



Northern Ireland
Assembly

Report by the Assembly Commissioner for Standards
on Complaint made against
Mr Mark Durkan MLA and Ms Cara Hunter MLA

Assembly – Confidential

Summary

1. This report sets out the findings of my investigation into a complaint received on 23rd October 2025 from Mrs Diane Forsythe MLA. The complaint related to the content of a motion published in the names of Mr Mark Durkan MLA and Ms Cara Hunter MLA and alleged a breach of Rule 12 of the Member's Code of Conduct.
2. The motion in question had been tabled in the Business Office on 14th October 2025 and was subsequently published later that day on both the Daily List of Motions and the Assembly's website. The Motion referenced the Findings of 'an Inquiry' by the Public Accounts Committee, which was laid in the Business Office on 9th October 2025 and which was embargoed until 00.01hrs on 16th October 2025.
3. I commenced my investigation on 10th December 2025 and interviewed both Mr Durkan MLA and Ms Hunter MLA.
4. Ms Hunter accepted that to publish the findings of an embargoed report could constitute a breach of Rule 12 but that she was not the author of the motion nor had she read the embargoed report or been aware of the embargo date. Ms Hunter confirmed that the motion had been drafted by staff in the Party's policy unit and she had not checked the content of the motion prior to its publication.
5. Mr Durkan confirmed that he had been actively involved in the drafting of the motion with a staff colleague and that he was aware of the contents of the motion. He accepted that the publication of embargoed material could constitute a breach of Rule 12. He stated however that he had not read the embargoed report but that he had been following the Inquiry and was aware of the likely findings of that Inquiry
6. I have found that neither Mr Durkan MLA nor Ms Hunter MLA have breached Rule 12 as neither had read the embargoed report nor were they aware of the embargo date. There is no evidence that either had knowingly breached Rule 12 of the Code of Conduct.
7. Notwithstanding my findings, there has nevertheless been an arguable breach of confidentiality. In order to maintain the integrity of Assembly processes, all MLA's should be reminded of their responsibility to ensure that any motions published in their names respect rules regarding confidentiality.

Complaint

8. I received the complaint from Mrs Diane Forsythe MLA on 23rd October 2025 regarding the publication of a motion in the names of Mr Mark Durkan MLA and Ms Cara Hunter MLA¹.

¹ Document 1

Investigation

9. In the course of my investigation, I carried out the following;

- Wrote to Mr Paul Gill, Clerk Assistant to obtain confirmation of relevant publication and embargo dates².
- Received response from Mr Gill³.
- Interviewed Ms Cara Hunter MLA⁴.
- Interviewed Mr Mark Durkan MLA⁵.

10. A copy of the complaint and all other documents I have relied on in reaching my decision are included at Appendix A.

Allegation

11. Mrs Forsythe alleges that Mr Durkan and Ms Hunter, in publishing their motion breached the following Rule within the MLA Code of Conduct⁶;

- Rule 12: You shall disclose confidential or protectively marked information only when you are authorised to do so.

Evidence

Timeline

12. 9 October 2025 – Public Accounts Committee ‘Report on Managing the Schools’ Estate’⁷ laid in the Business Office following which it was accessible on request to all Members of the Assembly. On its cover page the report included the following statement: ‘This report is embargoed until 00.01am on 16th October 2025’.

13. 14 October 2025 - Motion entitled ‘Fairness, Transparency and Reform in School Capital Funding’ in the names of Ms Cara Hunter and Mr Mark Durkan tabled in the Business Office and subsequently published later that day on the ‘Daily List of Motions’⁸. This document was circulated that afternoon to a distribution list which included MLAs

² Document 2

³ Document 3

⁴ Document 4

⁵ Document 5

⁶ <https://www.niassembly.gov.uk/your-mlas/code-of-conduct/the-code-of-conduct-and-the-guide-to-the-rules-as-amended-on-23-march-2021/>

⁷ [Report on Managing the Schools’ Estate’](#)

⁸ Document 6

(Members), Members' staff, Assembly Staff and Northern Ireland Civil Service Staff. Later that day the motion was published on the Assembly's website.

14. 15 October 2025 – Provisional Order Paper for 4th November 2025⁹ containing the motion circulated to a distribution list similar to the above.

Motion

15. The motion as published is as follows;

Motion: Fairness, Transparency and Reform in School Capital Funding

Proposed:

That this Assembly expresses concern regarding the allocation and management of major and minor capital funding for primary and post-primary schools; notes the findings of the Public Accounts Committee's Inquiry into Managing the Schools' Estate, which identified systemic failures in governance, accountability and long-term planning; recognises that disparities in funding raise serious questions about fairness and transparency in the allocation of resources; and calls on the Minister of Education to urgently publish a comprehensive, transparent estate management strategy with clear criteria for capital investment, improved oversight of the Education Authority, and measures to ensure that funding is allocated equitably across all school sectors and communities.

Ms Cara Hunter

Mr Mark Durkan

16. The motion as above explicitly references the findings of the Public Accounts Committee's Inquiry, the report of which remained under embargo at the time of publication of the motion on 14th October 2025.
17. The Reports' Executive Summary, at point 3, found '*a worrying picture of systemic failure in the management of Northern Ireland's school estate*'.
18. At point 4 the Report noted '*The Committee is concerned by the absence of a comprehensive, long-term estate management strategy*'.
19. No records are available to confirm who accessed the report in the Business Office prior to the embargo date.

