1981 No. 138

EDUCATION

Institutions of Further Education Salaries Regulations (Northern Ireland) 1981

Made	*30th April 1981*
Coming into operation . . .	*28th May 1981*

ARRANGEMENT OF REGULATIONS

PRELIMINARY

1 Citation and commencement
2 Revocation
3 Interpretation
4 Application

PLACING OF TEACHERS ON THE SALARY SCALES

5 Salary scales and salary ranges
6 Placing on scales
7 Group of institution and grading of department
8 Additional qualifications or approved courses
9 Re-assessment of salary following incorrect placing

ALLOWANCES

10 Acting principal, vice-principal, head of department
11 Head of department
12 Lecturer grade I

INCREMENTS

13 Award of increments

PROTECTIONS AND SPECIAL PROVISIONS

14-15 Protections
16 Discretionary provision for principal and vice-principal
17 Salaries in certain plural posts

ABSENCES OF TEACHERS

18 Interpretation
19 Absence due to illness
20 Absence with salary for other causes
21 Leave with or without salary in certain other instances
22 Credit for periods of absence

MISCELLANEOUS

23 Payment of temporary teachers
24 Payment of unqualified teachers
25 Payment of part-time teachers
26 Payment for additional teaching duties
27 Safeguarding of salaries

The Department(**a**) of Education, in exercise of the powers conferred on it by Articles 57(1) and (4) and 125(1) of the Education and Libraries (Northern Ireland) Order 1972(**b**), and by section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(**c**) and of every other power enabling it in that behalf hereby makes the following regulations:

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Institutions of Further Education Salaries Regulations (Northern Ireland) 1981 and shall come into operation on 28th May 1981 and shall have effect on and from 1st April 1981.

Revocation

2. The regulations set out in Schedule 4 are hereby revoked.

Interpretation

3.—(1) In these regulations

"approved" means approved by the Department for the purposes of the context;

"board" means an education and library board established under Article 3 of the Order;

"the Department" means the Department of Education;

"incremental point" means the rate of salary related to any of the points on the scales shown in Schedule 1;

"the Order" means the Education and Libraries (Northern Ireland) Order 1972;

"qualified teacher" means a teacher who has been granted recognition under the Further Education General Regulations (Northern Ireland) 1973(**d**);

"reorganisation allowance" means a reorganisation allowance payable under the Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976(**e**) or the Institutions of Further Education Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976(**f**) or any regulations superseding those regulations;

"senior post" means a post of lecturer grade II, senior lecturer, principal lecturer, head of department or vice-principal;

"temporary teacher" means a full-time teacher in respect of whose employment an agreement is not required under Article 58 of the Order;

"unqualified teacher" means a teacher who is not a qualified teacher;

(**a**) Formerly Ministry: *see* Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1)
(**b**) S.I. 1972/1263 (N.I. 12); a new Article 57 was substituted by Article 9 of S.I. 1980/1958 (N.I. 16)
(**c**) 1962 c. 7 (N.I.)
(**d**) S.R. & O. (N.I.) 1973 No. 429 as amended by S.R. 1974 No. 108
(**e**) S.R. 1976 No. 237
(**f**) S.R. 1976 No. 236

"working day" means a day on which an institution of further education is in operation or such other day as the Department may determine to be a working day for the purposes of these regulations;

"1974 Salaries Regulations" means the Institutions of Further Education (Salaries and Allowances) Regulations (Northern Ireland) 1974(**a**);

"1975 Salaries Regulations" means the Institutions of Further Education Salaries Regulations (Northern Ireland) 1975(**b**);

"1976 Salaries Regulations" means the Institutions of Further Education Salaries Regulations (Northern Ireland) 1976(**c**).

(2) In these regulations, except where otherwise provided—

"salary" shall not include any allowance under regulation 10, 11 or 12, or any payment under regulation 26(3) or a reorganisation allowance;

"teacher" means a full-time qualified teacher; and

the rates indicated for salaries, allowances and increments are rates per annum.

(3) Other expressions which have meanings assigned to them by the Further Education General Regulations (Northern Ireland) 1973 shall have the same respective meanings for the purposes of these regulations.

Application

4. These regulations shall apply only to teachers employed in institutions of further education, being institutions in respect of which regulations may be made under Article 57(1) of the Order.

PLACING OF TEACHERS ON THE SALARY SCALES

Salary scales and salary ranges

5. The ranges of salary relating to principals and vice-principals and the scales of salary for lecturers and heads of department shall be those set out in Schedule 1.

Placing on scales

6. A teacher shall be placed on the appropriate salary scale in accordance with the provisions of Schedule 2 and Part II of that Schedule shall apply to a teacher who does not come within the provisions of Part I of the Schedule.

Group of institution and grading of department

7. The group of any institution of further education for the purpose of placing the principal and vice-principal within the appropriate salary range in Schedule 1 and the grade of any department of an institution of further education for the purpose of placing a head of department on the appropriate salary scale in Schedule 1 shall be determined by the Department.

Additional qualifications or approved courses

8.—(1) A lecturer grade I who on or after 1st April 1981 for the first time obtains a qualification or successfully completes a course of training for which an addition would be awarded under sub-paragraph (1), (2) or (3) of paragraph 4 of Part II of Schedule 2 were the teacher being placed under those provisions shall, subject to the provisions of paragraph (2), be paid the same addition, as appropriate, to his salary from the date of obtaining the qualification or successful completion of the course subject to the maximum of the lecturer grade I scale not being exceeded.

