



RENEWABLE HEAT  
INCENTIVE INQUIRY

**WIT-41701**

RHI Inquiry  
1st Floor, Waterfront Plaza  
8 Laganbank Road  
BELFAST BT1 3LY

T: 028 9040 8833  
E: [general@rhiinquiry.org](mailto:general@rhiinquiry.org)  
W: [www.rhiinquiry.org](http://www.rhiinquiry.org)

Angela Millar  
Public Spending Directorate  
Rathgael House  
43 Balloo Road  
Bangor  
BT19 7PR

By post and email to: [angela.millar@finance-ni.gov.uk](mailto:angela.millar@finance-ni.gov.uk)

4 September 2017

Dear Madam

**Re: The Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme**  
**Provision of a Section 21 Notice requiring the provision of evidence in the form of a written statement**

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 herewith a copy of the RHI Inquiry's Terms of Reference. You will no doubt be aware that the RHI Inquiry is currently conducting its investigations into the matters set out in its Terms of Reference. These investigations include gathering in of all of the relevant documentation from relevant departments, organisations and individuals as well as requiring individuals who have been, or who may have been, involved in the range of matters which come within the Inquiry's Terms of Reference to provide written evidence to the Inquiry Panel.

In keeping with the approach we are taking with other individuals, the RHI Inquiry is now issuing to you a Statutory Notice (known as a 'Section 21 Notice') pursuant to

---

Chairman: Rt Hon Sir Patrick Coghlin | Secretary: Andrew Browne | Solicitor: Patrick Butler

its powers to compel the provision of evidence in the form of a written statement in relation to the matters falling within its Terms of Reference.

The Section 21 Notice enclosed with this letter requires you to provide evidence to the RHI Inquiry Panel in the form of a written statement addressing the matters identified in the Schedule to the Section 21 Notice. As the text of the Section 21 Notice explains, you are required by law to comply with it.

The aim of the enclosed Notice is to require you to provide all relevant evidence you have within your knowledge, information or belief which is pertinent to the Inquiry's Terms of Reference. The Schedule to the enclosed Section 21 Notice provides further detail as to the matters which should be covered in the written evidence which is required from you. In the event that there is a category of information in respect of which you have no evidence which you can provide, please state this in your response. Where you can provide evidence, the more comprehensive your statement is, the less likely it may be that the Inquiry will have to revert to you at a later stage for clarification, although in many cases this is likely to be necessary to some degree.

It is vital that the witness statement you provide to the Inquiry is your own evidence, absent the influence of others; that it is comprehensive; and that it fully explains your involvement in the matters about which you have been asked.

As you may be aware, the Inquiry has already required the provision of a statement setting out the respective corporate positions of both the Department for the Economy and the Department of Finance in relation to the RHI Scheme. However, the Inquiry Panel is also interested in the roles played by individual civil servants who were involved with the Scheme. Moreover, the Inquiry Panel recognise that individual officials may have a different perspective from, or may even disagree with certain aspects of, the position adopted by their Department (or former Department). The statement which is required from you pursuant to the enclosed Notice is your opportunity to explain what you did in relation to the RHI Scheme and why you did it; and also to make the Inquiry aware of any concerns you may have about the actions or omissions of others.

I appreciate that you may require or desire access to some documentation in order to assist you in preparing your statement. In particular, you may wish to see documentation to which you previously had access but now no longer have access in your current post. If that applies in your case, I understand that the Department of Finance (DoF) is making arrangements to permit such access, at least in the first instance. You should contact Emer Morelli, Head of Supply, to organise this. She is contactable at [Emer.Morelli@finance-ni.gov.uk](mailto:Emer.Morelli@finance-ni.gov.uk). I have informed Ms Morelli that you may be making contact with her to arrange access to documentation; but there is, of course, no obligation upon you to do so.