⁹ Document 7

Interviews

20. Ms Hunter was interviewed on 20th January 2026¹⁰.

21. At interview Ms Hunter confirmed that she was aware of the motion and that the report referenced in the motion was indeed the Public Accounts Report as laid in the Business Office on 9th October 2025.

22. Ms Hunter confirmed that she did not write the motion and when asked who had prepared it stated;

“We have a policy team upstairs. I believe they liaised with the business office ahead of it being tabled, and it refers to the inquiry itself, but not any outcomes of that report, and to this day, shamefully, I have yet to read the report, so yes”.

23. When asked if she was aware that the report was embargoed until 16th October 2025 she stated;

“I was not aware, but I also was not aware that - I think the language was around referring, acknowledging that there is an inquiry, not alluding to the outcomes of said report, if that makes sense. So we acknowledged that there is an ongoing inquiry, but I have not seen, to this day, not seen or read the report outcomes.”

24. Ms Hunter accepted that disclosing details of an embargoed report could breach Rule 12. In response to a request for her comments she responded;

“I think it comes down to words. I think there's no malice, no ill intent. I don't think anybody has seen something they should not have seen. I'm quite embarrassed I still haven't read it, but I don't think there's been any ill intent, anything of any kind of backwards knowledge or anything to my understanding. I think it's just a matter of wording with this motion, and I think it was withdrawn afterwards or something. So yes, I don't think there's any malicious intent or misconduct here. I think it's just a genuine misunderstanding, yes.”

25. Ms Hunter confirmed that she had not obtained authorisation to disclose any information on the report before it's embargo date. When asked if she had checked the motion before it was tabled she responded;

“No, and that would be common practice is that you trust upstairs and their policy and their intellect in which to carry out motions, yes.”

¹⁰ Document 4

26. Ms Hunter confirmed that she had not been briefed by anyone in relation to the content of the Report.
27. Mr Durkan was interviewed on 3rd February 2026¹¹.
28. At interview, Mr Durkan confirmed that he was involved in drafting the motion with a party policy officer.
29. When asked if the motion referred to the report he stated;

“The motion refers to an inquiry, not the report. It's dancing on the head of a pin, maybe, but I think the complaint was too. It refers to the findings of the inquiry, which I had been following myself, and, to be fair, my colleague who works in the policy office upstairs had for some time been considering a motion on this particular issue. As there are local interests that I have and some of them have been fairly well-publicised around particular issues facing particular schools in Derry. I was aware that obviously an inquiry was ongoing. I did know that a report was imminent, but genuinely, 100 per cent, I wasn't aware of either the content of the report, though it was fair enough to guess or estimate what that is. It's very similar to the Northern Ireland Audit Office report, that led to the committee, and prompted the committee inquiry. I haven't seen that report, not was I disclosing any information from that”.

30. When asked if he was aware of the content of the motion before it was published, Mr Durkan stated;

“Yes, and, for clarity, the motion did initially refer to the report. So I can say now, because what appeared published, this is inquiry, the initial one did into the report. I hadn't read it. To my understanding ██████ hadn't read it either, like I say, this is something that's been in gestation for quite a number of months.”

31. When asked if he was aware that the report was embargoed he replied;

“No, I knew it was coming, but I didn't know that it was at that stage, even, that it was that close to publication.”

32. Mr Durkan accepted that publication of embargoed material would engage Rule 12.

33. When asked if he checked the final version of the motion before it was published, Mr Durkan replied;

¹¹ Document 5

“Yes, we'd been back and forth with that. Did I check it as well as I should have? Probably not. Do I ever?! Probably not! Yes, I'd seen what was going on and was content to put my name to it. You know, and then Cara's name was given primacy, she's the education spokesperson. Which our staff, obviously, and the press would have known, there's issues there that I'm continually on about and out about, you know?”

34. When asked if specific directions were given to staff regarding the publication of motions, he replied;

“Not directions, per se, but I mean I would collaborate with them on it, and if there was something that I was unhappy with, then my name wouldn't be on it and it would probably be redrafted to reflect what I would be happy with.”

35. Mr Durkan stated that he had no intention of publishing any findings from the report in advance of an embargo date.

36. When asked if there was anything else he wished to say, Mr Durkan responded;

“Not that I can think of, no. Like I say, I was surprised by it, and confused by it. I can see where the complainant is coming from, but I mean, even then, the fact that the motion, as published, refers to an inquiry and not the report, I don't know, you could argue around it [unclear word 0:13:40.3] of it, maybe. I don't even want to go down that route, per se. If needs be, we can do this again or something like it, and I'll come with my notes!”

