1988 No. 304

EDUCATION

Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1988

Made	*18th August 1988*
Coming into operation . .	*31st August 1988*

The Department of Education, in exercise of the powers conferred on it by Articles 17A, 69(1) and (4), 70(1)(*b*) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(**a**), and by section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(**b**) 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 (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 31st August 1988 and except where otherwise provided shall have effect on and from 1st April 1988.

Amendment of Teachers' Salaries Regulations (Northern Ireland) 1987

2. The Teachers' Salaries Regulations (Northern Ireland) 1987(**c**) shall be amended as follows—

(*a*) in regulation 3(1) (interpretation)—

(i) for ''hearing-impaired'' there shall be substituted ''hearing impaired'';

(ii) after the definition of ''the Order'' there shall be inserted—

'' ''qualified teacher'' means a teacher who is recognised as a qualified teacher in the school in which he is employed or as a qualified peripatetic or supply teacher;'';

(*b*) for the table in regulation 7 (salary of principals) there shall be substituted the following table—

(**a**) S.I. 1986/594 (N.I. 3) as amended by S.I. 1987/167 (N.I. 2)
(**b**) 1962 c. 7 (N.I.)
(**c**) S.R. 1987 No. 384

"*Primary and Secondary School Group* (1)	*Special School Group* (2)	*Salary* (3)
		£
1		16,158
2		16,677
3		17,199
4	3(S)	17,721
5	4(S)	18,504
6	5(S)	19,803
7	6(S)	20,847
8	7(S)	22,149
9	8(S)	23,712
10	9(S)	25,275
11		27,102
12		28,926
13		30,228
14		31,794"

;

(*c*) for the table in regulation 8 (salary of vice-principals) there shall be substituted the following table—

"*Primary and Secondary School Group* (1)	*Special School Group* (2)	*Salary* (3)
		£
Below 4		15,375
4	3(S)	15,636
5	4(S)	16,026
6	5(S)	16,416
7	6(S)	16,938
8	7(S)	17,721
9	8(S)	18,762
10	9(S)	19,803
11		20,586
12		21,630
13		22,413
14		23,193"

;

(*d*) for the table in regulation 9 (main scale for all teachers except principals and vice-principals) there shall be substituted the following table—

"*Scale Point*	*Annual Salary*
	£
1	7,920
2	8,235
3	8,547
4	8,859
5	9,591
6	10,422
7	11,049
8	11,673
9	12,351
10	13,134
11	13,863"

;

(*e*) in regulation 10 (rate of allowances)—

(i) for the table in paragraph (1) there shall be substituted the following table—

"*Rate*	*Amount*
	£
A	801
B	1,200
C	2,400
D	3,201
E	4,401"

;

(ii) in paragraphs (6) and (7) for the words "paragraph 2(2) of Schedule 3" there shall be substituted the words "paragraph 3(2) of Schedule 3";

(iii) after paragraph (8) with effect on and from 1st September 1988 there shall be inserted the following paragraph—

"(9) (*a*) Subject to sub-paragraph (*b*) a promotion allowance shall not be payable to a teacher until he has satisfactorily completed the probation requirements of the Teachers' (Eligibility) Regulations (Northern Ireland) 1987(**a**).

(*b*) Sub-paragraph (*a*) shall not apply to—

(i) the payment of a promotion allowance at rate B under paragraph 4(*a*);

(a) S.R. 1987 No. 266, to which there are amendments not relevant to these Regulations

(ii) the payment to a teacher in a secondary school of a promotion allowance, other than an allowance at rate B under paragraph 4(*b*).'';

(*f*) in regulation 12 (teachers of blind and deaf children) for ''£501'' there shall be substituted ''£522'';

(*g*) regulation 13 (allowance for project workers engaged in the curriculum development programme) is revoked with effect on and from 31st August 1988;

(*h*) in regulation 16 (payment of part-time teachers)—

(i) in the table in paragraph (1) for the sums ''£9·25'', ''£7·67'' and ''£6·32'' there shall be substituted ''£9·64'', ''£8·00'' and ''£6·59'' respectively;