Receipt of this correspondence and its enclosures places you under a duty of confidentiality to the RHI Inquiry in respect of them. You may share the correspondence and the enclosed Notice with your legal representative(s), but neither you nor they may show, communicate the contents of, or provide this correspondence or the Notice to any other person or organisation without the express permission of the RHI Inquiry. Any breach of this duty of confidentiality is actionable at the suit of the Inquiry Chairman. In addition, a similar restriction is contained in Restriction Order No 2 of 2017 made by the Inquiry Chairman and available on the RHI Inquiry website.

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 particular, you are asked to provide your evidence in the form of the template witness statement which is also enclosed with this correspondence.

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.

Finally, I would be grateful if you could acknowledge receipt of this correspondence and the enclosed notice by email to [Patrick.Butler@rhiinquiry.org](mailto:Patrick.Butler@rhiinquiry.org).

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', with a large checkmark at the end.

**Patrick Butler**

Solicitor to the RHI Inquiry

02890408928

**SCHEDULE**  
**[No 412 of 2017]**

*Background*

1. Summarise your occupational history, qualifications, and experience.
2. Summarise your role(s) within the Department of Finance (previously the Department of Finance and Personnel) ('the Department' / 'your Department') including (a) the dates between which you held each role and what each role entailed, as well as (b) details of how each role related, if at all, to the Non Domestic Renewable Heat Incentive (RHI) Scheme in Northern Ireland ('the RHI Scheme').
3. Explain, insofar as is relevant to any involvement you had with the RHI Scheme, to whom you were accountable and/or reported in the Department and who, if anyone, was accountable, and/or reported, to you.

*The RHI Scheme – Involvement with the Scheme or with Officials in respect of it*

4. Set out in detail the involvement that you had in, or relating to or touching upon, the RHI Scheme and, in particular, the following issues:
  - a. The creation of the Scheme;
  - b. The funding of the Scheme;
  - c. The administration/operation of the Scheme;
  - d. Any problems or difficulties (such as, for example, actual or projected overspend) which emerged in respect of the Scheme (including, but not limited to, the causing or permitting, identification, consideration [whether by the Public Accounts Committee or otherwise] and/or remediation of any such problems);

- e. The amendment, suspension or closure of the Scheme;

in each instance providing:

- i. Details of any relevant interactions with Civil Servants (whether in your own Department, DETI, DECC, HM Treasury, or elsewhere), Committees (such as the Public Accounts Committee), Ministers, Special Advisers, MLAs, politicians, political parties and other potentially relevant persons (e.g. consultants, the renewable heating industry, actual or potential applicants for accreditation under the Scheme, journalists, etc.);
  - ii. Where you made any decision, or gave any advice, in respect of any of the matters set out at paragraphs a. to c. above, the reasons for that decision or that advice (as the case may be); and
  - iii. Details of any documents which are of significance or particular relevance (which should be annexed to the witness statement if you have access to the documentation which permits you to do so; or, otherwise, which are identified in clear terms).
5. If different from your answer to the previous question, set out in detail the involvement that you now consider you *ought properly to have had*, in, or relating to, the RHI Scheme and the issues mentioned in the previous question as well as the reasons why you did not, in fact, have such involvement.
6. Clarify whether, at any time, you became aware of actual or potential problems, anomalies, loopholes, risks, flaws, misunderstandings, or other issues in respect of the RHI Scheme, its administration, operation and/or funding, and, if you did, please provide the following details:
- a. The precise problems etc. of which you became aware;

- b. The date on / by which you first became aware of each one;
  - c. The means by which you became so aware;
  - d. The action (if any) actually taken by you in respect of each such problem etc. (e.g. raising the issue with DETI, etc.) including details of the date(s) of any step(s) taken by you and the name(s) and role(s) of any other person(s) with whom you engaged;
  - e. (If different from your answer to the previous question) the action that you now consider you ought properly to have taken, as well as the reasons why you did not, in fact, take such action at the relevant time.
7. Identify, in respect of the role(s) you performed relevant to the RHI Scheme, any documents which you consider to be of significance or particular relevance (same should be annexed to your witness statement, if you have access to them, or else identified in terms that include details of the person or body whom you believe holds the said documents).