Findings of Fact

37. I have found the following facts established to the required standards of proof:

- i. On 9 October 2025 the Public Accounts Committee ‘Report on Managing the Schools’ Estate’ was laid in the Business Office following which it was accessible on request to all Members of the Assembly¹².
- ii. On its cover page the report included the following statement: ‘This report is embargoed until 00.01am on 16th October 2025’.
- iii. On 14 October 2025 a Motion entitled ‘Fairness, Transparency and Reform in School Capital Funding’ in the names of Ms Cara Hunter and Mr Mark Durkan was tabled in the Business Office.
- iv. The motion was published on the Daily List of Motions¹³ that date and was circulated that afternoon to a distribution list which included MLAs (Members), Members’ staff, Assembly Staff and Northern Ireland Civil Service Staff. Later that day the motion was published on the Assembly’s website.

¹² [Report on Managing the Schools’ Estate’](#)

¹³ Document 6

- v. On 15 October 2025 the Provisional Order Paper for 4th November 2025¹⁴ was published containing the motion and circulated to a distribution list similar to that in point 4 above.

38. In accordance with paragraph 7.14 of the General Procedures Direction, Ms Hunter and Mr Durkan were afforded an opportunity to challenge any of the above findings before I finalised my report. Neither did so.

Reasoned Decision

39. Confidentiality is fundamental to preserving the integrity and trust necessary for the effective functioning of the Northern Ireland Assembly. The MLA Code of Conduct is therefore clear at Rule 12 of the requirement to maintain such confidentiality.

40. In this case it appears that the requirements of the Public Accounts Committee Report embargo were not adhered to. Whilst only limited content from the report was disclosed in the motion, the requirement for confidentiality was nevertheless breached. The embargo did not allow for any individual interpretation as to what material could be disclosed in advance of the embargo date.

41. The purpose of the investigation however has been to establish whether Mr Durkan or Ms Hunter breached Rule 12 by virtue of the publication of the motion.

42. In interview Ms Hunter stated that the motion was prepared by Party Staff and not by herself. Mr Durkan stated that he had been involved in the drafting of the motion and was aware of its contents prior to publication. He further stated that the motion referred to the ongoing Inquiry by the Public Accounts Committee, which he had been following, and not the report which published its findings. Ms Hunter similarly stated that her understanding was that the motion referred to the ongoing inquiry and not specifically the report. Both parties acknowledged that the wording of the motion may have led to the issue under consideration. Neither had read the Public Accounts Committee Report nor were they aware of the embargo requirement.

43. In this case therefore it is not possible to conclude to the required standard of proof that either Mr Durkan or Ms Hunter knowingly disclosed confidential or protectively marked information.

¹⁴ Document 7

Conclusion

44. I am satisfied on the basis of the evidence, my analysis and reasoning that neither Mr Durkan MLA nor Ms Hunter MLA knowingly breached Rule 12 of the MLA Code of Conduct as alleged by Mrs Forsythe MLA.

Recommendation

45. Whilst I have not found a specific breach of Rule 12 by Mr Durkan or Ms Hunter, it is arguable that a breach of the report's embargo requirement, has nevertheless occurred.

46. To maintain confidence in the integrity of Assembly processes it remains crucial that steps are taken to prevent such breaches in the future. I therefore make the following recommendation;

47. All MLAs are reminded of their responsibilities regarding matters published or progressed in their names, to take such steps as are necessary to protect and maintain confidentiality requirements.

Appendix A

Document	Description
1	Complaint
2	Letter to Mr Paul Gill
3	Response from Mr Paul Gill
4	C Hunter interview transcript
5	M Durkan interview transcript
6	Daily List of Motions
7	Provisional Order Paper

Assembly Commissioner for Standards,
Room 283,
Parliament Buildings,
Belfast,
BT4 3XX

standardscommissioner@niassembly.gov.uk

23rd October 2025

Dear Commissioner

I wish to make a formal complaint against Mark H Durkan MLA and Cara Hunter MLA in relation to the content of a motion published in their names on 14 October 2025 and later disseminated on the Provisional Assembly Order Papers for 4 November 2025.

The motion aforementioned was titled "*Fairness, Transparency and Reform in School Capital Funding*" and I enclose a copy with the full body of the text. Contained within this text were explicit references to the findings of the Public Accounts Committee's Inquiry into Managing the Schools' Estate, which, significantly, was embargoed for dissemination until 16 October 2025.

It is my understanding that all Assembly Members may have been entitled to access the above report from the point at which it was agreed and disseminated to the Business Office on 9th October - in line with Standing Order 23(1). However, it is not clear whether Mr Durkan or Ms Hunter or a member of staff contacted the Business Office to access the report in this way or were provided with it by another source. I believe this matter requires further examination.

Paragraph 4 of the MLA Code of Conduct, contained within the Rules of Conduct, section 12 states "*You shall disclose confidential or protectively marked information only when you are authorised to do so.*" I therefore kindly ask that you establish whether Mr Durkan and Ms Hunter breached this rule by disseminating the contents of report to members of staff for the purposes of drafting the above motion and/or providing onward disclosure of the motion to a significant number of recipients through both the published list of Daily Motions or Provisional Order Papers.

Best wishes,

Diane Forsythe MLA

Motion as presented on Provisional Order Paper for Tuesday 4th November 2025.

