

Supplementary statement to the RHI Inquiry by Richard Bullick in reply to question 9 of Notice 202 of 2018

I, Richard Bullick, will say as follows:

1. In reply to question 9 of my last Section 21 notice I indicated that I would follow up with a further answer. This answer is now my formal reply to question 9.
2. The Inquiry has heard a good deal about the role of Special Advisers in the functioning of the Northern Ireland Executive in recent years. As someone who worked as a Special Adviser for three Ministers and in three different Departments since 2000, I thought it might be useful if I added my perspective on an issue that seems likely to feature in the Inquiry's final report.
3. In my almost twelve years as a Special Adviser I sought to work well with civil servants, party colleagues, other parties as well as the Ministers I served. Indeed, I took it as a testament to the positive engagement I had with colleagues in the civil service when I was invited to contribute to a Grade 3 leadership development programme which was being organised by Sir Peter Housden in the autumn of 2017.
4. There are two separate issues that have been raised at the Inquiry that I would wish to address.
5. The first is that the impression that has been given of the role of SPADs during the Inquiry is in my view not representative of how the system normally operated.
6. I believe that there is a danger that the Inquiry has an impression of the role of SPADs which is distorted by the angle from which the issue has been analysed. Much of the attention of the RHI inquiry has focussed on how one particular scheme operated and a difficult relationship between one SPAD and one Minister. In my view this is not representative of how things normally operated in practice.
7. In my experience, the relationship between each Special Adviser and each Minister is different. That is a function of personality, experience, approach, along with a host of other considerations. It is different in OFMDFM (now TEO) than it is in a Department with a single Minister and it is different when you are working for one of the two largest parties than it is when you are working for a party not represented by the First Minister or deputy First Minister.
8. It is also my assessment that each party approaches these roles in a slightly different way to others. For the most part relationships between Ministers and Advisers were positive and it appeared that for the most part people worked together effectively. In that respect there is a value in the Special Adviser being able not only to work with his own Minister, but to have the confidence of the party he worked for.
9. Special Advisers did not take decisions, Ministers did.

10. Implicit in some of the evidence is the suggestion that it was common for SPADs to take decisions rather than Ministers. While the precise nature of the relationship between SPADs and departments varied, I do not believe any SPAD ever had the authority to overrule any Minister.
11. To be sure, some Ministers placed a greater reliance than others on the advice provided by their SPADs, but in my experience no Minister ever sub-contracted out decision-making to Special Advisers.
12. In this regard I believe that during his evidence, Sir Malcolm McKibben correctly identified that, in his experience, it was Ministers and not Advisers who were responsible for decisions.
13. On a personal level, out of an abundance of caution and a respect for the fact that it was the politicians who were elected to take decisions and accountable to the Assembly for those decisions, I would have ensured that even minor or trivial decisions received Ministerial sign off.
14. In relation to the 'brokerage' arrangements in OFMDFM, while SPADs were involved on a day to day basis, this was always subject to the direction of Ministers and the final sign off of Ministers.
15. While I was always happy to offer my advice to any Minister, (or civil servant or SPAD for that matter) who sought it, I always regarded that the final decision was entirely a matter for them.
16. Sometimes this led to decisions with which I agreed, and on other occasions it led to decisions with which I did not agree (though those decisions often proved to be justified by events!).
17. The First Minister's SPADs did not possess the authority to direct other Ministers (or SPADs for that matter) what to do. On occasion (though I cannot recall any where I was involved) it may have been the case that one of the First Minister's advisers may have been asked to convey the views of the First Minister on a particular issue.
18. In circumstances where an individual Minister was unhappy with such a direction it was open to them to raise the matter directly with the First Minister.
19. It should be unnecessary to point out that where an adviser was not speaking with the authority of the First Minister, they had no power whatsoever to compel an MLA, much less a Minister, to do anything.
20. In practice most decisions were taken by the Minister in their own department based upon the advice of officials. There was no reference to the First Minister or his or her advisers. In a relatively small number of cases where a Minister was seeking direction from the First Minister in relation to the handling of a matter, that

would normally have been done directly with the First Minister or at wider meetings of DUP Ministers.

