1979 No. 245

EDUCATION

Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1979

Made	3*rd July* 1979
Coming into operation	30*th July* 1979

The Department(a) of Education in pursuance of the powers vested in it by Articles 57 and 125 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 all other powers enabling it in that behalf and after consultation with the Department(a) of Finance hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1979 and shall come into operation on 30th July 1979 and except where otherwise provided shall have effect from 1st April 1979.

Amendment of regulations

2. The Teachers' Salaries Regulations (Northern Ireland) 1978(d) (hereinafter referred to as "the Principal Regulations") are hereby amended in accordance with the following provisions of these regulations and references in these regulations to a numbered regulation or schedule are references to the regulation or schedule so numbered in the Principal Regulations.

Salary scales

3. For any reference in the Principal Regulations to Schedule 1, there shall be substituted a reference to the Schedule set out in Annex A to these regulations as Schedule 1.

Teachers appointed to a post on any of the scales 2 *to* 4 *or as senior teachers*

4. With effect from 1st August 1979, in regulation 8—

(*a*) in paragraph (1) the words "provided however that" where they occur after the word "teacher" are hereby revoked;

(*b*) paragraph (1)(*a*) and in paragraph (1)(*b*) the words "Part II of" and "in secondary schools" are hereby revoked;

(*c*) paragraph (1)(*b*) shall be re-numbered (2) and paragraph (2) shall be re-numbered (3).

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) S.I. 1972/1263 (N.I. 12)
(c) 1962 c. 7 (N.I.)
(d) S.R. 1978 No. 129

Salary protection for certain teachers

5.—(1) For regulation 10(2) there shall be substituted:

"(2)(*a*) Where a vice-principal or a second vice-principal has been appointed to a school under the provisions of regulation 13(1) and the points category of the school has subsequently fallen below 151 in the case of the vice-principal or has fallen below 2701 in the case of the second vice-principal, such teacher shall, subject to the provisions of paragraphs (3), (4) and (5), have his salary safeguarded and shall, for any period during which the points category remains below 151 or 2701 as the case may be, be paid on the scale on which he was receiving salary as vice-principal or second vice-principal provided he continues to be employed as a teacher in the same school;

(*b*) Where a second master or second mistress has been appointed to a school under the provisions of regulation 14 and the points category in the case of a primary or secondary school falls below 1001 or the group in the case of a special school falls below 7(S) such teacher shall, subject to the provisions of paragraphs (3), (4) and (5), have his salary safeguarded and shall for any period during which the points category remains below 1001 or the school group remains below 7(S), continue to be paid on the scale on which salary was received as a second master/mistress provided he continues to be employed as a teacher in the same school.".

(2) After paragraph (4) of regulation 10 the following paragraph shall be added:

"(5) A principal, vice-principal or second master/mistress whose salary is safeguarded under paragraph (1) or (2) and who is subsequently appointed as a teacher in a school in a higher points category or school group shall, if the points category or group of the school to which he has been appointed is lower than that of the school in which he is serving as it was immediately prior to the date on which he became entitled to safeguarding under paragraph (1) or (2), be deemed for the purposes of paragraph (1) or (2) to be continuing in employment in the school where he had his salary safeguarded and shall continue to have his salary safeguarded in his new appointment.".

Principals: Additional provisions relating to scales and allowances

6. In regulation 11(2) for "£243" there shall be substituted "£264".

Points category

7. For regulation 18(1) there shall be substituted:

"**18.**—(1) The points category for the purposes of Parts II and III of Schedule 1 and for Schedule 4 shall—

(*a*) for the period 1st April 1979 to 31st July 1979 inclusive:
be determined by reference to the points average for the triennial period 1st August 1976 to 31st July 1979;

(*b*) for the period 1st August 1979 to 31st July 1982 inclusive:
be determined by reference to the points average for the triennial period 1st August 1979 to 31st July 1982.".

Scale scores

8. For regulation 19(1)(*a*) there shall be substituted:

"**19.**—(1)(*a*) Subject to the provisions of sub-paragraph (*b*) and of regulation 22—

(i) a scale score shall be allocated to each primary and secondary school and shall be the scale score set out in Schedule 4 related to the points category of the school. The scale score for secondary schools shall be the sum of scale score I and scale score II;

(ii) where the points category determined for a school under the provisions of regulation 18 for the triennial period commencing on 1st August 1979 is lower than the points category that applied to that school for the immediately preceding period, then the scale score as determined under sub-paragraph (*a*)(i) for the said triennial period shall, for the year 1st August 1979 to 31st July 1980 only, be increased by one half of the excess of the scale score that applied immediately prior to 1st August 1979 over the scale score for the triennium commencing on 1st August 1979, any resulting fraction being rounded up to the next scale score point.".

Salaries of peripatetic and supply teachers

9. With effect from 1st September 1979—

(*a*) in regulation 23(1) for "for assistant teachers, other than for vice-principals and second masters/mistresses" there shall be substituted "2, 3, 4 and the senior teachers scale";

(*b*) for regulations 23(2) and 23(3) there shall be substituted:

"(2) A qualified peripatetic or supply teacher in receipt of the allowance of £441 for teachers of handicapped pupils who is promoted to scale 2 with effect from 1st September 1979, shall, where his rate of salary on scale 2 is less than the aggregate of the rate he would have received had he continued to be paid on scale 1 and the said allowance of £441, be entitled to receive an additional allowance equal to the difference.".