Motion: Fairness, Transparency and Reform in School Capital Funding

Proposed:

That this Assembly expresses concern regarding the allocation and management of major and minor capital funding for primary and post-primary schools; notes the findings of the Public Accounts Committee's Inquiry into Managing the Schools' Estate, which identified systemic failures in governance, accountability and long-term planning; recognises that disparities in funding raise serious questions about fairness and transparency in the allocation of resources; and calls on the Minister of Education to urgently publish a comprehensive, transparent estate management strategy with clear criteria for capital investment, improved oversight of the Education Authority, and measures to ensure that funding is allocated equitably across all school sectors and communities.

Ms Cara Hunter

Mr Mark Durkan



Northern Ireland
Assembly

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ASSEMBLY - CONFIDENTIAL

Mr Paul Gill
Clerk Assistant
Parliament Buildings
Ballymiscaw
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Belfast
BT4 3XX

Emailed to: Paul.Gill@niassembly.gov.uk

16th December 2025

Dear Paul

Ref Case no 202500108

I am conducting an investigation relating to the content of a motion by Mark Durkin MLA and Cara Hunter MLA apparently published on 14th October 2025 and later disseminated on Provisional Assembly Papers for 4th November 2025. The motion was entitled, 'Fairness and Reform in School Capital Funding'.

In furtherance of this investigation I would seek your assistance in obtaining the following;

1. Confirmation of publication of the motion on 14th October (or other date) and where published including a copy and distribution list
2. Confirmation of inclusion on the Provisional Assembly Order Papers for 4th November including a copy and distribution list
3. Whether the findings of the Public Accounts Committee's Inquiry into Managing the Schools' Estate was accessible after dissemination to the Business Office on 9th October 2025 including who accessed the Report.
4. Whether the report was subject to embargo.

Please let me know if there are any issues with this request or whether I should redirect enquiries

Yours sincerely

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Stephen

STEPHEN WRIGHT
Northern Ireland Assembly Commissioner for Standards

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Document 3

Paul Gill
Clerk Assistant
Northern Ireland Assembly
Room 151, Parliament Buildings
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BELFAST, BT4 3XX

paul.gill@niassembly.gov.uk

Stephen Wright
Northern Ireland Assembly Commissioner for Standards
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Emailed to: Stephen.Wright@niassembly.gov.uk

9 January 2026

Dear Stephen,

Ref Case no 202500108

Thank you for your correspondence of 16 December 2025 in relation to an investigation you are conducting. I have clarified the position with staff in the Business Office and can advise as follows:

1. The motion in question, having been tabled in the Business Office on 14 October 2025, was subsequently published later that day on a document called the Daily List of Motions. This document, which is enclosed with this letter, was circulated that afternoon to a distribution list which included Members of the Assembly ("Members"), Members' staff, Assembly staff and Northern Ireland Civil Service staff. The distribution list includes hundreds of email addresses and could be provided to you if required. Later that day the motion was published on the Assembly's website. The publication and circulation of this motion was consistent with usual arrangements.
2. The motion was included on the Provisional Order Paper for 4 November 2025. The Provisional Order Paper had been agreed by the Business Committee at its meeting on 14 October 2025. The Provisional Order Paper, which I also enclose with this letter, was

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circulated early on Wednesday 15 October to a distribution list which again included Members, Members' staff, Assembly staff and Northern Ireland Civil Service staff. The distribution list is broadly similar to the list referred to above and can be provided to you if required. The circulation of the Provisional Order Paper was consistent with usual arrangements.

3. The report of the Public Accounts Committee's Inquiry into Managing the Schools' Estate was laid in the Business Office on 9 October 2025, following which it was accessible on request to all Members of the Assembly. The Business Office does not record those occasions on which Members access a report which has been laid in the Business Office, whether or not embargoed. In addition, the report was accessible by staff in the Business Office.
4. I can confirm that the report in question was embargoed. On its cover page it included the following statement: This report is embargoed until 00.01am on 16 October 2025.

I hope this information is of assistance. Please do not hesitate to get in touch if there is any further information I can provide.

Yours Sincerely.



PAUL GILL
Clerk Assistant

Okay. This interview is being tape recorded. I'm Stephen Wright, Commissioner for Standards. The day is Wednesday 20th January 2026, and the time is 13:03, according to my watch. I'm interviewing - if you could please state your name for the tape.

[?Cara] Hunter.

How would you like me to refer to you during this?

Cara.

Cara's fine? Okay. I did offer you the chance to bring someone with you. You're happy to continue without anybody else here?

Yes.

I'm going to ask you to take the oath or the affirmation. Which do you prefer?

The oath.

If you just read the words on the card, then please.

Yes. I swear by Almighty God that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

Okay. Thank you. I just want to remind you this is a confidential interview, and nothing spoken in this interview should be discussed with anyone else. I've already said a transcript of the interview will be appended to my investigation if I rely on it. I'm almost certain to rely on the transcript of the interview, so it will be on the investigation report. Did you receive a copy of the note from me outlining the complaints procedure? It would have been attached to my first email that went to your address.

Do you know what? I probably did, but I haven't seen it, but I have no doubt that you sent me.

The purpose of it really is just there's a Section 6 about illegal [?bars 0:01:14.5]. That's all that's about.

Yes. No problem.