*The RHI Scheme – Issues in respect of the Funding for the Scheme*

8. On 10 November 2016 at 12:09 you sent an email to Claire Kennedy, copying in Michelle Scott, and served herewith under Inquiry reference DOF-41476 to 41477. In relation to the contents of that email please address the following matters:
- a. Your role at that time and, in particular, your role in respect of the RHI Scheme;
  - b. The role of each of Claire Kennedy and Jeff McGuinness at that time;
  - c. How you came to know that 'Treasury didn't notify a "capped allocation" in 25015(sic)-16';

- d. Whether, regardless of any Treasury notification, the AME allocation for the RHI Scheme was capped in 2015-16;
- e. (If there was a cap) full details of it, when you first became aware of it, and whether it moved (including details of when, and for what reasons, and in what direction the cap moved);
- f. (If there was no cap) full details of when, and how, you first acquired such knowledge and your understanding of the reasons for the absence of a cap.

#### *Promotion of the RHI Scheme*

9. Specify whether you promoted the RHI Scheme and/or encouraged any third party to seek accreditation under the Scheme, assisted any third party in so doing, or provided 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. In respect of any such instance, please provide full details including (but not limited to) the third party concerned and the date of any steps taken by you in that regard.

#### *Lobbying and pressure*

10. Identify any instances, to your knowledge or belief, of lobbying or encouragement of Ministers, Special Advisers, Civil Servants or other relevant persons in relation to the terms of the Scheme and/or the introduction, non-introduction, variation or delay of the introduction of cost controls into the RHI Scheme (including, but not limited to, the amendment of tariffs, tiering, degression and Scheme suspension or closure) at any stage.
11. Identify any instances, to your knowledge or belief, where influence or pressure was exerted on you in relation to any aspect of the RHI Scheme (including details of the person exerting the influence or pressure, the approximate date of same).



12. Identify any instances, to your knowledge or belief, where influence or pressure was exerted upon someone else in relation to the RHI Scheme (including details of the person exerting the influence or pressure, the person upon whom same was exerted, the approximate date of same, and how you came to be aware of it).

*Standards of conduct and conflict of interest*

13. Identify any instances, to your knowledge or belief, where a Minister, Special Adviser, Civil Servant or any other person involved in the RHI Scheme (including, if applicable, yourself):

- a. Breached relevant standards (including, but not limited to, the Nolan Principles, the Ministerial Code of Conduct, the Civil Service Code of Conduct, the Code of Conduct for Special Advisers and/or terms or conditions of employment or service) or acted in a way incompatible with their duties (including, but not limited to, by means of making premature or unauthorised disclosures);
- b. Acted in circumstances relating to or touching upon the Scheme in any way where they had a real or perceived conflict of interest;

in respect of any such instances, providing details and specifying the basis for any belief that there has been a breach of a relevant standard or duty or that a conflict of interest arose.

14. Specify whether, to your knowledge, you have any connection to a person or body receiving payment under the RHI Scheme or benefiting commercially from the Scheme in some other way (for instance, by supplying equipment, plant, fuel or other goods or services used by Scheme claimants). In this request, a 'connection' includes (but is not limited to) circumstances where the Scheme claimant or beneficiary is a relative, friend, close acquaintance, business associate or (in the case of politicians or special advisers) donor or supporter

(either to or of you or your political party).

*Whistle-blowing and raising of concerns*

15. Identify any instances of which you are aware of whistle-blowing in relation to the NI RHI Scheme, or disclosures made in the public interest raising concerns about the Scheme, setting out details of when this occurred, to whom and by whom any relevant disclosure was made and how it was dealt with.
16. In particular, provide an account of how you dealt with any disclosures raising concerns about the Scheme made or communicated to you at any time. In relation to each such instance, identify precisely how the concerns were communicated to you.