(**a**) S.R. 1974 No. 134 as amended by S.R. 1974 No. 139; S.R. 1974 No. 220 and S.R. 1974 No. 294

(**b**) S.R. 1975 No. 72 as amended by S.R. 1975 No. 236

(**c**) S.R. 1976 No. 141 as amended by S.R. 1977 No. 141; S.R. 1978 No. 153; S.R. 1979 No. 297; S.R. 1980 No. 20; S.R. 1980 No. 79; S.R. 1980 No. 220; S.R. 1980 No. 298 and S.R. 1980 No. 387

(2) The number of increments which a lecturer grade I may receive under the provisions of sub-paragraphs (1) and (2) of paragraph 4 of Part II of Schedule 2 and as an addition payable under this regulation for qualifications covered by the said sub-paragraphs (1) and (2) shall not exceed a total of four increments.

Re-assessment of salary following incorrect placing

9.—(1) Where a teacher's placing on a salary scale is incorrect and a re-assessment of his salary indicates that the rate of salary is to be increased, the revised rate shall come into operation from a date not earlier than 1st April 1981 unless determined otherwise by the Department.

(2) For the purposes of this regulation "salary" includes any allowances properly payable to the teacher under the provisions of the regulations which from time to time govern the salaries of teachers.

ALLOWANCES

Acting principal, vice-principal, head of department

10. Where a post of principal, vice-principal or head of department is vacant or in the prolonged absence of the holder of such a post and the Department has approved the appointment of a teacher to the appropriate post in an acting capacity, the teacher may be paid an allowance of such amount as is necessary to ensure that during the period for which the teacher is to be paid the allowance he receives the same rate of salary as he would receive if he had been appointed to the particular post.

Head of department

11.—(1) Where a head of department is appointed by a board with the approval of the Department to discharge the duties and responsibilities of a vice-principal, he shall receive, in addition to the salary otherwise payable to him, such allowance not exceeding £1,155 per annum as the Department may determine after consultation with the board.

(2) Where, in an institution of further education in group 5 or higher, departments are grouped into a faculty and a head of department, other than one to whom paragraph (1) applies, exercises co-ordinating responsibilities within the faculty, he may receive, in addition to the salary otherwise payable to him, such allowance not exceeding £1,026 per annum as the Department may determine after consultation with the board.

Lecturer grade I

12. An allowance payable under the provision of regulation 14(1) of the 1974 Salaries Regulations to a lecturer grade I which is still in payment at 31st March 1981 may be continued so long as the lecturer remains in post and carries out the responsibilities which justified the allowance, and such allowance shall be increased to £405 per annum.

INCREMENTS

Award of increments

13.—(1) After a teacher's rate of salary has been determined increments on the scale shall, subject to the Department's approval and the provisions of this regulation, be granted.

(2) A teacher's normal incremental date shall fall on the first day of a calendar month.

(3) A teacher on any of the salary scales set out in Schedule 1 who has no previous service or experience at the date of his appointment shall, subject to satisfactory continuous full-time service, qualify in the following year for the award of his first

increment on the first of the month corresponding to that in which he was appointed, provided that at that date his service amounts to at least 11 months and 15 days, but if at that date his service amounts to 11 months and a lesser number of days than 15, the increment will normally become due on the first day of the following month.

(4) Where a teacher is placed or replaced on any of the salary scales set out in Schedule 1 and for this purpose his past service and experience is assessed under Schedule 2 the date on which the next complete year of service would be attained shall be calculated and if the following day falls on any of the first 15 days of the month his increment shall be awarded from the first day of that month but otherwise from the first day of the following month subject to satisfactory continuous full-time service in the meantime.

(5) Where the aggregate of any periods of absence without pay of a teacher from his teaching post in a period of twelve months terminating on his normal incremental date—

(*a*) amounts to 15 days or less it shall be counted as teaching service for the purpose of the award of increments; or

(*b*) amounts to more than 15 days but less than 30 days the teacher's incremental date shall be retarded by one month; or

(*c*) amounts to 30 days or more the teacher's incremental date shall be retarded by one month for each complete period of 30 days and by a further month where the residue of the period amounts to more than 15 days but less than 30 days.

(6) An increment may at any time be withheld if a teacher's service is considered by the Department to be unsatisfactory.

(7) If an increment is withheld at any incremental date or at any two or more successive incremental dates and if, at the next following incremental date, the teacher's service is considered by the Department to have reached a satisfactory standard he may be allowed two increments (instead of one increment) on the appropriate scale.

Protections and Special Provisions

Protections

14. Where as a result of a determination under regulation 7 an institution of further education is placed in a group lower than that previously applicable the principal and vice-principal of the institution in service immediately before the institution was placed in a lower group and continuing in post shall receive—

(*a*) an annual salary determined by the Department from the appropriate range of salaries in the group immediately above the lower group for as long as the institution remains in the lower group and, where required,

(*b*) a personal allowance of such amount as may be necessary to ensure that the principal and vice-principal each receive the same rate of salary as was applicable before the determination.

15.—(1) Where as a result of a determination under regulation 7 a department is placed in a grade lower than that previously applicable a head of department who was in post at that time and continuing in the same post shall receive—

(*a*) salary on the scale applicable to the grade immediately above the lower grade for so long as the department remains in that lower grade and, where required,

(*b*) a personal allowance of such amount as may be necessary to ensure that he receives the same rate of salary as was applicable to him before the determination.