



Sajith Sasikumar

Personal information redacted  
by the RHI Inquiry

12 September 2017

Dear Sir/Madam

**Re: The Independent Public Inquiry into the Non Domestic Renewable Heat  
Incentive (RHI) Scheme**

**Provision of a Section 21 Notice requiring the production of documents**

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I enclose a copy of the RHI Inquiry's Terms of Reference for your information.

You may be aware that the RHI Inquiry is undertaking its investigations into the matters set out in its Terms of Reference. A key part of that process is gathering all of the relevant documentation from relevant departments, organisations and individuals.

The Inquiry is aware, from information provided by Ofgem, that you may have had involvement with the RHI Scheme because of your role in Ofgem.

The Inquiry is also aware that you may already be assisting Ofgem with its work in relation to the Inquiry.

In keeping with the approach we are taking with other departments, organisations and individuals, the RHI Inquiry is now issuing to you a Statutory Notice (known as a 'Section 21 Notice') pursuant to its powers to compel the production of relevant documentation.

This Notice is issued to you in your personal capacity, as a person who may have documentation relevant to the work of the RHI Inquiry. As the text of the Section 21 Notice explains, you are required by law to comply with it.

The Inquiry is not asking you to provide it with copies of documents to which Ofgem has access and which it should therefore have provided to the Inquiry. Rather, the Notice is designed to capture documents to which Ofgem does not have access because they are in your personal custody or control. Examples might include emails which were sent to your personal email address, rather than your work email address, for some reason; or notes kept in a notebook at home. In this context, if you are in any doubt about the status of a particular document, and whether it should be provided to the Inquiry, please err on the side of caution and provide it: the Inquiry would rather receive two copies of a relevant document than none.

It is also likely that in due course you will be required by a further Section 21 Notice, pursuant to section 21(2)(a) of the Act, to provide evidence to the Inquiry Panel in the form of a written statement to the effect that you have fully complied with the terms of the enclosed Notice.

If it would assist you, I am happy to meet with you (or, if you have one, your legal representative) to discuss what documents you may have and whether they are covered by the Inquiry's request. I also understand that assistance is likely to be available to you from within Ofgem, which may be more convenient for you.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice. In addition, as referred to above, you will also

find enclosed a copy of the RHI Inquiry's Terms of Reference to assist you in understanding the scope of the Inquiry's work and therefore the ambit of the Section 21 Notice.

Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

If you do not hold documentation in respect of some of the categories, please state this in your response. If it is possible to indicate by whom such information might be held, if it is not held by you, the Inquiry would find that of assistance.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully



**Patrick Butler**

Solicitor to the RHI Inquiry

02890408928

**SCHEDULE****[No 458 of 2017]**

1. Any and all documents within your personal custody or under your personal control relating to the Non Domestic Renewable Heat Incentive (RHI) Scheme in Northern Ireland ('the Scheme'), including (but not limited to) all documentation relating to the setting up, design, implementation, operation, promotion, oversight, governance, funding, amendment (including the introduction of cost controls), suspension and/or closure of the Scheme, or any complaints about the operation of the Scheme or those involved with it, from its inception up to the present day. (The following categories of documents are specified without prejudice to the generality of the above).
2. Any and all documents within your custody or under your control constituting, or relating to, communication between you and any third party touching upon or relating to the Scheme; or communications between third parties to which you were copied in.
3. Any other documents within your custody or under your control, including emails, letters, notes, minutes, memoranda, file notes, diary entries or otherwise, whether in electronic or hard copy, which relate to a matter in question at the RHI Inquiry or which might be relevant to the work of the RHI Inquiry (see, further, the note below).

**NOTE:**

By virtue of section 43(1) of the Inquiries Act 2005, "document" in this context has a very wide interpretation and includes information recorded in any form. This will include, for instance, correspondence, handwritten or typed notes, diary entries and minutes and memoranda. It will also include electronic documents such as emails, text communications and recordings. In turn, this will also include relevant email and text communications sent to or from personal email accounts or telephone numbers, as well as those sent from official or business accounts or numbers. By virtue of section 21(6) of the Inquiries Act 2005, a thing is under a person's control if it is in his possession or if he has a right to possession of it.

**INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME****RHI REF: Notice 517 of 2017****DATE: 19/10/2017**

---

**Witness Statement of: Sajith Sasikumar**

---

I, Sajith Sasikumar, will say as follows: -

*Background*

1. I am a qualified accountant (Association of Chartered Certified Accountants), who has been working in the Civil Service since July 2006 to date. I have worked within finance during this period at the Office of Rail Regulation, Her Majesty's Revenue and Customs, Serious Fraud Office, Office for Gas and Electricity Markets and Competition and Markets Authority. From February 2003 to September 2004 I also worked in finance at the Medical Research Council.
2. I joined OFGEM in January 2012 as a Finance Manager and my role mainly included budget setting and in year monitoring and forecasting of costs as well as being business partner to the delivery and support teams in E-Serve. I produced Finance reports of costs/forecasts against budgets to send to internal and external stakeholders (including DECC and DETI). I was also responsible for requesting invoices to be sent out to E-Serve's funding departments (eg DECC, DETI). In April 2014, I was promoted to Senior Finance Business Partner and was responsible for the management of two Finance Business Partners who were responsible for the above described tasks. As well as this I was involved in the calculation of funding requests to DECC/BEIS and met with their Finance counterparts regularly. I also provided ad hoc information to the Non Domestic RHI scheme team regarding forecast information on the NI RHI scheme. I held this role until I transferred to the Competition and Markets Authority in July 2017.
3. I reported into Peter Rice the Head of E-Serve Finance regarding all finance matters and provided business partnering services to Matthew Harnack, Associate Director of the New Schemes Development team (Jan'12 – Dec'13) and Gareth John, Associate Director of Non-Domestic RHI team (Jan'14 – Jul'17). I also had the following Finance Business Partners who reported into me who would have also provided finance information to the above individuals on NI RHI - Wayne Reid (Jan'15 – Jul'17), Lola Olateju (Feb'15 – Jul'17).