*General*

17. Summarise the risks, problems, flaws, anomalies, loopholes, or other issues that you consider existed in the RHI Scheme (as enacted on 31 October 2012) and its operation.
18. Set out what responsibility, if any, you consider your Department (and, in particular, your Division, Branch, etc.) bears for any of the said risks, problems, flaws, anomalies, loopholes, or other issues or for any issues that have emerged in the RHI Scheme during the period of its operation.
19. Set out what responsibility, if any, you consider other persons or bodies bear for any of the said risks, problems, flaws, anomalies, loopholes, or other issues or for any issues that have emerged in the RHI Scheme during the period of its operation.
20. Provide any further evidence within your knowledge or belief which is relevant to the matters which the RHI Inquiry is investigating as set out in the RHI Inquiry's Terms of Reference.

**NOTE:**

It is important for the efficiency of the RHI Inquiry that the issues identified above are addressed as fully as possible and by reference, where available, to the dates and locations of specific incidents to which reference is made. The statement should be broken down into paragraphs, which should be numbered sequentially from '1' to the end. The use of appropriate section headings or sub-headings is also encouraged. A template witness statement is provided with this Notice for your assistance and should be used as the format for your response.



**INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME**

**RHI REF: Notice 412 of 2017**

**DATE:**

---

**Witness Statement of: Angela Millar**

---

I, Angela Millar, will say as follows: -

*Background*

1. I joined the Northern Ireland Civil Service (NICS) in July 1991 and have been employed in NICS from that date to present.

I have gained experience in a number of administrative roles throughout my career.

2. **July 1991** - I joined the NICS in July 1991 as an Administrative Officer (AO) in Census Branch in Department of Health and Social Services (DHSS). Through restructuring my branch moved to Department of Finance and Personnel (DFP). I was involved in the coding of the 1991 Census forms and then became part of the customer service team answering queries and processing requests from the general public for statistical data.

**October 1995** – I moved to European Division, which sat within Central Finance Group (now Public Spending Directorate) in DFP, as a consequence of my promotion to Executive Officer grade II (EOII). I worked firstly on the Northern Ireland Single Programme 1994-99 and then on the Peace Programmes (both the Special Support Programme for Peace and Reconciliation 1994-99 and the 2000-2006 Programme). I provided administrative support to both the Monitoring Committees and the Consultative Forum both of which sit in European Division. This included drafting and preparing papers and financial tables and providing secretariat to the meetings. I was also involved in the management of the Technical Assistance allocation.

**June 2001** – I was promoted to Executive Officer grade I (EOI) and remained in European Division working on the Peace II Programme.



**May 2002** – I moved, as an EOI, to the then Accountability and Accountancy Services Division (AASD) (now Accountability and Financial Management Division, (AFMD)) which was also within Central Finance Group, (now Public Spending Directorate). Both AASD and CFG sat within DFP. My role covered the management of the AASD budget and the coordination of the CFG budget. I was also part of the team that assisted the Treasury Officer of Accounts (TOA) prepare for Public Audit Committee (PAC) hearings and assisted Northern Ireland Departments in the public audit role – guidance, preparation for hearings and assisting in drafting the Memorandum of Reply (MOR) which is the official ministerial response to PAC Reports.

**July 2004** – I joined Supply Division as an EOI. I worked on the Supply 1 team and was responsible for assigned NI Departments and other public bodies: Department of Agriculture and Rural Development (DARD), Department of Culture, Arts and Leisure (DCAL), Department of Enterprise, Trade and Investment (DETI); Office of the First and Deputy First Minister (OFMDFM); Northern Ireland Assembly (NIA), Northern Ireland Audit Office (NIAO), Utility Regulator (OFREG now known as NIAUR). My main duties included assisting Departments on the implications for Public Expenditure (PE) exercises and assisting NI Departments with the preparation of the Budget Bill for Northern Ireland and the publication of the Main and Supplementary Estimates.

**June 2006** – I was promoted to staff officer but remained in Supply 1 team. My duties included assisting NI Departments on the implications for PE exercises; accountability issues; casework; and assisting NI Departments with the preparation of the Budget Bill for Northern Ireland and the publication of the Main and Supplementary Estimates for the abovementioned assigned Departments.

