1976 No. 236

EDUCATION

Institutions of Further Education Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976

Made . . . . . *6th August* 1976

Coming into operation . . *1st September* 1976

The Department(a) of Education (hereinafter referred to as "the Department") in exercise of the powers conferred on it by Articles 57 and 125 of the Education and Libraries (Northern Ireland) Order 1972(b) (hereinafter referred to as "the Order") 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 Institutions of Further Education Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976 and shall come into operation on 1st September 1976.

Interpretation

2.—(1) In these regulations—

"actual salary" has the meaning assigned to it by regulation 5(3);

"allowance" means an allowance payable under the salaries regulations to a head of department or to a lecturer grade 1 and any acting allowance to which the teacher was entitled for a continuous period of not less than 2 years immediately before the date of reorganisation but shall not include an allowance for evening work;

"the appropriate date" has the meaning assigned to it by regulation 4(3);

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

"comparable post" has the meaning assigned to it by regulation 7(1);

"the date of reorganisation" has the meaning assigned to it by regulation 4(3);

"institution" means any place grant aided by the Department in which a board provides facilities for further education, including a place used only for part-time classes;

"notional salary" has the meaning assigned to it by regulation 5(2);

"reorganisation" means rearrangement of educational facilities carried out with the approval of the Department by a board;

"salaries regulations" means the Institutions of Further Education Salaries Regulations (Northern Ireland) 1976(c);

"salary" means salary on the appropriate scale in the salaries regulations;

"school" means a grant-aided school not being a technical intermediate school;

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) S.I. 1972/1263 (N.I. 12)
(c) S.R. 1976 No. 141

"special class or special schools allowance" means an allowance for teachers of handicapped pupils payable under the Teachers' Salaries Regulations (Northern Ireland) 1976(d);

"the superseded regulations" means the Institutions of Further Education: Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1972(e);

"teacher" means a person who at the date of reorganisation was employed as a full-time teacher (other than a temporary teacher) in an institution.

(2) Other expressions which have meanings assigned to them by the salaries regulations shall have the same respective meanings for the purposes of these regulations.

Reorganisation allowance

3. Where a teacher suffers a reduction in the rate of his salary or allowance (whether or not such reduction follows upon a change of employment), and the Department is satisfied that such reduction has been directly caused by reorganisation he shall, while he is in such employment as is described in regulation 5(3) and subject to and in accordance with these regulations, be paid an allowance to be known as a reorganisation allowance.

Application

4.—(1) A teacher who suffers a reduction in the rate of his salary or allowance may within one year from the appropriate date as defined in paragraph (3) or within such longer period as the Department may determine, apply to the Department for a reorganisation allowance.

(2) Where a board certifies to the Department that a reduction in the rate of salary or allowance of a teacher employed by that board has been directly caused by movement of population by reason of a slum clearance scheme, redevelopment scheme, or the execution or proposed execution of any works in the exercise of statutory powers or by reason of such other exceptional circumstances as the Board with the approval of the Department shall consider proper, the Department may, for the purposes of regulation 3 and of any application under paragraph (1), deem such reduction to have been directly caused by reorganisation.

(3) Where on application being made to it in accordance with paragraph (1) the Department is satisfied that a teacher has suffered a reduction in the rate of his salary or allowance as a direct result of reorganisation it shall determine the date (in these regulations referred to as "the date of reorganisation") on which such reorganisation took place and the date (in these regulations referred to as "the appropriate date") on which the reduction in the rate of the salary or allowance of that teacher took place.

Calculation of reorganisation allowance

5.—(1) Subject to paragraph (4) the rate of reorganisation allowance payable in respect of any period to a teacher shall be the amount by which his notional salary as defined in paragraph (2) in respect of that period exceeds his actual salary as defined in paragraph (3) in respect of that period.

(d) S.R. 1976 No. 128
(e) S.R. & O. (N.I.) 1972 No. 279 (p. 1466)

(2) In paragraph (1) "notional salary" means the rates of salary and allowance which a teacher would have received from time to time if he had continued to be employed in the post which he held immediately before the date of reorganisation and if the reduction in his salary or allowance had not taken place.