Okay. So the interview is just going to be me asking you a number of questions there, as outlined in the complaint. At the end of the interview, you'll have an opportunity to reflect on and clarify anything you've said or to add anything else that you think's appropriate. Afterwards, I'll send you a transcript, and you'll have an opportunity to suggest any revisions to that transcript if you think there should be. So, before I start to ask any questions, is there anything you want to ask me?

No, no.

Okay. So this interview is in relation to a complaint received by me from Diane Forsythe, MLA, on 23rd October 2025, alleging that in laying a motion on 14th October 2025, you breached Rule 12 of the Members' Code of Conduct. Rule 12 is you shall disclose confidential or protectively marked information only when you're authorised to do so. So that's what this is about. So as I said, just a small number of questions. So, are you aware of the motion entitled Fairness, Transparency and Reform in School Capital Funding...

I am now.

...published... Well, okay. Published on the [over speaking 0:02:24.3] 14th October 25 year and mark Durbin's name...

Yes.

...as confirmed by Mr Paul Gill, the clerk's assistant.

Yes.

So you're aware of that?

Yes.

The content of the motion, among other things, states that it notes the findings of the Public Accounts Committee's inquiry into Managing the Schools' Estate, which identified systemic failures in governance, accountability and long-term planning, and, among other things, again, called on the minister to urgently publish a comprehensive, transparent estate management strategy. Does that reference to the Public Accounts Committee inquiry refer to this report, which is the report on Managing School's Estate, published on 9th October 2025?

Yes.

Is that the report to which you refer?

Yes, that's what it alludes to, yes.

Okay, no problem. Guessing already, based on what you've said, did you personally write that motion?

No.

No. Was it prepared then on your behalf?

Yes.

Okay, and who prepared it?

We have a policy team upstairs. I believe they liaised with the business office ahead of it being tabled, and it refers to the inquiry itself, but not any outcomes of that report, and to this day, shamefully, I have yet to read the report, so yes.

Well, that's my next question. Have you accessed and read the report?

It is shameful of me as an elected representative on the Education Committee, but I have to be honest with you, and the answer is no.

Okay. Were you aware that the report was embargoed, as it says on the front page, until 00:01 hours on the 16th October 2025?

I was not aware, but I also was not aware that - I think the language was around referring, acknowledging that there is an inquiry, not alluding to the outcomes of said report, if that makes sense. So we acknowledged that there is an ongoing inquiry, but I have not seen, to this day, not seen or read the report outcomes.

Yes, that's okay. So obviously, Rule 12 of the Member's Code of Conduct states, 'You shall disclose confidential, protectively marked information only when you're authorised to do so.' On the basis of the wording of that, would you accept that disclosing details of an embargoed report could breach Rule 12?

Of course, yes.

Okay. Have you any comment in relation at this stage to the publication of your motion, how it's impacted by that rule?

I think it comes down to words. I think there's no malice, no ill intent. I don't think anybody has seen something they should not have seen. I'm quite embarrassed I still haven't read it, but I don't think there's been any ill intent, anything of any kind of backwards knowledge or anything to my understanding. I think it's just a matter of wording with this motion, and I think it was withdrawn afterwards or something. So yes, I don't think there's any malicious intent or misconduct here. I think it's just a genuine misunderstanding, yes.

Okay, and these other questions are just about really establishing, again, the facts.

Of course.

You might feel like we're going over the same ground...

That's okay.

...but there's only a couple more. So the motion was circulated on 14th October. Now, Paul Gill's words is that there's hundreds of email addresses on the circulation list. There's members, staff, [over speaking 0:05:52.9]...

Of course.

...civil servants. Rule 23 of Standing Orders, Standing Orders 23 also says that papers and business office should be regarded as matters for the public domain. So that's the area we're in with this.

Yes, certainly.

So on that basis, again, based on what you've said, did you obtain authorisation to disclose the information in that report before its embargo date?

No, absolutely not, no.

No problem. Did you check the motion as it was drafted before it was tabled?

No, and that would be common practice is that you trust upstairs and their policy and their intellect in which to carry out motions, yes.

Really, just one final question. Were you briefed by anyone? A PAC committee member, a member of your staff, anyone else, officially, about the contents of that report?

Absolutely not. [Unclear words 0:06:46.3]. No way.

Okay. No problem. That's really all I need, but you've said a bit about how you do things that happened here. So is there anything else you wish to add, really before we finish the interview around your views on all of this?

Maybe, I don't know, just because this has happened, and when I got the email, I was like, wait, what? It was like, why am I in trouble? I haven't even seen the report. Maybe if conversations with the business office or the bills office or whatever about maybe putting a sign-off system, would that help alleviate being pulled in... For MLAs to be pulled into conversations like this about concerns of something that an MLA has or hasn't seen? Maybe that's a conversation for the business office.

No, absolutely, but really, in relation to...

To this?

Yes. Our interview in relation to how the publishing of this motion potentially breached Rule 12, is there anything in the context of the complaint that has been made against you personally, is there anything else you want to say?