(ii) in paragraph (4) for the sum ''£7·67'' there shall be substituted ''£8·00'';

(*i*) in regulation 17 (minimum salary for unqualified teachers) for ''£5,818'' there shall be substituted ''£6,065'';

(*j*) in regulation 19(1) (absence due to illness) with effect on and from 31st August 1988 there shall be substituted for the words ''which shall be deemed to begin on 1st April and end on 31st March of the following year'' the words ''which shall be deemed to end on 31st March'';

(*k*) for regulation 22 (transitional provisions) there shall be substituted—

''22.—(1) Subject to the provisions of this regulation the salaries and promotion allowances to be paid to teachers in service on 31st March 1988, other than principals and vice-principals, shall be determined in accordance with Schedule 3.

(2) Subject to paragraph (3) where the salary (including allowances) of any teacher payable under these Regulations (''the new salary'') would but for this paragraph be less than the salary (including allowances) which he was being paid on 31st March 1988 (''the old salary'') the teacher shall continue to be paid the old salary until such time as the new salary that would be payable but for this paragraph equals or exceeds the old salary.

(3) Paragraph (2) shall, subject to paragraph 3 of Schedule 3, apply only so long as the teacher holds the same post.''

(*l*) in Schedule 1 (groups, unit totals, promotion allowances and provisions for principals and vice-principals) in paragraphs 4 and 8 there shall be substituted for the words ''paragraph 2(2) of Schedule 3'' in all places where they occur the words ''paragraph 3(2) of Schedule 3'';

(*m*) for Schedule 1 (groups, unit totals, promotion allowances and provisions for principals and vice-principals) there shall be substituted with effect on and from 1st September 1988 the Schedule set out in Schedule 1 to these Regulations;

(*n*) in Schedule 2 (method of determining the position of a teacher on the main scale) after paragraph 4 there shall be inserted the following—

''4A. For the purposes of paragraph 4 ''vice-principal'' includes a

teacher who was last employed as a second master or second mistress under the provisions of—

(*a*) regulation 14B(**a**) of the Handicapped Pupils and Special Schools Regulations (Northern Ireland) 1973(**b**), or

(*b*) regulation 23B(**a**) of the Primary Schools (General) Regulations (Northern Ireland) 1973(**c**), or

(*c*) regulation 29B(**a**) of the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973(**d**).'';

(*o*) for Schedule 3 (transitional arrangements for teachers in service on 30th September 1987) there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of Education on 18th August 1988.

(L.S.) *J. S. Smith*
Assistant Secretary

(a) Revoked by S.R. 1987 No. 384
(b) S.R. & O. (N.I.) 1973 No. 390; relevant amending Regulations were contained in S.R. 1981 No. 113
(c) S.R. & O. (N.I.) 1973 No. 402; relevant amending Regulations were contained in S.R. 1981 No. 112
(d) S.R. & O. (N.I.) 1973 No. 403; relevant amending Regulations were contained in S.R. 1981 No. 111

SCHEDULE 1 Regulation 2(*m*)

"SCHEDULE 1 Regulations 6, 7, 8 and 10

GROUPS, UNIT TOTALS, PROMOTION ALLOWANCES AND PROVISIONS FOR PRINCIPALS AND VICE-PRINCIPALS

PART I

PRIMARY AND SECONDARY SCHOOLS

Groups and Unit Totals

1. Subject to sub-paragraphs (6) to (8) of paragraph 2, the group to which a primary or secondary school shall be assigned shall be determined by reference to its unit total, calculated in accordance with paragraph 2, and columns (1) and (2) of the Table in Annex A to this Schedule (in this part referred to as "the Table").

2.—(1) Subject to the provisions of this paragraph the unit total of a school, other than a nursery school or a school which is newly opened or not yet open, shall be calculated by reference to the number of pupils enrolled in the school, on the second Friday following the opening of the school for the second term of the school year immediately preceding the date from which the group shall apply.