*Involvement with Northern Ireland RHI Scheme*

4. My involvement with the Northern Ireland RHI scheme from 2012 – 2017 included providing the Non Domestic RHI scheme team with costing information for administering the scheme based on staff allocation information and non-staff costs. The specific allocations of staff time and costs of audits and other non staff costs are given to the Finance team by the Non Domestic RHI scheme team. We would calculate the potential cost of administering the scheme based on this information. The finance team would monitor these costs through monthly meetings with the RHI scheme team. When requested by the scheme team to provide a report of cost against funding for the NI RHI scheme, the Finance team would do so. Furthermore when requested by the RHI Scheme team to bill DETI/DfE for the cost of administration the Finance team would request Corporate Finance to send an invoice to DETI/DfE.
  
5.
  - a. Around 3% of my role is a fair reflection of the work devoted to the NI RHI Scheme. This was fairly flat during my time at OFGEM
  
  - b. My roles and responsibilities with regards NI RHI were carried out on an ad-hoc basis when queries were raised by the RHI Scheme team.
  
  - c. I believe I was adequately trained and resourced to perform the role required of me in relation to the NI RHI scheme
  
6. My role was limited to monitoring costs against funding agreed in relation to the scheme and providing ad-hoc information. I was not involved in the operation or administration of the scheme so have no views on any actual or potential problems, flaws, anomalies, or difficulties with the NI RHI Scheme.
  
7. Not applicable



8. I did not encounter any difficulties within OFGEM in respect to the operation of the administration of the NI RHI scheme.
9. I did not encounter any difficulties in the relationship between OFGEM and DETI/DfE in respect to the operation of the administration of the NI RHI scheme.

*Involvement with Great Britain RHI Scheme*

10.
  - a. I was involved in the GB RHI Scheme.
  - b. Similar to the NI RHI Scheme, I was responsible for monitoring spend against agreed funding. I met with finance counterparts from DECC/BEIS to discuss the financial position and furthermore I was involved in the funding negotiation process by providing supporting reports where relevant.
  - c.
    - i. Working purely in finance and from this perspective I am not aware of any lessons to be learned by the NI scheme from its GB counterparts
    - ii. Working purely in finance and from this perspective I had more direct interaction with the GB funding department than the NI funding department. I am not aware of any adverse impact on the NI scheme based on this difference



*Promotion of the NI RHI Scheme*

11. I did not promote the NI RHI Scheme and/or encourage or assist any third party to seek accreditation under the Scheme. Nor did I provide any third party with information knowing that they might apply, or consider applying, or that they might advise, encourage, assist or cause other persons to apply, or consider applying, for accreditation under the Scheme.

*Lobbying and pressure*

12. I am not aware of any instances or pressure applied in relation to any aspect of the NI RHI Scheme
13. There were no instances to my knowledge or belief where influence or pressure was exerted on me in relation to any aspect of the NI RHI Scheme.
14. There were no instances to my knowledge or belief where influence or pressure was exerted on someone else in relation to any aspect of the NI RHI Scheme.



- a.
- b.
- c.
- d.
- e.

*Standards of conduct and conflict of interest*

15.

- a. There are no instances to my knowledge or belief where a Minister, Special Adviser, Civil Servant or any other person involved in the NI RHI Scheme breached relevant standards or acted in any way incompatible with their duties
  
- b. There are no instances to my knowledge or belief where a Minister, Special Adviser, Civil Servant or any other person involved in the NI RHI Scheme acted in circumstances relating to or touching upon the Scheme in any way where they had a real or perceived conflict of interest

16. To my knowledge I do not have any connection to a person or body receiving payment under the NI RHI Scheme or benefiting commercially from the scheme in some other way



*Whistle-blowing and raising of concerns*

17. I am not aware of any instances of whistle-blowing in relation to the Scheme, or disclosures made in the public interest raising concerns about the NI RHI Scheme
18. Not Applicable
19. I first became aware of issues around the NI RHI Scheme around September 2016 when OFGEM E-Serve colleagues were gathering evidence to present at the public accounts committee. I was not aware of the specifics of the issues until after the public accounts committee.

*General*

20. There were no representations made to me about the NI RHI Scheme



21. There were no relevant conversations or discussions by me about the NI RHI Scheme

22. There are no further evidence within my knowledge or belief which is relevant to the matters which the RHI Inquiry is investigating

Statement of Truth

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

Signed: Sajith Sasikumar

Dated: 19<sup>th</sup> October 2017