**September 2010** – I was temporarily promoted to Deputy Principal (DP) with assigned NI Departments DARD and OMFDFM. My duties included assisting Departments on the implications for PE exercises; accountability issues; casework; and assisting Departments with the preparation of the Budget Bill and the publication of the Main and Supplementary Estimates for the abovementioned assigned Departments.

**September 2011** – the temporary promotion ended and I reverted back to my original SO post. I had no involvement in the RHI Scheme through this post.



**October 2011** – I was promoted to DP grade and assigned the Supply general office manager post with responsibility for overseeing and co-ordinating PE exercises, Annual Consultancy Report, the Budget Bill and Estimates. I had no involvement in the RHI Scheme in this post.

**October 2012** – I moved internally within Supply to a DP post with the assigned Departments DARD and OFMDFM. My duties included assisting NI Departments on the implications for PE exercises; accountability issues; casework; and assisting NI Departments with the preparation of the Budget Bill for Northern Ireland and the publication of the Main and Supplementary Estimates for the abovementioned assigned Departments.

**September 2014** – internal restructuring within Supply took place. Assigned Departments DARD, DETI and OFMDFM. My duties included assisting NI Departments on the implications for PE exercises; accountability issues; casework; and assisting NI Departments with the preparation of the Budget Bill for Northern Ireland and the publication of the Main and Supplementary Estimates for the abovementioned assigned Departments. It was through this post that I became aware of the RHI Scheme. The first I became aware of any issues with the RHI Scheme was at a meeting in June 2015 with DETI officials and my line manager Michelle Scott (Supply Division). At this meeting DETI officials raised the fact that approval for the RHI Scheme Business Case had expired and further that there was an in year budget pressure in relation to the to the RHI Scheme.

**March 2016** – internal restructuring within Supply took place. The NI Departments to which I was assigned were DARD and DETI. I have had continued engagement with DETI officials on the RHI Scheme during this period.

**May 2016 to present** – NICS restructuring took place. The NI Departments to which I was assigned were DAERA and DfE. My duties included assisting NI Departments on the implications for PE exercises; accountability issues; casework; and assisting NI Departments with the preparation of the Budget Bill for Northern Ireland and the publication of the Main and Supplementary Estimates for the abovementioned assigned Departments. I have had continued engagement with DfE officials on the RHI Scheme during this period.



3. I have been part of the DETI/DfE Supply team from September 2014. My line manager was Michelle Scott and Sarah Benton reported to me from September 2014 until March 2017.

*The RHI Scheme – Involvement with the Scheme or with Officials in respect of it*

4.
  - a. I was not involved in the creation of the RHI Scheme.
  - b. To the best of my knowledge I was not involved in any communication or correspondence which detailed or agreed the initial funding allocation available for the period 2011-15.

On 3 and 12 June 2015 I attended, with my line manager (Michelle Scott), two meetings with the DETI finance Director (Trevor Cooper). To the best of my knowledge Bernie Brankin (DETI Finance branch) was in attendance at one of these meetings but I am unsure which. I am also unsure whether there were other DETI officials present.

During these meetings the funding of the RHI Scheme was discussed. DETI officials advised that the Scheme's budget requirement for the financial year 2015-16 was expected to be higher than the last forecast. DETI officials advised the RHI Scheme budget was Annually Managed Expenditure (AME) but Treasury had notified DETI that it was not standard AME and had imposed a capped profile over the budget years 2011-2015. The budget profile notified by Treasury was a population share of the Department of Energy and Climate Change (DECC) RHI Scheme budget. Trevor Cooper advised, due to an increase in uptake numbers, the forecasted level of spend on the NI RHI Scheme exceeded the previous forecast.