(2) Subject to the exceptions in sub-paragraph (3) the calculation of the unit total shall be based on the ages of the pupils as at 31st August preceding this opening as follows:

For each pupil under 14 years of age	...	count 2 units
For each pupil aged 14 and under 15	...	count 4 units
For each pupil aged 15 and under 16	...	count 5 units
For each pupil aged 16 and under 17	...	count 7 units
For each pupil aged 17 and over	...	count 9 units

(3) The exceptions are:

(*a*) each pupil who attends for no more than half a day on each day for which he attends the school shall count half as many units as he would otherwise count;

(*b*) each pupil with a statement of special educational needs shall count 3 units more than he would otherwise count by virtue of sub-paragraph (2);

(*c*) a nursery class in a primary school shall count as 55 units and 2 nursery classes in a primary school shall count as 110 units.

(4) The unit total of a nursery school shall be 55 in the case of a one class school and 110 in the case of a 2 class school.

(5) The calculation of the unit total shall be carried out—

(*a*) whenever the Department considers a calculation appropriate;

(*b*) whenever it is proposed to appoint a new principal or vice-principal to a school;

(*c*) in any event, not more than three years after the last such calculation.

(6) The Department shall, subject to sub-paragraphs (7) and (8), assign each school to a group in accordance with columns (1) and (2) of the Table except that where the Department expects a school's enrolment to rise after the date to which the calculation of the unit total refers, the Department may instead assign the school to the group appropriate to the unit total which would result after the expected rise in numbers has taken place.

(7) The Department shall assign a school which is newly opened or not yet open to the group appropriate to the unit total expected not less than four years from the date of opening, revising the assignation, as necessary, as expectations change.

(8) The Department shall determine the group for a school which has been directly affected by re-organisation.

Principals and vice-principals

3.—(1) A principal or vice-principal serving in a school at a time when it is assigned to a lower group shall while he remains in post at that school continue to receive the salary appropriate to the group by reference to which it was determined before the change took place. However, if he is offered but unreasonably refuses to accept a post as a principal or vice-principal respectively in a school in a group not lower than that by reference to which he is being paid, the Department may determine that he be paid by reference to the group to which the school in which he is serving has been assigned.

(2) Subject to sub-paragraph (3), the number of teachers in a school who shall be paid as vice-principals shall be determined by the Department within the limits specified in column (3) of the Table.

(3) If when a school is assigned to a lower group the number of teachers being paid as vice-principals exceeds the limit for that group, payments to such teachers at that rate shall be continued while they remain in post at that school, but no further appointment of a vice-principal shall be made above the limit for that group.

Promotion Allowances

4.—(1) Subject to the provisions of this paragraph, and paragraph 3(2) of Schedule 3 the Department shall determine for each primary and secondary school the total value of promotion allowances payable in a school.

(2) Subject to sub-paragraphs (3) to (5) and to paragraph 3(2) of Schedule 3, the maximum rate of promotion allowance and, where appropriate, the number of such maximum rate allowances which may be paid in a school which has been assigned to a group specified in column (2) of the Table are set out opposite thereto in column (4) of the Table.

(3) The limits shown in column (4) of the Table may be increased where the Department is of the opinion that the staffing and organisational needs of the school cannot be met within the limits prescribed, and in forming this opinion it shall have regard in particular, but not exclusively, to—

(i) whether the school is a secondary school in a group below group 9;

(ii) the difficulties of recruiting and retaining teachers to serve in the school;

(iii) the proportion of children in the school belonging to families receiving income support under the Social Security (Northern Ireland) Order 1986(**a**).

(4) (*a*) A teacher may be paid a promotion allowance at a rate for which no provision is made in the Table for the relevant group if—

(i) the difference between (*a*) the sum of that allowance and the maximum of the main scale and (*b*) the salary of the lowest paid vice-principal in the school or, where there is no vice-principal, that of the principal is not less than £400; or

(ii) the allowance is payable pursuant to the transitional provisions in paragraph 3(2) of Schedule 3; or

(iii) the teacher is already being paid such an allowance and the school is assigned to a lower group for which the particular allowance is no longer provided for in the Table.