No. I think this was off the back of we had quite a heated debate when I nipped out of the chamber and off the back of that, this came around that time. I think political tensions and emotions were high. Then again, if this is a valid complaint in the sense there's concerns about confidentiality, I welcome it. I think it's important. I know in my heart and my being that I haven't done anything wrong. I still to this day have not read that piece of paper, which is a reflection of my audacity in this position to not do so, which is sad, but no, I feel very confident sitting here that I haven't done anything wrong and will be happy to answer any further questions.

Okay, that's all I have to ask you. So thanks very much. I'll just stop the recording now.

[END OF TRANSCRIPT]

This interview's being tape-recorded. I'm Stephen Wright, the commissioner for standards. The date is Tuesday, the 3rd of February, the time is 13:23 hours, by my watch, and I'm interviewing - if you could state your name for the tape, please?

Mark H Durkan, SDLP MLA for Foyle.

How do you want me to refer to you in the interview?

Mark's fine.

Mark? Okay, and I'm Steven. I would ask you now to formally take the oath, or the affirmation, so whichever you prefer there, please.

I do solemnly, sincerely, and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

Thanks for that. I just want to remind you this is a confidential interview, so nothing spoken in the interview should be discussed with anyone. As I've said to you already, the transcript of the interview will be forwarded to you and it will be included on my investigation report, if I rely on it to make recommendations, which I most certainly will. So just to make you aware. Can I confirm you received a note from me outlining the procedure for the investigation and interview, and drawing attention to the relevant statute provisions? It would have been attached to the first letter sent to you, I think.

Yes.

It's really just about this statutory piece, it's about cooperating with investigations. I'm just going to ask you a number of questions based on the complaint. I didn't write any more in the application because the complaint itself just clearly outlines what the issue is. At the end of the interview you'll have the opportunity to reflect on and clarify anything you've said or add anything else that you want to. Just before I start asking any questions, do you have any questions for me?

Not yet!

Okay, no, that's fine. Okay, this interview's in relation to a complaint received from [unclear words 0:01:44.2] on the 23rd of October 2025, which I forwarded to you, alleging that in laying a motion on the 14th of October 2025, jointly in your name, you breached Rule 12 of the Members Code of Conduct. Which is you shall disclosure confidential or protective marked information only when you're authorised to do so. So that's the complaint. As I say, just a few questions to clarify, really, what happened. So first of all, are you aware of the motion for transparency to reform in school capital funding, published in your name, along with Cara Hunter, in the daily list of motions on the 14th of October 2025?

Yes.

Okay. The content of that motion, which I'm holding here, I'll just read a couple of lines from it, among other things. 'Notes the findings of the Public Accounts Committee's inquiry into managing the school's estate, which identified systemic failures in governance, accountability and long-term planning.' That reference in the motion notes the finding in the Public Accounts Committee's inquiry into managing the school's estate. Do you agree that it's the report published by the Accounts Committee [?and laying 0:02:56.4] the business office on the 9th of October 2025, and embargoed the 16th of October 2025? Are you happy that the motion refers to this report?

The motion refers to an inquiry, not the report. It's dancing on the head of a pin, maybe, but I think the complaint was too. It refers to the findings of the inquiry, which I had been following myself, and, to be fair, my colleague who works in the policy office upstairs had for some time been considering a motion on this particular issue. As there are local interests that I have and some of them have been fairly well-publicised around particular issues facing particular schools in Derry. I was aware that obviously an inquiry was ongoing. I did know that a report was imminent, but genuinely, 100 per cent, I wasn't aware of either the content of the report, though it was fair enough to guess or estimate what that is. It's very similar to the Northern Ireland Audit Office report, that led to the committee, and prompted the committee inquiry. I haven't seen that report, not was I disclosing any information from that.

Yes, no, I just want to clarify, at this point, that we're talking about the right thing. Okay, so and inferring, really, from what you said, the next question really is did you personally write the motion?

There was back and forth between myself and our policy officer.

Right, the final version of it though, is that yours? You certainly were aware of the content of the motion before it was published?

Yes, and, for clarity, the motion did initially refer to the report. So I can say now, because what appeared published, this is inquiry, the initial one did into the report. I hadn't read it. To my understanding [REDACTED] hadn't read it either, like I say, this is something that's been in gestation for quite a number of months.

This report, this inquiry the Public Accounts Committee has [over speaking 0:05:19.0]?

Yes.

Okay, that's no problem.

Then there was back and forth with the business office.

In relation to the motion itself?

In relation to it.

**So had you read the report in that forum, the report as published, on the 9th of October?
Had you read that report?**

No.

No? So you hadn't been to the business office and seen that, at all?

No. Like I say, I wouldn't say that I watched every session of the inquiry, from start to finish, I was dipping in. There's a journalist locally who has a huge interest in this issue, too, who'd be contacting me very frequently!

So were you aware then, presumably not, that this report was embargoed?

No, I knew it was coming, but I didn't know that it was at that stage, even, that it was that close to publication.

Yeah, okay. So have you any comments, really, let me put it that way, in relation to how rule 12 would be engaged through the publication of any embargoed material? So would you agree, just by way of clarification, that anything published from this report in advance of the embargo date would engage rule 12, which is, 'You shall disclose confidential protect with our confirmation only when you're authorised to do so'?

I accept that would be the case.