I had little knowledge of the funding agreement that had been in place and was unsure how the AME allocation correlated to the Non-Domestic



and Domestic Schemes. I was also unsure as to the further categorisation of AME into spending category (i.e. AME resource or AME capital). DETI officials agreed to discuss the funding arrangements with their appropriate policy division (Energy Division) and also that they would write to DECC to ascertain the exact funding arrangement agreed between Treasury, DECC and DETI. It was also agreed that DETI would write to DFP setting out the issues which DETI was facing in relation to the Non Domestic RHI Scheme and clarify the funding agreement.

There was no formal record taken of either meeting taken by myself or Michelle Scott. Following the second meeting, however Michelle Scott provided an update to Head of Supply (Emer Morelli) on the issues raised and the advice given. See document **WIT-30267** which is the email of 12 June 2015 from Michelle Scott to Emer Morelli.

On 12 August 2015 I attended, with my line manager (Michelle Scott), a meeting with the DETI Finance Director (Trevor Cooper) to discuss the budget structures for the new Department for the Economy (DfE). Before the intended meeting, on budget structures, commenced a number of DETI issues were discussed, including the Non Domestic RHI Scheme. I can't recall if there were other DETI officials in attendance or if RHI funding/budgetary issues were specifically mentioned. There was no formal record of that meeting.

On 30 September 2015 with the Head of Supply (Emer Morelli) and with my line manager (Michelle Scott), I attended a meeting with DETI officials - DETI Finance Director (Trevor Cooper) Finance Branch Grade 7 (Bernie Brankin) and Energy Division (John Mills). I can't recall if other DETI officials were in attendance or if RHI funding was specifically discussed. There was no formal record of the meeting.

On 2 October 2015 I met with Pamela Galloway a member of Central Expenditure Division, which sits within DFP. As DETI had not yet provided clarification on the funding arrangement I requested that CED engage with Treasury to seek clarification on the arrangement. See





relevant documents **DOF - 04633** and **DOF – 04634** containing the email sent to Treasury by Pamela Galloway on 9 October 2015.

On 21 October 2015 with DFP officials namely Head of Supply (Emer Morelli), my line manager (Michelle Scott), and Economist (Noel McNally), I attended a casework committee meeting on the proposed changes to the RHI Scheme. DETI officials in attendance were Eugene Rooney, Trevor Cooper, Shane Murphy, John Mills, Stuart Wightman, Alan Smith, Seamus Hughes and Lee-Anne Hutchinson. RHI funding was discussed with Trevor Cooper asking if a multi-year allocation would be provided in the Spending Review outcome. Michelle Scott advised that DFP was unsure what the format would be. See document **WIT-31018** which is an extract of the agreed minutes from 21 October casework meeting containing the interaction referred to above.

On 19 May 2016 with the Head of Supply (Emer Morelli) and with my line manager (Michelle Scott), I attended a DfE stocktake meeting with DfE officials. The DfE officials in attendance were Stephen McMurray, Iain McFarlane, Jeff Partridge, Michael Martin, Wayne Smyth and Alison Clydesdale. At this meeting DfE advised of an in year RHI funding pressure of £32.4m. See document **WIT-30990** which is an extract of the agreed record of the stocktake meeting of 19 May 2016.

On 23 August 2016 with my line manager (Michelle Scott) and colleague (Sarah Benton), I attended a DfE stocktake meeting with DfE officials. The DfE officials in attendance were Stephen McMurray, Bernie Brankin and Jeff Partridge. The funding for RHI was discussed in the context of budget planning with Michelle Scott advising DfE should prepare for two scenarios. One which assumed the RHI pressure would be addressed at the centre and one which assumed it must be met from the DfE baseline. See document **WIT-30995** which is an extract of the record of the meeting.



On 20 December 2016 with the Head of Supply (Emer Morelli) and with my line manager (Michelle Scott), I attended a DfE stocktake meeting with DfE officials. The DfE officials in attendance were Heather Cousins and Andrea Quail. The RHI funding requirement for 2016-17 was discussed. See documents **WIT-30866** and **WIT-30867** which contain the note of the 20 December 2016 meeting.

- c. I was not involved in the administration / operation of the Scheme.
  