(3) In paragraph (1) "actual salary" means—

(*a*) where a teacher is employed on a full-time basis as a teacher or temporary teacher in an institution of further education the rates of salary and allowance payable to that teacher in accordance with the salaries regulations;

(*b*) where a teacher is employed on a full-time basis as a teacher or temporary teacher in a school or as a peripatetic or supply teacher or as a temporary peripatetic or supply teacher the rates of salary and any acting allowance and any special class or special schools allowance payable to that teacher in accordance with the Teachers' Salaries Regulations (Northern Ireland) 1976.

(4) Where as a result of reorganisation a teacher is in receipt of—

(*a*) a redundancy payment under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(f), and

(*b*) a reorganisation allowance,

the amount of reorganisation allowance payable to him in accordance with paragraph (1) shall be reduced by the amount of the redundancy payment.

Conditions

6.—(1) A teacher shall not be entitled to a reorganisation allowance where the post which he occupied immediately before the date of reorganisation was a post to which he was appointed for a fixed period unless he has held that post for a continuous period of not less than two years immediately before that date.

(2) A teacher shall not be entitled to a reorganisation allowance unless immediately after the date of reorganisation he remains in employment as a teacher or within a period of three months from the date of reorganisation or within such longer period as may be approved is re-employed as a teacher or temporary teacher in a school or institution of further education or as a peripatetic or supply teacher or as a temporary peripatetic or supply teacher.

(3) A reorganisation allowance payable to a teacher in any post shall cease to be payable if he voluntarily relinquishes that post to take up employment as a teacher or as a temporary teacher in a post for which the actual salary is less than that for the relinquished post.

(4) A reorganisation allowance payable to a teacher shall cease to be payable if his actual salary shall at any time be equal to or exceed his notional salary, and unless the Department decides otherwise shall not thereafter again become payable by reason of the fact that his actual salary is not equal to or does not exceed his notional salary.

Alternative employment

7.—(1) The Department may refuse to pay a reorganisation allowance to any teacher who has not taken reasonable steps to the satisfaction of the Department to obtain employment in a teaching post (in this regulation referred to as "a comparable post") in respect of which the rate of actual salary payable would be not less than his notional salary.

(f) 1965 c. 19 (N.I.)

(2) Where a teacher is in receipt of a reorganisation allowance he shall be under a duty to take reasonable steps from time to time to the satisfaction of the Department to obtain employment in a comparable post.

(3) Where it appears to the Department that any such teacher has failed to take such reasonable steps from time to time to obtain employment in a comparable post or has unreasonably refused to accept an alternative post as a teacher it may terminate the payment of reorganisation allowance to that teacher.

Payment of reorganisation allowance

8.—(1) Subject to paragraph (2) a reorganisation allowance shall be paid from the appropriate date at the same time and by the same paying authority and under the same conditions including conditions affecting entitlement in respect of periods of absence from teaching duties as salary under the salaries regulations or where appropriate the Teachers' Salaries Regulations (Northern Ireland) 1976 and shall be payable from the date on which the emoluments as reduced first become payable.

(2) Where under the provisions of regulation 4(1) the Department determines that an application for reorganisation allowance may be made more than one year after the appropriate date, any reorganisation allowance payable on foot of that application shall be payable from a date not earlier than the date on which the application is received by the Department.

Revocation

9.—(1) The superseded regulations are hereby revoked.

(2) Any person who immediately prior to the coming into operation of these regulations was in receipt of a compensation allowance under the superseded regulations shall notwithstanding anything in these regulations be paid a reorganisation allowance calculated in accordance with these regulations.

(3) Nothing in paragraph (2) shall affect the operation in relation to any person referred to in that paragraph of any provision of these regulations whereby a reorganisation allowance may cease to be payable.

(4) In these regulations "the date of reorganisation" shall, in relation to any person referred to in paragraph (2), mean the date of reorganisation determined under the superseded regulations.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 6th August 1976.

(L.S.) *E. J. Kirkpatrick*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations make new provision for the payment of reorganisation allowances to teachers whose salary or allowances are reduced as a result of educational reorganisation or by reason of factors such as movement of population due to a slum clearance scheme, redevelopment scheme or public works.

The regulations omit the two-year qualifying period for payment of an allowance imposed by previous regulations except in the case of teachers appointed for a fixed period or on an acting basis.