Yes, I mean you have already said that you're aware of what was going on before, so I'm not trying to trip you up or anything.

I accept that that would be the case.

No problem. Was there any - were you authorised in any way to publicise anything from the report in advance of the embargo date?

I was not authorised to, but I still contend that I haven't.

No, that's no problem. The motion itself then, did you check the final version before it went out on the 14th of October?

Yes, we'd been back and forth with that. Did I check it as well as I should have? Probably not. Do I ever?! Probably not! Yes, I'd seen what was going on and was content to put my name to it. You know, and then Cara's name was given primacy, she's the education spokesperson.

Which our staff, obviously, and the press would have known, there's issues there that I'm continually on about and out about, you know?

Did you ever receive or are you aware of any assembly directions regarding the submission of motions and material that's contained in the motions? Are you aware of anything specific?

I probably have, but not that I recall.

Okay, and have you given any staff directions in regarding to the publication of motions on your behalf or anything?

Not directions, per se, but I mean I would collaborate with them on it, and if there was something that I was unhappy with, then my name wouldn't be on it and it would probably be redrafted to reflect what I would be happy with.

Well, just trying to be fair to the actual situation and what happened here, how do you feel about this kind of assessment? So in publishing the motion you weren't aware that the Public Accounts Committee report was under embargo until two days after the motion was published?

No.

Is that fair? Right. You've mentioned earlier, and perhaps just confirmed now, that you are aware generally of the whole inquiry into that, as it had been going for some months?

Yes.

You certainly were anticipating the findings of the report in advance of the report coming out, as it was, as you pointed out earlier, not a million miles away from the previous report.

I knew it was pending, but certainly not embargoed or that we were in breach of anything.

Okay, so certainly no intention, on your part, to publish any findings of the report in advance of any embargo date?

Absolutely not.

That's no problem. That's all, really, I need from my point of view. I think it's important just that in these kinds of circumstances that you have the opportunity to clarify anything more that you want to say about this. So go ahead.

Just, I suppose, when I saw that correspondence coming from yourself and saw there'd been a complaint received, I don't know, might this influence anything that might happen in the future? Hopefully not. I think all this is going to - this is a complaint about something else. In an exchange, in the chamber, I used terminology that I regret. I thought that's what it was about, and then I read it and then I was like, 'What?' I thought, 'Hang on a moment, I hadn't read this report, I hadn't been aware of the embargo,' and I just thought on the bigger scale of things it's a pretty, I don't know, minor infraction by us, had I even been conscious of doing something wrong. Or had I done something wrong. Might I have alluded to that earlier incident, that I thought it might have been that the complaint might have been about.

I think they're connected. I think the complaint is in some way connected by or to that incident, and had that not occurred, that the complaint may not have occurred either.

Okay, anything else?

Sorry if that's very cryptic.

No, it's okay, it'll be transcribed, and obviously when I send it to you, you can see the outcomes of the transcript and we'll go from there.

Oh, certainly, [unclear words 0:11:56.4] but I can't, do you know what I mean?

Okay, so anything else that you want, about the specific circumstances of this though? Anything else you want to say?

Not per se. Maybe just to seek a wee bit of direction or clarity here. I know that I didn't know until I was on the committee, and we were looking at different complaints, that they actually divulge that you are subject to or of a complaint is, in itself, a breach of another one of these laws.

No, and I don't think in these circumstances there's any issue there.

So I haven't even been able to - well, I'm scared stiff of that.

Well, look, that's...

I'm not saying I'm the most law-abiding person, but I'm scared of stuff like that, so I haven't even been able to sit down with ██████ upstairs, to say, 'Can we talk through how this happened?! Get our story straight.' I haven't even been able to do that.

No, that's absolutely fine, and that's right and proper, but now you've conducted your interview, then I'll get this [over speaking 0:13:09.7].

Am I able to...

Well, is there anything else you want to say about the allegation first?

Not that I can think of, no. Like I say, I was surprised by it, and confused by it. I can see where the complainant is coming from, but I mean, even then, the fact that the motion, as published, refers to an inquiry and not the report, I don't know, you could argue around it [unclear word 0:13:40.3] of it, maybe. I don't even want to go down that route, per se. If needs be, we can do this again or something like it, and I'll come with my notes!

No, that's no problem.

We can hash it out.

Look, I mean...

I just don't like wasting your time or mine.

No, I'm happy to leave it there, unless...

I'm not saying it's a waste of time, to investigate complaints, but I just haven't had or taken that much time to compile a defence yet, but, if required, I will!

Okay, well, listen, I'm sure if we need to clarify anything else you'll have the opportunity later on to do that, and I'll let you know.

Just to clarify, so am I able now to say to someone else...

Look, we'll address procedural stuff after this interview.

Okay.

At the end of this interview, okay? Happy enough?

Yes.

All right, thank you.

