1987 No. 206

EDUCATION

Teachers' Salaries (Maternity Absence) Regulations (Northern Ireland) 1987

Made	*28th April 1987*
Coming into operation . .	*28th May 1987*

The Department of Education in exercise of the powers conferred on it by Articles 69(1), 70(1) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(**a**) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Teachers' Salaries (Maternity Absence) Regulations (Northern Ireland) 1987 and shall come into operation on 28th May 1987.

Revocation

2. The Teachers' Salaries (Maternity Absence) Regulations (Northern Ireland) 1980(**b**) are hereby revoked.

Interpretation

3. In these regulations—

"the Act of 1975" means the Social Security (Northern Ireland) Act 1975(**c**);

"employing authority" means a board or, in the case of a school which is not under the management of a board, the managers of that school;

"full-time teacher" means a teacher (including a peripatetic teacher or a supply teacher) in respect of whose employment an agreement is required under Article 70(3) of the Order and a temporary teacher who is paid salary under the salaries regulations as though she was employed in a permanent capacity;

"institution" means an institution of further education which is grant-aided by the Department and in which a board provides facilities for further education;

"the Order" means the Education and Libraries (Northern Ireland) Order 1986;

"part-time teacher" means a teacher who teaches for at least 10 hours per week and who under the salaries regulations for such teaching is paid

(a) S.I. 1986/594 (N.I. 3) as amended by S.I. 1987/167 (N.I. 2) Art. 8
(b) S.R. 1980 No. 306
(c) 1975 c. 15

as a part-time teacher the proportion (corresponding to the hours spent by her on teaching duties) of annual salary which would have been paid to her if she were a full-time teacher;

"salaries regulations" means the Teachers' Salaries Regulations (Northern Ireland) 1984(**a**) or the Further Education Teachers' Salaries Regulations (Northern Ireland) 1985(**b**);

"salary" means the salary and allowances (other than an allowance paid under Regulation 21 of the Teachers' Salaries Regulations (Northern Ireland) 1984 or Regulation 10 of the Further Education Teachers' Salaries Regulations (Northern Ireland) 1985) which are payable under the salaries regulations;

"school" means a grant-aided school;

"the Social Security Order" means the Social Security (Northern Ireland) Order 1986(**c**);

"teacher" means a teacher employed in a school or institution or a teacher employed by a board as a peripatetic teacher or a supply teacher.

Commencement and duration of absence

4.—(1) Subject to the provisions of paragraphs (2) and (3) and regulation 5, a full-time teacher or a part-time teacher may, because of her pregnancy and anticipated childbirth, be permitted to be absent from her teaching duties for a period commencing not earlier than the beginning of the eleventh week before the week in which her confinement is expected to take place and ending not later than the expiration of the eighteenth week after the commencement of such period of absence.

(2) A teacher mentioned in paragraph (1) may continue to attend to her teaching duties after the beginning of the eleventh week before the beginning of the week in which her confinement is expected to take place but shall not continue to attend to her teaching duties if she is certified unfit on medical grounds so to do.

(3) For the purpose of calculating a period of permitted absence:

(*a*) the period of absence shall be continuous and shall commence not later than the date of confinement;

(*b*) teaching duties shall be considered as being capable of performance during any part of a year whether the school or institution is in operation or not and during any period when the school or institution is not in operation a teacher shall be considered to be absent from her teaching duties; and

(*c*) during any period when a peripatetic or supply teacher is not required to perform teaching duties she shall be considered to be absent from her teaching duties.

(4) For the purpose of this regulation and regulation 6, a week shall be taken as the period of 7 days beginning on a Sunday and ending on the following Saturday.

(a) S.R. 1984 No. 350 as amended by S.R. 1986 No. 81 and S.R. 1986 No. 165
(b) S.R. 1985 No. 304 as amended by S.R. 1986 No. 38 and S.R. 1986 No. 280
(c) S.I. 1986/1888 (N.I. 18)

Notice to be given by a teacher

5.—(1) A teacher—

(*a*) who because of pregnancy and anticipated childbirth wishes to be absent from her teaching duties; and

(*b*) who immediately prior to the commencement of that absence will have served in the United Kingdom as a full-time teacher for a period of not less than one year or as a part-time teacher for a period of not less than 2 years;

shall not less than 14 weeks, or such later date as her employing authority may agree to accept before the date of her expected confinement, give notice in writing to her employing authority of her intention to absent herself from her teaching duties.

(2) The period of service required by paragraph (1)(*b*) for a full-time teacher shall be continuous service and shall include a period of not less than 3 months service in Northern Ireland immediately before the date of the commencement of the proposed absence.

(3) The period of service required by paragraph (1)(*b*) for a part-time teacher shall be continuous service and shall include a period of not less than 6 months service in Northern Ireland immediately before the date of the commencement of the proposed absence.

(4) A teacher mentioned in paragraph (1) who has given notice in accordance with the provision of that paragraph shall on a form supplied by the Department for that purpose also give notice to her employing authority not less than 3 weeks before the date of the commencement of her proposed absence, or if this is not reasonably practicable as soon as shall be reasonably practicable, of the date upon which she wishes her intended absence to commence and of whether she wishes to exercise her right to return to work at the conclusion of the period of such absence.

(5) For the purpose of this regulation and of paragraphs (1) and (4) of regulation 10, a teacher shall be considered to be employed as a full-time teacher or as a part-time teacher for any period during which, while employed as a teacher, she attends a course of study or a course of training which has been approved by the Department.

Additional benefits for teachers with longer service

6.—(1) A teacher who has absented herself from teaching duties under the provisions of regulation 4 and who, at the beginning of the eleventh week before the week in which her confinement is expected to take place, has served either as a full-time teacher for a continuous period of not less than 2 years before that date or as a part-time teacher for a continuous period of not less than 4 years before that date may be absent from her teaching duties for a period not exceeding twenty-nine weeks commencing the beginning of the week in which her confinement takes place.

(2) A teacher mentioned in paragraph (1) shall, not less than 7 days before the date on which she intends to return to her teaching duties, give notice in writing to her employing authority of her intention to return to such duties after her confinement.