Allowances for teachers of handicapped pupils

10. In regulations 23(2), 25(1) and 25(2) for "£405" there shall be substituted "£441".

Unqualified teachers

11.—(1) In regulation 33 for "£2,250" there shall be substituted "£2,451".

(2) In regulation 34(1) for "£2,964" there shall be substituted "£3,231".

Payment of temporary teachers

12. In regulation 35 for "1/200th" where this occurs in paragraphs (1) and (3) there shall be substituted "1/190th".

Payment of part-time teachers

13.—(1) In regulation 36(1) for the rates per hour of "£3-79", "£3-14" and "£2-60" there shall be substituted "£4-13", "£3-42" and "£2-83" respectively.

(2) After regulation 36(2) the following paragraph shall be added:

"(3) For the purposes of this regulation a part-time teacher with qualifications acceptable to the Department may be deemed to be a qualified part-time teacher although such qualifications need not necessarily be acceptable for recognition as a qualified teacher were he employed in a full-time capacity.".

Re-assessment of salary following incorrect placing

14. In paragraph (1) of regulation 37 for "1st April 1978" there shall be substituted "1st April 1979".

Schedule 2: *Transfer to salary scales at 1st April* 1979

15. For Part I of Schedule 2 there shall be substituted:

"PART I Regulations 6 and 38

Placing of teachers on the salary scales
Transfer to Salary Scales applicable from 1st April 1979

1. Subject to the provisions of paragraphs 2 and 3, a teacher who was in full-time service in a recognised school on 1st April 1979 and who as from that date is entitled to receive salary on a scale corresponding to one on which he was placed on 31st March 1979 shall be placed on 1st April 1979 on the appropriate scale set out in Schedule 1 at the point on the scale corresponding to that at which he would have received salary had the scale of salary in operation on 31st March 1979 continued to apply.

2. A teacher to whom paragraph 2 of Part I of Schedule 4 to the 1976 Salaries Regulations applies and who at 31st March 1979—

(*a*) in the case of a teacher in a primary or secondary school was placed one increment above the maximum of scale 2, shall be placed as from 1st April 1979 above the maximum of scale 2 as set out in Schedule 1 at a rate of salary of £5,838;

(*b*) in the case of a teacher in a special school was placed one increment above the maximum of scale 2(S), shall be placed as from 1st April 1979 above the maximum of scale 2(S) as set out in Schedule 1 at the rate of salary of £6,276.

3. A teacher who immediately prior to 1st April 1979 was in receipt of salary in excess of the maximum of the scale applicable to him and who continues on the same scale shall be paid in respect of any service on the same scale given on or after 1st April 1979 the rate per annum by which the said salary exceeded that maximum, in addition to the maximum of the scale set out in Schedule 1."

Schedule 2: *Rounding up to incremental point*

16. For paragraph 1 of Part II of Schedule 2 there shall be substituted:

"**1.** Where a teacher (other than a teacher being placed on a scale at 1st April 1979 under the transfer arrangements provided in Part I) has his rate of salary determined as provided in this Part and such rate is not an exact incremental point, it shall be rounded up to the next incremental point above the said rate and he shall be placed on the appropriate scale at this incremental point.".

Schedule 2: *Provisions affecting salary placing*

17. In Part II of Schedule 2—

(*a*) for "1st April 1978" where this occurs there shall be substituted "1st April 1979";

(*b*) in paragraph 2(*b*) after the words "1976 Salaries Regulations" there shall be inserted "or on the scales which applied to 31st March 1979 under the Principal Regulations";

(*c*) in paragraphs 9(2) and (3) for "£405" there shall be substituted "£441".

Schedule 2: Credit for unremunerated activities and post qualified remunerated experience

18. After paragraph 3 of Part II of Schedule 2 there shall be added:

"**3A.**—(1) With effect from 1st January 1980, and subject to the provisions of sub-paragraphs (2) to (5), a teacher who claims incremental credit for a period of unremunerated activities after the age of 18 years and/or post qualified remunerated experience after that age which would not otherwise be reckonable for incremental credit, shall be awarded incremental credit in respect of such activity or experience on the basis of one increment for each completed period of 3 years up to a maximum of 5 increments and shall have his rate of salary recalculated in the manner prescribed in whichever of paragraphs 4, 7(*b*) or 9(2) of this Part refers to the scale on which he is paid at that date;

(2) the first 3 years of full-time study, training or research after the age of 18 years shall not be counted for the purposes of calculation of incremental credit under the provisions of sub-paragraph (1);

(3) any incremental credit allowable under the provisions of sub-paragraph (1) in respect of claims lodged by teachers before 1st April 1980 shall be granted with effect from 1st January 1980 where the teacher is in full-time teaching service at that date, or from the date of taking up full-time teaching if subsequent to that date;

(4) where a teacher who had full-time service in a primary or secondary school at any time during the period from 1st January 1980 to 31st March 1980 inclusive claims incremental credit under the provisions of sub-paragraph (1) on or after 1st April 1980, any such credit which may be given shall be allowed only from the first day of the month following the submission of the claim, and in the case of any teacher appointed in a full-time capacity subsequent to 31st March 1980, any such credit which may be given shall only be allowed from the first day of the month following the submission of the claim unless it has been submitted within 3 months of taking up duty when it may be allowed from the date of taking up duty;

(5) where the activities or experience claimed under the provisions of sub-paragraph (1) is considered to be such as not to justify incremental credit, the Department after consultation with the employing authority, shall decide whether or not such credit shall be given.".

Schedule 4: Scale scores

19. With effect from 1st August 1979—

(1) For columns (3) and (4) of Part I of Schedule 4 there shall be substituted: