

To: Mary Smith[Mary.Smith@ofgem.gov.uk]
From: Keith Avis
Sent: 2013-01-14T16:14:16Z
Importance: Normal
Subject: FW: NIRHI: IT Go-Live Cover Sheet
Received: 2013-01-14T16:14:17Z

Mary

So that you are aware, my attempt to get legal to agree to some wording for the go-live approval form has failed miserably. Unless you feel otherwise, I don't propose to get involved in a long debate with them on this. I'll just include a short line that says legal offered views on the draft documents which the NSD team ensured were built into the final versions.

Keith

From: Ruth Lancaster
Sent: 14 January 2013 16:07
To: Keith Avis
Cc: Marcus Porter
Subject: RE: NIRHI: IT Go-Live Cover Sheet

Keith

I think the suggested wording provides false comfort. As with everything we advise on some of our advice is taken on board and some if it isn't – although on NI RHI a higher proportion than normal has *not* been taken on board. I also note the reference to "before considering final sign off". I would reiterate the comments I have given to other members of the RHI team previously, that our role is to advise. It is then for Policy to decide whether to act on the advice or not and their responsibility to sign off the decision they have made. Legal do not sign off Policy documents.

We can't agree to this wording, because it's misleading in a number of respects. It's also not clear to me what relevance our advice on guidance has to delivery of IT solutions, but that is a secondary issue.

Kind regards

Ruth

From: Keith Avis
Sent: 14 January 2013 15:45
To: Marcus Porter
Cc: Ruth Lancaster
Subject: RE: NIRHI: IT Go-Live Cover Sheet

Thanks Marcus, the emails covering your input into the FAQs and fact sheets are above. I appreciate that you are busy and I wouldn't expect you to double check that all comments were taken on board, although it is the case that they were. Picking up on your remarks I can change the proposed wording to read:

"The NSD policy team can confirm that both external guidance documents, FAQs and fact sheets were updated to reflect Ofgem legal comments, although the legal team made clear that they would need an extended period of time to review the guidance in the fullest possible detail, before considering final sign off. "

I hope that this revised wording is closer to what you would find to be acceptable.

Keith

From: Marcus Porter
Sent: 14 January 2013 14:19
To: Keith Avis
Cc: Ruth Lancaster
Subject: RE: NIRHI: IT Go-Live Cover Sheet

Hi Keith

I'm happy in principal to assist to the extent that I am able, in light of the way in which the project progressed, but unfortunately I don't think I can be of much help in relation to the proposed statement below. See my comments in red.

I made similar observations (in relation to the constraints imposed by the timetable) at the subsequent "lessons learned" meeting.

Marcus

From: Keith Avis
Sent: 14 January 2013 11:36
To: Marcus Porter
Subject: NIRHI: IT Go-Live Cover Sheet

Hi Marcus

The last remaining part of the NIRHI phase 1 development is the delivery of the IT solution, which we hope will be signed off at a go-live meeting on 28 January. **Happy to take your word for it!** I assume (correct me if I am wrong) that this is not something that you would

need to be directly involved in. **Not unless you perceive that some legal issue requiring my attention arises.** Subject to that, I don't think that at the moment I have enough information to enable me to say anything else. Bob, Matthew and IT ultimately give the go-ahead for the IT system to go live by signing an approval form. **Noted** I am starting work on the form today. **Noted** In the body of the text I will say that guidance and external documents are already in place from scheme go-live on 1 November. **Noted**. In particular, I would like to say that you have had the opportunity to feed into the guidance documents, factsheets and supporting FAQs before the scheme went live. **Noted** I appreciate that you have not signed the guidance off as you feel that you needed an extended period of time to consider this fully. **Agreed** So in drawing up the sign off sheet could I suggest as a starter for ten some wording along the following lines:

"Legal Issues on Guidance and External Documents"

External guidance documents, FAQs and Fact Sheets were reviewed by the legal team before publication on 1 November. In relation to the guidance, with the best will in the world, I regret that I can't support the use of the word "review", since it implies a degree of scrutiny which, due to DETI's extremely challenging timetable, the guidance did *not* receive. What happened instead, as you may recall, is that I pretty much raced through volume 1 of the guidance just before my summer annual leave, Will Elliott did the same in relation to Vol 2 while I was away and I took a further (speedy) look at that vol on my return. This did not, viewed as a whole, constitute an adequate legal check and, but for the very able assistance provided by Michelle, the scrutiny provided would probably have been more cursory. As to fact sheets and FAQ's, to be honest I don't recall considering those at all. I'm not saying I didn't but I don't specifically recall doing so and you'd have to forward me my advice before I could agree to having given it! To be honest though I don't imagine I could say anything different to what I've said re the guidance. Due, again, to DETI's advance commitment to 1 November, the entire project had to be undertaken at a pace far more rapid than was prudent. the legal team made clear that they would need an extended period of time to review the guidance in the fullest possible detail agree first bit, all issues that they raised on the guidance and other external documents within the time available before 1 November go-live were addressed." **This last statement may well be true for all I know, but I'm afraid I can't endorse its inclusion as I haven't personally checked whether it's true and I am not able to do so within your timescale.**

It goes without saying that I am happy to discuss and pick up on any suggestion on the text that you may have. See above

Rgds

Keith

Keith Avis

Senior Manager
New Scheme Development
9 Millbank
London
SW1P 3GE
Tel: 020 7901 3077
www.ofgem.gov.uk