

CIRCULAR NO: 1996/1

To: Education and Library Boards Council for Catholic Maintained Schools Principals and  
Boards of Governors of all  
Grant-Aided Schools and  
Principals and Governing Bodies of  
Institutions of Further Education

17 January 1996

## REORGANISATION ALLOWANCE

1. In accordance with the provisions of Article 69(1) and (2) of the Education and Libraries (Northern Ireland) Order 1986 as substituted by Article 42 of the Education and Libraries (Northern Ireland) Order 1993, the Department of Education hereby makes a determination having effect from 1 November 1995 that a reorganisation allowance is payable as set out below.

2. For the purpose of this determination.-

"allowance" means an allowance payable under the salaries Regulations or the Further Education Teachers' Salaries Regulations (Northern Ireland) 1992;

"Department" means the Department of Education;

"emoluments" means salary and allowances;

"reorganisation allowances Regulations" means the Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976 as superseded by the Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1987 and amended by the Teachers' Salaries (Reorganisation Allowances) (Amendment) Regulations (Northern Ireland) 1993;

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

"salary" means salary payable -

- (a) to a teacher under regulation 9 of the salaries Regulations;
- (b) to a principal or vice principal under regulation 7 of those Regulations; or
- (c) to a teacher in an institution of further education under the Further Education Teachers' Salaries Regulations (Northern Ireland) 1992;

“salaries Regulations” means the Teachers' Salaries Regulations (Northern Ireland) 1993 as amended by the Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1993.

"teacher" means a person who at the date of reorganisation was employed as a full-time teacher (other than a temporary teacher) in a school or institution of further education or as a full-time peripatetic teacher (other than a temporary peripatetic teacher) in such school.

3. Where a teacher suffers a reduction in the rate of his emoluments (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 paragraph 9, and subject to and in accordance with this determination be paid an allowance to be known as a reorganisation allowance.

4. A teacher who suffers a reduction in the rate of his emoluments may, within one year from the appropriate date as defined in paragraph 6 or within such longer period as the Department may determine, apply to the Department for a reorganisation allowance.

5. Where it appears to the Department that a reduction in the rate of emoluments of a teacher has been directly caused by movement of population by reason of such exceptional circumstances as the Department shall consider proper, the Department may, for the purposes of paragraph 3 and of any application under paragraph 4, deem such reduction to have been directly caused by reorganisation.

6. Where on application being made to it in accordance with paragraph 4 the Department is satisfied that a teacher has suffered a reduction in the rate of his emoluments as a direct result of reorganisation it shall determine the date (in this determination referred to as "the date of reorganisation") on which such reorganisation took place and the date ("the appropriate date") on which the reduction in the rate of the emoluments of that teacher took place.

7. Subject to paragraphs 10 and 11 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 8 in respect of that period exceeds his actual salary as defined in paragraph 9 in respect of that period.

8. In paragraph 7 "notional salary" means the rates of emoluments which a teacher (including a teacher in an institution of further education) 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 emoluments had not taken place.

9. In paragraph 7 "actual salary" means where a teacher is employed on a full-time, temporary or part-time basis as a teacher in a school or institution of further education or as a peripatetic teacher, the rates of salary and allowances payable to that teacher in accordance with the provisions of the salaries Regulations or the Further Education Teachers' Salaries Regulations (Northern Ireland) 1992.

10. 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; and
- (b) a reorganisation allowance;

the amount of reorganisation allowance payable to him in accordance with paragraph 7 shall be reduced by the amount of the redundancy payment.

11. Where the notional salary includes:-

- (a) an amount based on points awarded on a temporary basis for responsibility it shall only be included in the notional salary for the period of that award;
- (b) an amount based on points awarded for excellence it shall only be included in the notional salary until 1st September following the date on which those points were awarded;
- (c) an amount based on points awarded for recruitment and retention it shall only be included in the notional salary until the second 1st September following the date on which those points were awarded;
- (d) a temporary or acting allowance it shall only be included in the notional salary for the period of that award or, where no period is specified, until the date of reorganisation.

12. 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.

13. 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 by the Department is re-employed as a teacher or temporary teacher in a school or as a peripatetic teacher or as a temporary peripatetic teacher.

14. 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 rates of actual salary are less than those for the relinquished post.

15. 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.

16. A reorganisation allowance payable to a teacher in any post shall, unless the Department decides otherwise, cease to be payable if at any time the teacher is offered but unreasonably refuses to accept an alternative teaching post in respect of which the rate of emoluments payable would be not less than his notional salary.

17. Subject to paragraph 18 a reorganisation allowance shall be paid from the appropriate date and at the same time as salary.

18. Where under the provisions of paragraph 4 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.

19. Any person who immediately prior to 1 November 1995 was in receipt of a reorganisation allowance under the reorganisation allowances Regulations shall, notwithstanding anything in this determination, be paid a reorganisation allowance calculated in accordance with this determination.

20. Nothing in paragraph 19 shall affect the operation in relation to any person referred to in that paragraph of any provision of this determination whereby a reorganisation allowance may cease to be payable.

21. In this determination "the date of reorganisation" shall, in relation to any person referred to in paragraph 19 mean the date of reorganisation determined under the reorganisation allowances Regulations.

22. This determination supersedes any determination having effect before 1 November 1995.

**D WOODS**

Assistant Secretary