- d. On 3 and 12 June 2015 I attended, with my line manager (Michelle Scott), meetings with the DETI finance Director (Trevor Cooper). To the best of my knowledge Bernie Brankin (DETI Finance branch) was in attendance at one of these meetings but I am unsure which and if there were other DETI officials present. Trevor Cooper advised that DETI had overlooked the need to seek DFP approval for the RHI Scheme from 1 April 2015. It was also advised that a review of the Scheme, which was a condition of the DFP approval, had not been carried out. As the Department was occurring irregular expenditure, as a consequence of the lapsed approval, Michelle Scott stressed the need to urgently address this issue and regularise the scheme if possible.

Trevor Cooper raised the matter of RHI Scheme funding due to an increase in uptake numbers. The forecasted level of spend on the Scheme had exceeded the population share of the DECC Scheme.

- i. I have listed all meetings that I attended under answer 4b. I also recall discussing, by telephone over the summer 2015 period, with Bernie Brankin (DETI Finance Branch) the funding split of the Scheme (AME Resource / AME Capital) and also enquiring if DETI had received any clarification from DECC on the funding arrangement. This was a follow up action from the June 2015 meetings.
  
- ii. To the best of my knowledge I did not make any decisions or give any advice on the creation, funding or administration/operation of the Scheme.



iii. I have made reference to relevant documents in my responses above.

5. I have nothing further to add.

6.

a. I became aware of the following issues relating to the Scheme: DFP approval had not been sought to continue the Non Domestic RHI Scheme beyond 31 March 2015;

A review of the Scheme, which was a condition of the DFP approval, had not been carried out; and

The forecasted level of spend had doubled from the last forecast, submitted by DETI in November 2014, and options were being considered in DETI to control future expenditure.

b. I became aware of the issues listed in my response to 6.a on 3 and 12 June 2015.

c. I became aware as a consequence of my attendance at meetings with the DETI Finance Director (Trevor Cooper) and my line manager (Michelle Scott). The DETI Finance Director then wrote to Michelle Scott on 1 July. See documents **WIT-30268**, **WIT-30269** and **WIT-30270** which contain the letter from Trevor Cooper to Michelle Scott dated 1 July 2015.

d. Following the meetings I reviewed DFP records to locate information on the funding agreement/budgetary treatment between DECC and DETI. (See relevant documents **WIT-30248**, **WIT-30249** and **WIT-30250** which is an email trail from 2011 between Energy Branch (Alison Clydesdale) in DETI and Treasury (Jon Parker) setting out NI RHI allocation for the period 2011-2015). I also recall engaging with Bernie Brankin, by telephone, to check on the progress of the DETI and DECC discussions. I have a vague recollection that DETI Finance Branch thought Northern Ireland may receive a higher than population share of the RHI funding due to NI making a more than proportionate contribution to the UK target



to increase the share of renewable energy to 15% by 2020 and also as a consequence of underspends in DECC RHI Budget. DETI, I recall, had advised DFP that they were progressing this approach with DECC.

I also recall discussing the spending category split of the RHI Scheme with Bernie Brankin over the summer months of 2015 and requested that the split be reflected accurately on the resource budget management database.

By 2 October, given that DETI were unable to provide further clarification on the funding agreement via engagement with DECC, I discussed the issue on 2 October with a member of Central Expenditure Division (Pamela Galloway) and requested the issue be raised with Treasury. See relevant documents **DOF - 04633 and DOF - 04634** which is the 9 October 2015 email from Pamela Galloway to Keith Jarrett in Treasury.

e. I accept now, with the benefit of hindsight that rather than waiting on DETI to obtain clarification from DECC I could have contacted CED earlier and requested the Treasury clarification sooner.

7. I have made reference to any relevant documents that I can recall throughout my answers.

*The RHI Scheme – Issues in respect of the Funding for the Scheme*

8.

a. On 10 November 2016 I was a DP in the Supply Team, DfE was one of my assigned NI Departments. Supply teams would normally be the initial point of contact for any queries raised by CED on Departmental specific queries. In my response of the 10 November 2016 I set out the RHI Scheme budget allocations as notified by Treasury.

b. Jeff McGuinness was a Grade 7 in the Central Expenditure Division (CED),



within DoF, and Claire Kennedy was an EOI in the same Division.