(a) S.I. 1986/1888 (N.I. 18)

(*b*) Teachers being paid a promotion allowance in circumstances provided for in this sub-paragraph shall continue to receive it for so long as they remain in post at the same school.

(5) When the assignment of a school to a lower group causes the limits in column (4) of the Table to be exceeded (not counting any teacher who is being paid a promotion allowance in circumstances provided for in sub-paragraph (3) or (4)) the teachers in the school being paid promotion allowances in excess of the limits shall continue to be paid those allowances while they remain in post at that school but no further promotion allowances in excess of the limits shall be paid.

PART II

SPECIAL SCHOOLS

Determination of school group

5.—(1) Subject to sub-paragraphs (2), (3), (4) and (5) the group to which a special school shall be assigned shall be determined by the Department in accordance with Table 1 in Annex B to this Schedule by reference to the approved staffing of the school and to the number of pupils enrolled as at the second Friday following the opening of the school for the second term in the school year immediately preceding the date from which the group shall apply.

(2) The determination of the school group shall be carried out—

(*a*) whenever the Department considers a determination appropriate;

(*b*) whenever it is proposed to appoint a new principal or vice-principal to a school;

(*c*) when three years have elapsed since the last determination;

(*d*) where the school has been directly affected by re-organisation.

(3) If in the opinion of the Department the pupil and staff numbers of a school will increase after the date to which the determination of the school group refers the Department may assign the school to the group appropriate to the pupil and staff numbers which the Department estimates will result when the increase in pupil and staff numbers has taken place.

(4) Where a school is not yet open or is newly opened the group for that school shall be determined by reference to the Department's estimate of the number of staff and pupils likely to be reached four years after the date of opening and may be revised as the Department's estimates of staff and pupil numbers are revised.

(5) Where the group of a school cannot be determined from the table referred to in sub-paragraph (1) because the particular combination of numbers is not provided for, the school shall be assigned to the group which the Department considers appropriate.

Principals and vice-principals

6.—(1) This paragraph applies where the school group for a special school determined under paragraph 5 is lower than the group assigned to the school immediately preceding such determination.

(2) A principal or vice-principal in service on the date from which the lower group referred to in sub-paragraph (1) applies and who was employed in the same school and in the same capacity immediately preceding such date shall, subject to sub-paragraph (3), continue to receive the salary appropriate to the school group applying immediately preceding such determination.

(3) Where in the opinion of the Department a principal or vice-principal to whom sub-paragraph (2) applies is offered but unreasonably refuses to accept a post of principal or vice-principal respectively in a school in a group not lower than that by

reference to which he is being paid the Department may determine that he be paid by reference to the group to which the school in which he is serving has been assigned.

7.—(1) Subject to sub-paragraph (2) the number of teachers in a special school who shall be paid as vice-principals shall be determined by the Department within the limits specified in column (2) of Table 2 in Annex B to this Schedule.

(2) Where a school group determined under paragraph 5 is lower than the group assigned to the school immediately preceding such determination and the number of teachers paid as vice-principals exceeds the limits for that group such teachers shall continue to be paid as vice-principals so long as they continue in post at that school but no further appointment to the post of vice-principal shall be made if such an appointment would exceed the limit for that group.

Promotion Allowances

8.—(1) Subject to the following sub-paragraphs and to paragraph 3(2) of Schedule 3 the number of promotion allowances at rates C, D and E payable to teachers in a special school assigned to a group specified in column (1) of Table 2 in Annex B to this Schedule (in this paragraph referred to as "Table 2") shall be determined by the Department and shall fall within the percentage limits set out in columns (3) to (5) of Table 2 of the total number of approved full-time teaching posts at the school and where the percentage calculated does not result in a whole number the result shall be rounded up to the nearest whole number.