21. I would wish to address one further issue, specific to the fallout to the RHI scheme.
22. During the course of his evidence to the RHI Inquiry, Simon Hamilton referred to his involvement in sending an anonymous email to the media and Dr Andrew McCormick. I wish to set out my recollection of events around this time. I think it is important to stress that this analysis is based on what I knew or believed at that time rather than with the benefit of evidence adduced by the Inquiry.
23. As the Inquiry will be aware, my involvement in the RHI scheme before December 2016 was extremely limited. While many others were drawn into this matter there were not, and never have been, any allegations of impropriety against me from any source. It was probably for this reason that I was asked to take responsibility for investigating the matter and drafting Arlene Foster's Assembly speech as many of my colleagues faced accusations of wrongdoing.
24. My role as a Special Adviser in the Executive Office did not involve regular liaison with the media as this responsibility was fulfilled by Timothy Johnston. Timothy Johnston was off on leave and was largely uncontactable from the middle of the week before Christmas until early in the New Year in relation to matters not associated with the RHI.
25. In the days after the Nolan interview and the statement in the Assembly, a number of my colleagues were the subject of intense and ongoing scrutiny and criticism by the press. For the reasons set out in Arlene Foster's speech in the Assembly on 19 December, I believed that much of this criticism was unfair. (As I recall allegations against John Robinson were not made until Jonathan Bell's speech in the Assembly on 17 January.)
26. I believed that our media response to the developments at that time had been inadequate and that we should have spoken to Sam McBride directly in relation to the issues as, within the media, he appeared to have the greatest understanding of the matter. Though I would have had Sam's contact details at this time I did not believe it appropriate that I should pursue this course unilaterally.
27. Around this time John Robinson told me that he had received a number of emails from Andrew Crawford which had been exchanged between people in the industry. These demonstrated that the reason for the spike was at least in part caused by the disclosure by the Department of the intention to introduce tiered tariffs. Clearly, if accurate, this was relevant to the public perception of the story which was focussed around the reason for the delay in the introduction of tiered tariffs. (I should add that I don't actually recall seeing these emails at this time.)
28. In the absence of Timothy Johnston, I discussed the handling of these matters with John Robinson who, before becoming a Special Advisor, had been a longstanding

Director of Communications for the DUP. I was of the belief that if the media was aware of this situation, it could be helpful to those who were coming under attack in the press. I do not recall this analysis being contested. As one of the few people not subject to allegations in relation to the RHI, I felt a sense of responsibility to my colleagues who I believed had been unfairly maligned.

29. I recall that on 23 December an already difficult situation became much worse when the ending of the 'liofa' funding was announced. As I recall, at this time John Robinson had decided to send the documents, which were not government documents, but documents between people in the industry, anonymously to Andrew McCormick.
30. In addition, while ensuring they got to officials, I was also supportive of the approach that the documents would also be shared with the media, though I am not sure that the idea of sharing the emails with the media originated with me. In any event a consensus emerged around this position.
31. I believed that there was agreement that the documents would be sent to the media and to Andrew McCormick, as well as Conor Murphy as it was important that Sinn Fein understood that there was more to the spike than was apparent in the media. In fact, I believe that I supplied John with envelopes for this purpose.
32. I should add that I did not believe that the emails disclosed any wrongdoing on the part of the officials named as it was apparent they were acting in good faith and in an above board manner. While this issue has taken on increased significance due to the implications of the spike, I do not believe there is anything to suggest that the officials were acting contrary to any instructions they had been given.
33. I can recall waiting over Christmas for this story to appear in the press.
34. By early January I was surprised that there had been no media coverage of the story.
35. Around this time John Robinson informed me that Andrew McCormick had belatedly received the documents as John had put insufficient postage on the envelopes. I assumed the same fate had befallen the envelope which was to be sent to the media.
36. It only became clear to me during the course of this inquiry that no envelopes were sent to the media at this time pursuant to my discussions with John.
37. Early in January 2017 Timothy Johnston returned to work.
38. On 9 January Martin McGuinness resigned as deputy First Minister and Timothy Johnston and I ceased to be Special Advisers. The issue of the envelopes disappeared from our consideration and the opportunity to change the media narrative had passed.

39. By this stage I believe that I had received documents from Andrew Crawford which also shed light on the department's role in notifying industry in the summer of 2015. At no point did I give any consideration to personally sending these (or any) documents directly to the media.
40. I have no recollection of conversations about the documents after that time. However, as Timothy Johnston had returned he would inevitably have been party to any discussions if they had taken place.
41. Evidence to the Inquiry indicates that on or around the 19 January, Sam McBride received an envelope, presumably from John, with the same documents as he had sent to Andrew McCormick. In due course they secured significant coverage in the Belfast Newsletter. This however was too late to save the Assembly from an election in which the DUP would lose 10 seats and since which 20 months later no Executive has been re-established.
42. With the benefit of hindsight I regret not speaking to Sam McBride directly myself in December 2016 about matters in relation to the RHI as I believe that a proper understanding of what occurred would have led to more favourable coverage for the DUP.
43. It is worth noting that while the RHI inquiry has uncovered numerous matters worthy of criticism most of the initial allegations against the DUP in the early weeks after the BBC Spotlight programme have proven to be unfounded.

Statement of Truth

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

Signed: Richard Bullick

27 November 2018