- c. I was unable to locate any record of a capped allocation being notified for the year 2015-16. I am unsure of the exact date, but during the Autumn 2015 discussions with CED, I became aware that Treasury had not made reference to a capped allocation for the RHI Scheme in the 2015-16 year within the Spending Review settlement letter of 2013. See relevant document **WIT – 30140** which contains reference to the AME funding contained in the Chief Secretary to the Treasury letter of July 2013.
- d. As far as I am aware the AME allocation for the Scheme was not capped in 2015-16. The full cost of the Scheme in 2015-16 were recorded in the DETI AME forecasts and covered in full by AME funding from Treasury.
- e. As far as I am aware there was no cap on the AME allocation for the Scheme in 2015-16.
- f. I am unsure of the exact date but during Autumn 2015 discussions with CED I became aware that Treasury had not notified a cap on the 2015-16 Scheme allocation. I was not involved in the negotiations with Treasury.

#### *Promotion of the RHI Scheme*

9. I did not promote the RHI Scheme or encourage any third party to seek accreditation under the Scheme nor did I assist any third party in so doing. I did not provide any third party with information knowing that they might apply, or consider applying or that they might advise encourage, assist or cause any other persons to apply or consider applying for accreditation under the Scheme.

#### *Lobbying and pressure*

10. I am not aware of any lobbying or encouragement of Ministers, Special Advisers, Civil Servants or other relevant persons in relation to the terms of the Scheme and/or introduction, non-introduction, variation or delay of the



introduction of cost controls into the RHI Scheme at any stage.

11. There have been no instances where influences or pressure has been exerted on me in relation to any aspect of the RHI Scheme.
12. I am not aware of any instances where influences or pressure has been exerted on anyone in relation to any aspect of the RHI Scheme.

*Standards of conduct and conflict of interest*

13. I am not aware to my knowledge or belief where a Minister, Special Adviser, Civil Servant or any other person involved in the NI RHI Scheme:
  - a. Breached relevant standards (including but not limited to, the Nolan Principles, the Ministerial Code of Conduct, the Civil Service Code of Conduct, the Code of Conduct for Special Advisers and/ or the terms or conditions of employment or service) or acted in a way incompatible with their duties (including but not limited to, by means of making premature or unauthorised disclosures); or
  - b. Acted in circumstances relating to or touching upon the Scheme in any way where they had a real or perceived conflict of interest;
14. To the best of my knowledge I am not aware of having any connection to any person or body receiving payment under the RHI Scheme or benefiting commercially from the Scheme in some other way.

*Whistle-blowing and raising of concerns*

15. The first I became aware of any whistle blowing in relation to the Scheme was through the Public Accounts Committee evidence session in September 2016 and the resultant media coverage.



16. There were no instances brought to my attention.

*General*

17. In my opinion, I am not sufficiently sighted on all the details of the RHI Scheme (as enacted on 31 October 2012) to summarise the risks, problems, anomalies, loopholes, or other issues that existed in the RHI Scheme.

18. In my opinion, I am not sufficiently sighted on all the details of the RHI Scheme (as enacted on 31 October 2012) to set out what responsibility, I consider the Department (and in particular, the Supply Team) bears in relation to the RHI Scheme.

19. In my opinion, I am not sufficiently sighted on all the details of the RHI Scheme (as enacted on 31 October 2012) to set out what responsibility, I consider other parties or persons bear in relation to the RHI Scheme.

20. In response to the s.21 Notice, No. 413 of 2017, I have no documents in my personal custody or control which relate to a matter in question at the RHI Inquiry or which might be relevant to the matters which the Inquiry is investigating and which I believe is unlikely to have been already disclosed by DoF.

Statement of Truth

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

Signed: Angela Miller

Dated: 13 September 2017