October

With regard to the performance targets I was wondering whether something along any of these lines might be possible

- Ofgem will administer up to xx cases per year?
- Ofgem aims to reach a decision on eligibility of installations for the scheme within xx (even for simple cases)?
- Ofgem aims to make payments within xxxx ?
- Ofgem will provide a helpdesk facility to assist applicants from (hours)?
- Ofgem will invoice DETI on the xx of the month iro that months payments?
- Degree of accuracy on payments?
- Time to deal with complaints (this is probably in guidance already)?

Just a few ideas.

Here are the targets I've found in your plan

RHI	90% of all enquiries answered within 10 working days.	Annually
RHI	95% of accreditation, preliminary accreditation and registration decisions within 30 working days of application submission.	Annually
RHI	95% of payments paid within 30 working days of quarterly periodic data submission.	Annually
RHI	The on-line application system will be available for a minimum of 99% of the supported business hours (excluding planned down time). Supported business hours are 08:00-17:30 Monday to Friday excluding bank holidays.	Ongoing

They are obviously very much along the lines of what we have been looking for and it would have potentially saved a lot of time if the detailed nature of these targets could have been highlighted to us. For example, we were told that the Ofgem performance would be assessed against the Regs (which is of course correct) but we then pointed out that the regs didn't cover quality issues eg times for accreditation, helpdesk etc. – however, obviously these targets do – and so hopefully they can be incorporated in some way.

Can you clarify, following the discussion with your legal colleagues whether these targets can be specifically included in the Agreement or not? If not, can you clarify whether the Agreement can refer to the targets in the Corporate plan in some way? Perhaps that you would report progress against these specific targets to us on a quarterly basis? These are definitely the types of target we need so hopefully there is a way to address the concerns of both parties.

Will be in the office again tomorrow morning if you want to discuss

Regards

Joanne

**Joanne McCutcheon**

Renewable Heat

Department of Enterprise, Trade & Investment

Netherleigh

Massey Avenue

Belfast, BT4 2JP

Tel: 028 9052 9425 (ext: 29425)

Textphone: 028 9052 9304

Web: [www.detini.gov.uk](http://www.detini.gov.uk)

*The new website for the European Sustainable Competitiveness Programme for NI is now available - visit [www.eucompni.gov.uk](http://www.eucompni.gov.uk)*