(2) A teacher may be paid a promotion allowance at a rate which is not provided for in Table 2 for the relevant school group if—

(i) the Department considers that the needs of a particular school so justify and the difference between (*a*) the sum of that allowance and the maximum of the main scale and (*b*) the salary of the lowest paid vice-principal in the school or, if there is no vice-principal, that of the principal is not less than £400; or

(ii) the allowance is payable under paragraph 3(2) of Schedule 3; or

(iii) the teacher is already being paid such an allowance and the school is assigned to a lower group for which the allowance is no longer provided for in Table 2,

and such a teacher shall continue to be paid such an allowance so long as he remains in post at that school.

(3) In determining the number of promotion allowances payable within the percentage limits set out in Table 2 for each allowance at rates C, D and E, the Department shall in particular have regard to—

(*a*) whether the number of pupils and staff of the school is likely to change to such an extent that the school will be re-assigned to a different group within the following five years; and

(*b*) the range of special educational needs of pupils at the school.

(4) Where the Department considers the staffing or organisational needs of a school cannot be met by the payment of promotion allowances within the limits set out in Table 2 for rates C, D and E the limits may be exceeded.

(5) Subject to sub-paragraph (6) where as a result of a reduction in the total number of approved full-time teaching posts at a school the percentage limits set out in Table 2 for promotion allowances at rates C, D or E are exceeded, the teachers in the school being paid the relevant allowances shall continue to be paid those allowances while they remain employed as teachers in that school but no further promotion allowances in excess of those limits shall be paid until the number of teachers being paid the relevant allowance falls within the limits.

(6) For the purposes of sub-paragraph (5) a teacher who is being paid a promotion allowance under sub-paragraph (2) or (4) shall be disregarded.

ANNEX A Schedule 1 Part I

LIMITS RELATING TO PROMOTION ALLOWANCES AND VICE-PRINCIPALS IN PRIMARY AND SECONDARY SCHOOLS

TABLE

Unit Total (1)	*Group* (2)	*Number of Vice-Principals* (3)	*Limits on Promotion Allowances* (4)
up to 100	1	0	Not higher than B
101- 200	2	0-1*	Not higher than B
201- 300	3	1	Not higher than B
301- 500	4	1	Not higher than B
501- 700	5	1	Not higher than B
701-1000	6	1	Not higher than C
1001-1300	7	1-2	Not higher than C
1301-1800	8	1-2	Not higher than D
1801-2400	9	2	Not more than 3 allowances at Rate E
2401-3300	10	2-3	Not more than 4 allowances at Rate E
3301-4600	11	2-3	Not more than 5 allowances at Rate E
4601-6000	12	2-3	Not more than 5 allowances at Rate E
6001-7600	13	3	Not more than 6 allowances at Rate E
over 7600	14	4	Not more than 8 allowances at Rate E

* There shall be a vice-principal in a Group 2 school with a unit total of 151 or higher.

ANNEX B Schedule 1 Part II

TABLE 1

SPECIAL SCHOOLS — DETERMINATION OF SCHOOL GROUP

Number of staff (including principal and vice-principals) (1)	*Number of pupils enrolled on second Friday following the opening of school for second term in school year* (2)	*Group* (3)
3-6	1- 40	3(S)
	41- 85	4(S)
7-11	1- 20	3(S)
	21- 60	4(S)
	61-110	5(S)
	111-170	6(S)
12-16	1- 40	4(S)
	41- 85	5(S)
	86-140	6(S)
	141-200	7(S)
17-24	41- 60	5(S)
	61-110	6(S)
	111-170	7(S)
	171-230	8(S)
	231-280	9(S)
25 and over	86-140	7(S)
	141-200	8(S)
	201-280	9(S)

TABLE 2

LIMITS RELATING TO VICE-PRINCIPALS AND PROMOTION ALLOWANCES IN SPECIAL SCHOOLS

Group	*Number paid as vice-principals*	*Percentage limits for promotion allowances*		
		Rate C	*Rate D*	*Rate E*
(1)	(2)	(3)	(4)	(5)
3(S)	0-1	—	—	—
4(S)	1	—	—	—
5(S)	1	0-20	—	—
6(S)	1	0-20	—	—
7(S)	2	5-20	0-10	—
8(S)	2	5-20	0-10	0-10
9(S)	2-3	5-20	0-10	0-10''

