1974. No. 134 [C]

EDUCATION

Institutions of Further Education: Teachers' Salaries and Allowances

REGULATIONS, DATED 19TH JUNE 1974, MADE BY THE DEPARTMENT OF EDUCATION UNDER THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972.

ARRANGEMENT OF REGULATIONS

INTRODUCTION

1 Citation and commencement
2 Regulations revoked
3 Definitions
4 Application
5 Establishment and grading

SALARIES AND INCREMENTS

6-7 Salary scales and scale placing
8 Re-assessment of salary following incorrect placing
9 Rate of salary
10 Award of increments
11 Adjustment of incremental dates

ALLOWANCES

12 Acting principal, vice-principal, head of department
13 Head of department
14 Additional allowances
15 Teachers in receipt of compensation allowances
16 Allowances for evening work

PROTECTIONS AND SPECIAL PROVISIONS

17 Protections
18 Discretionary scales
19 Salaries in certain institutions
20 Salaries in certain plural posts

ABSENCES OF TEACHERS

21 Definitions
22 Absence due to illness
23 Absence for other causes
24 Leave for other purposes
25 Credit for periods of absence

MISCELLANEOUS

26 Remuneration of temporary teachers
27 Remuneration of unqualified teachers
28 Remuneration of part-time teachers
29 Expenses
30 Safeguarding of salaries

The Department of Education, hereinafter referred to as "the Department", in pursuance of the powers vested in it by Articles 57 and 125 of the Education and Libraries (Northern Ireland) Order 1972(a), hereinafter referred to as "the Order", and by section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(b) and of all other powers enabling it in that behalf and after consultation with the Department of Finance, hereby makes the following Regulations:—

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Institutions of Further Education (Salaries and Allowances) Regulations (Northern Ireland) 1974 and shall be deemed to have come into operation on 1st April 1974.

Regulations revoked

2. The following Regulations are hereby revoked:

the Institutions of Further Education (Salaries and Allowances) Regulations (Northern Ireland) 1972(c).

Definitions

3.—(1) In these Regulations—

(*a*) "approved" means approved by the Department for the purposes of the context;

"assistant lecturer" means a qualified teacher who does not hold a senior post or a post as a principal;

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

"compensation allowance" means a compensation allowance payable under the Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1972(d) or the Institutions of Further Education: Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1972(e) or any Regulations superseding these Regulations;

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

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

"senior post" means a post of lecturer grade I, 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;

"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;

(a) S.I. 1972, No. 1263 (N.I. 12).
(b) 1962. c. 7.
(c) S.R. & O. (N.I.) 1972, No. 211; 1973, No. 282; 1973, No. 479.
(d) S.R. & O. (N.I.) 1972, No. 31; 1972, No. 93.
(e) S.R. & O. (N.I.) 1972, No. 279.
(f) S.R. & O. (N.I.) 1973, No. 429.

(*b*) 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.

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

(*a*) "allowance" means an allowance payable under these Regulations;

(*b*) "salary", except where otherwise provided, shall not include any allowances payable under Regulations 12, 13, 14 and 16 or a compensation allowance; and

(*c*) the rates indicated for salaries, allowances and increments are rates per annum.

Application

4.—(1) These Regulations shall apply only to teachers employed in recognised institutions of further education.

(2) In the Regulations which follow, except where otherwise indicated "teacher" means a full-time qualified teacher.

Establishment and grading

5. The establishment of senior posts, the group of any institution of further education and the grade of any department in an institution shall in accordance with approved arrangements be determined or reviewed by the board in whose area the institution is situated.

SALARIES AND INCREMENTS

Salary scales and scale placing

6.—(1) The scales of salaries for teachers shall be those set out in Schedule 1.

(2) A teacher who has completed a total period of 5 years on the assistant lecturer scale, while continuing to be classified as an assistant lecturer for the purposes of Regulation 5, shall however be transferred to the lecturer grade I scale and shall be placed on that scale in accordance with the provisions of paragraph 2 of Schedule 2 but shall not proceed beyond the penultimate point of that scale.