[END OF TRANSCRIPT



Northern Ireland
Assembly

Daily List of Motions

14 October 2025

Private Members' Business

Delivery of a Childcare Strategy

That this Assembly recognises that the commitment to delivering more affordable, accessible, high-quality early learning and childcare is an immediate priority within the Executive's Programme for Government and that the Executive has provided £80 million towards childcare support measures during the last two financial years; further recognises that many families continue to struggle with the cost of childcare alongside their other bills; acknowledges the challenges facing the childcare sector in terms of recruitment and retention; regrets the delays by the Minister of Education in bringing forward the Early Learning and Childcare Strategy; calls on the Minister of Education to commit to publishing the long-awaited Early Learning and Childcare Strategy by the end of 2025; and further calls on the Minister to commit to a Strategy that delivers high-quality, affordable childcare that meets the needs of all children, including those with special educational needs, physical disabilities, children in Irish-medium education, and those for whom English is not a first language.

**Mrs Cathy Mason
Ms Emma Sheerin
Miss Áine Murphy
Mr Pat Sheehan**

Supporting Service Leavers, Veterans and their Families

That this Assembly recognises that the transferable skills developed by many armed forces service leavers and veterans can make an important contribution to our economy and build stronger communities; believes that those serving, service leavers, veterans and their families should not face disadvantage as a result of their military service when accessing services, including healthcare, education, and housing; welcomes, in this context, the legal

duty placed on a range of public bodies in Northern Ireland to have due regard to the principles of the Armed Forces Covenant; calls on the Executive to ensure that departments meet this duty, including by appointing a departmental armed forces liaison officer; and further calls for closer collaboration between government, employers, education providers and veterans' organisations, which is essential to support the successful transition to civilian life, and in the interests of a shared and inclusive society.

Mr Paul Frew
Mr Andy Allen [R]

Cervical Screening Scandal Inquiry

That this Assembly expresses concern at the transparency, delay and slow pace of the investigations and reviews into both individual patients and the overall cervical screening scandal by the Department of Health and the Southern Health and Social Care Trust; recognises the steps taken by the Department of Health and the Southern Health and Social Care Trust regarding the recall of women for cervical screening; pays tribute to the Ladies with Letters campaigners who have fought hard for transparency in the issues that led to the underperformance of screeners and the recall of the slides of 17,500 women in the Southern Health and Social Care Trust area; acknowledges that, for some patients, the review was too late and lives were affected by this failure; and calls on the Minister of Health to establish a statutory public inquiry in order to uncover the full truth, establish accountability and ensure that such failures never arise again.

Miss Nuala McAllister
Mr Danny Donnelly
Ms Paula Bradshaw
Mrs Michelle Guy

Fairness, Transparency and Reform in School Capital Funding

That this Assembly expresses concern regarding the allocation and management of major and minor capital funding for primary and post-primary schools; notes the findings of the Public Accounts Committee's Inquiry into Managing the Schools' Estate, which identified systemic failures in governance, accountability and long-term planning; recognises that disparities in funding raise serious questions about fairness and transparency in the allocation of resources; and calls on the Minister of Education to urgently publish a comprehensive, transparent estate management strategy with clear criteria for capital investment, improved oversight of the Education Authority, and measures to ensure that funding is allocated equitably across all school sectors and communities.

Ms Cara Hunter
Mr Mark Durkan



Northern Ireland
Assembly

Provisional Order Paper

Tuesday 4 November 2025

The Assembly to sit at 10.30am.

1. Prayers
2. Members' Statements
3. Executive Committee Business

Consideration Stage: Deaths, Still-Births and Baby Loss Bill (NIA Bill 13/22-27)

Minister of Finance

Motion: The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) (No.2) Order (Northern Ireland) 2025

Proposed:

That the Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) (No.2) Order (Northern Ireland) 2025 be approved.

Minister of Justice

4. Question Time

4.1 Finance

5. Private Members' Business

Motion: Supporting Service Leavers, Veterans and their Families

Proposed:

That this Assembly recognises that the transferable skills developed by many armed forces service leavers and veterans can make an important contribution to our economy and build stronger communities; believes that those serving, service leavers, veterans and their families should not face disadvantage as a result of their military service when accessing services, including healthcare, education, and housing; welcomes, in this context, the legal duty placed on a range of public bodies in Northern Ireland to have due regard to the principles of the Armed Forces Covenant; calls on the Executive to ensure that departments meet this duty, including by appointing a departmental armed forces liaison officer; and further calls for closer collaboration between government, employers, education providers and veterans' organisations, which is essential to support the successful transition to civilian life, and in the interests of a shared and inclusive society.

Mr Paul Frew
Mr Andy Allen [R]
Mr Timothy Gaston

Motion: Fairness, Transparency and Reform in School Capital Funding

Proposed:

That this Assembly expresses concern regarding the allocation and management of major and minor capital funding for primary and post-primary schools; notes the findings of the Public Accounts Committee's Inquiry into Managing the Schools' Estate, which identified systemic failures in governance, accountability and long-term planning; recognises that disparities in funding raise serious questions about fairness and transparency in the allocation of resources; and calls on the Minister of Education to urgently publish a comprehensive, transparent estate management strategy with clear criteria for capital investment, improved oversight of the Education Authority, and measures to ensure that funding is allocated equitably across all school sectors and communities.

Ms Cara Hunter
Mr Mark Durkan

6. Adjournment

- Installing a Sensory Room in the Royal Belfast Hospital for Sick Children

Ms Cheryl Brownlee