SCHEDULE 2 Regulation 2(*o*)

"SCHEDULE 3 Regulations 9, 10 and 22

TRANSITIONAL ARRANGEMENTS FOR TEACHERS IN SERVICE ON 31ST MARCH 1988

1. A teacher, other than a principal or vice-principal, who on 1st April 1988 was, and had immediately before that date been, in teaching service in a grant-aided school or as a peripatetic or supply teacher, shall from that date be placed on the main scale in regulation 9 at the point on the scale corresponding to that on which he would have received salary had the scale in operation on 31st March 1988 continued to apply.

2. A teacher who was, on 31st March 1988, being paid a salary of £12,801 (excluding allowances) in accordance with Annex A of Schedule 3 to the Teachers' Salaries Regulations (Northern Ireland) 1987(**a**) as they had effect on 31st March 1988 shall from 1st April 1988 be paid a salary of £13,341, and on the date of his next increment transfer to point 11 of the main scale.

3.—(1) Subject to regulation 10(6) and (7) a teacher who was on 31st March 1988 in receipt of a promotion allowance payable under regulation 10 of the Teachers' Salaries Regulations (Northern Ireland) 1987 as they had effect on 31st March 1988 shall from 1st April 1988 be paid the corresponding promotion allowance set out in regulation 10(1) except that in the case of an allowance payable under regulation 10(4)(*a*) or (*b*) this sub-paragraph shall apply only so long as the teacher holds the same post.

(2) Subject to sub-paragraph (3) a teacher who was on 31st March 1988 in receipt of a promotion allowance payable under paragraph 2.2. of Schedule 3 to the Teachers' Salaries Regulations (Northern Ireland) 1987 as they had effect on 31st March 1988 shall be paid the corresponding promotion allowance set out in regulation 10(1), unless it is superseded by an allowance of an equal or greater amount payable under regulation 10 or regulation 11.

(3) With effect on and from 31st August 1988 sub-paragraph (2) shall apply only so long as the teacher holds the same post."

(a) S.R. 1987 No. 384

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Teachers' Salaries Regulations (Northern Ireland) 1987 and give effect from 1st April 1988 to an increase of 4·25% in salaries and allowances, other than promotion allowances, together with higher differential increases in the rates of promotion allowances, for teachers in primary, secondary and special schools and for peripatetic and supply teachers.

Revised scales and rates of salary are set out in regulation 2(*b*) to 2(*d*).

Revised rates of promotion allowances are set out in regulation 2(*e*).

Regulation 2(*e*) also provides with effect from 1st September 1988 that, subject to certain exemptions, a promotion allowance shall not be payable to a teacher until he has satisfactorily completed a period of probation.

The revised rate of allowance for teachers of blind and deaf children is set out in regulation 2(*f*).

Regulation 2(*g*) revokes with effect from 31st August 1988 the provision relating to the payment of an allowance for project workers engaged in the curriculum development programme.

Revised hourly rates of pay for part-time teachers are set out in regulation 2(*h*).

The revised minimum rate of salary for unqualified teachers is set out in regulation 2(*i*).

Regulation 2(*m*) and Schedule 1 make revised provision, with effect from 1st September 1988, as to the numbers and maximum rate of promotion allowances in a school and the number of teachers in a school who are to be paid as vice-principals.

Regulation 2(*k*), (*o*) and Schedule 2 detail the transitional arrangements for teachers in service on 31st March 1988.

Paragraph 3(2) and (3) of the new Schedule 3 provides that with effect from 31st August 1988 teachers in receipt of promotion allowances payable under the transitional provisions of the Teachers' Salaries Regulations (Northern Ireland) 1987 shall have these allowances safeguarded only so long as they hold the same post.

Regulation 2(*a*), (*j*), (*l*) and (*n*) makes minor and consequential amendments.

These Regulations have retrospective effect by virtue of section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962.