7.—(1) Subject to the provisions of paragraph (2) a teacher who on 1st April 1974 was in teaching service in an institution of further education (and had been immediately before that date) shall from that date enter the scale prescribed in Schedule 1 corresponding to his scale under the Regulations in force immediately before that date, at the corresponding position on the scale, subject to the maximum of the scale not being exceeded.

(2) A lecturer grade I appointed between 25th February 1972 and 31st March 1973 on application by the teacher to the board by which he is employed within a period of six months from the date of these Regulations, shall with effect from 1st April 1974 have his salary recalculated as though he had been appointed lecturer grade I on 1st April 1973 and shall then be placed on the scale from 1st April 1974 under paragraph (1) above if this results in a higher salary placing.

(3) A teacher who on or after 1st April 1974 is reappointed in the same capacity in which he was employed at any time between 1st April 1971 and 31st March 1974 shall enter the appropriate scale set out in Schedule 1 from the date of reappointment—

(*a*) at the position corresponding to that applicable to him at the date of leaving the former post; or

(*b*) at the salary determined under Schedule 2,

whichever is the higher.

(4) Teachers other than those to whom the foregoing paragraphs of this Regulation apply shall be placed on the appropriate salary scale in accordance with the provisions of Schedule 2.

(5) An assistant lecturer or lecturer grade I who after 1st April 1974 for the first time obtains a qualification or successfully completes a course of training for which an addition would be awarded under sub-paragraphs (1), (2) or (3) of paragraph 1 of Schedule 2 were the teacher being placed under those provisions shall 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 appropriate scale not being exceeded, provided however that the number of increments which a teacher may receive under the provisions of sub-paragraphs (1) and (2) of paragraph 1 of Schedule 2 and as an addition payable under this sub-paragraph 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

8.—(1) Where evidence becomes available that a teacher's placing on the salary scales is incorrect and a re-assessment of his salary is carried out with the result that the rate of salary is to be increased, the revised rate shall come into operation from a date not earlier than 1st April 1974:

Provided that the Department may determine otherwise where it is satisfied that the need for re-assessment did not arise because of the teacher's failure to supply in writing for the purpose of determination of his rate of salary and allowances under the provisions of the Regulations which from time to time governed the salaries of teachers in institutions of further education, full and correct information—

(*a*) when the initial assessment was made or within three months thereafter; or

(*b*) at a time when the teacher was replaced for salary purposes following a general revision of teachers' salaries and allowances or within three months thereafter; or

(*c*) at the time of a re-assessment following a break in service or within three months thereafter.

(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 governed the salaries of teachers.

Rate of salary

9. When a teacher's salary has been determined as provided elsewhere in these Regulations, the amount thus determined shall where necessary be rounded to the nearest whole pound, an amount of 50p being rounded up.

Award of increments

10. After a teacher's rate of salary has been determined subsequent increments in the scale shall be granted in accordance with approved arrangements:

Provided that—

(*a*) the Department may at any time withhold an increment or require it to be withheld if a teacher's service, in the judgement of the Department, does not reach a satisfactory standard;

(*b*) 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 has, in the judgement of the Department reached a satisfactory standard he may, at the discretion of the Department, be allowed two increments (instead of one increment) in the appropriate scale;

(*c*) a teacher's normal incremental date shall fall on the first day of a calendar month;

(*d*) a teacher appointed on any of the salary scales set out in Schedule 1 who has no previous service or experience at the date of 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;

(*e*) 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;

(*f*) 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—

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

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

(iii) 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.

Adjustment of incremental dates

11. A teacher in service on 1st April 1973 or appointed after that date and before 1st April 1974 whose incremental date is not already on the first day of a month shall have his normal incremental date advanced to the first day of the month in which his increment would normally become due.

ALLOWANCES

Acting principal, vice-principal, head of department

12. If a post of principal, vice-principal or head of department is vacant or in the prolonged absence of the holder of such a post the Department may approve the appointment of a teacher to the appropriate post in an acting capacity and the teacher shall be paid an allowance of such amount as the Department may determine: