

SUBJECT:

CIRCULAR NUMBER:

DE 2013/17

REORGANISATION ALLOWANCE

DATE OF ISSUE:

July 2013

AUDIENCE:

- Principals, Vice-Principals and Teachers in Grant-aided Schools;
- Boards of Governors of Grant-aided Schools;
- Education and Library Boards;
- Council for Catholic Maintained Schools;
- Comhairle na Gaelscolaíochta;
- Northern Ireland Council for Integrated Education;
- Governing Bodies Association;
- Teachers' Unions.

SUMMARY OF CONTENTS:

The attached Determination gives effect in law to new arrangements for payment of a Reorganisation Allowance.

ENQUIRIES:

Any enquiries about the contents of this Circular should be addressed to the relevant employing authority.

STATUS OF CONTENTS:

Action by Boards of Governors and Employing Authorities.

Information for Principals, Vice-Principals and Teachers

RELATED DOCUMENTS:

SUPERSEDED DOCUMENTS:

Circular 1996/1

EXPIRY DATE:

Not applicable

DE WEBSITE:

This Circular is available on <http://www.deni.gov.uk>

TEL: 028 9127 9279

FAX: 028 9127 9100

DETERMINATION - REORGANISATION ALLOWANCE

1. In accordance with the provisions of Article 69 (1) and (6) of the Education and Libraries (Northern Ireland) Order 1986, the Department of Education hereby makes a determination having effect from 1 September 2013 that a reorganisation allowance is payable as set out below.

2. For the purpose of this determination:-

“actual salary” means, where a teacher is employed on a full-time or part-time basis as a permanent teacher in a grant aided school or as a permanent peripatetic teacher, the rates of salary and allowances payable to that teacher as determined by the Department.

“allowance” means an allowance payable as determined by the Department in accordance with the provisions of Article 69 (1) and (6) of the Education and Libraries (Northern Ireland) Order 1986 which includes:-

- Teaching Allowance – payable to a teacher assuming additional responsibilities;
- Recruitment & Retention Allowance – payable to a teacher who is employed to teach subjects in which there is a shortage of teachers or in a post which is difficult to fill; and
- Temporary or Acting Allowance – payable to a teacher on a temporary or fixed-term basis assuming additional responsibilities which are not permanent.

“Department” means the Department of Education;

“emoluments” means salary and allowances;

“employing authority” has the same meaning as in Article 69(5) of the Education and Libraries (Northern Ireland) Order 1986;

“notional salary” means the rates of emoluments 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 emoluments had not taken place.

“relevant body” means the Board of Governors in a school with a delegated budget and the Employing Authority in a school without a delegated budget.

“reorganisation” means rearrangement of educational facilities including the closure of a school carried out with the approval of the Department by an education and library board or by the managers of a school;

“salary” means salary payable as determined by the Department in accordance with the provisions of Article 69 (1) and (6) of the Education and Libraries (Northern Ireland) Order 1986.

“teacher” means a person who at the date of reorganisation was employed as a permanent teacher in a grant aided school or as a permanent peripatetic teacher.

3. Where a teacher suffers a reduction in the rate of his emoluments and the Department is satisfied that such reduction has been directly caused by reorganisation he shall, while he continues to be employed as a permanent teacher in a grant aided school or as a permanent peripatetic teacher, 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 5 or within such longer period as the Department may determine, apply to the Department for a reorganisation allowance.
5. 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.
6. Subject to paragraphs 9 and 10 the rate of reorganisation allowance payable in respect of any period to a teacher shall be the amount by which his notional salary in respect of that period exceeds his actual salary in respect of that period.
7. Where, as a result of reorganisation, a teacher is in receipt of a reorganisation allowance and subsequently receives a redundancy payment under the Employment Rights (Northern Ireland) Order 1996, the amount of reorganisation allowance payable to him in accordance with paragraph 6 shall be reduced by the amount of the redundancy payment up to the full amount of the reorganisation allowance.
8. Where the notional salary includes:-
 - a) an amount based on a teaching allowance awarded on a temporary basis it shall only be included in the notional salary for the period of that award;
 - b) an amount based on a recruitment and retention allowance it shall only be included in the notional salary until the second 1st September following the date on which that allowance was awarded;
 - c) 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.

9. 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.
10. 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 permanent teacher in a grant aided school or as a permanent peripatetic teacher.
11. 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.
12. 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.
13. 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 refuses to accept an alternative post in respect of which the rate of emoluments payable would be not less than his notional salary.
14. Where a teacher is in receipt of a reorganisation allowance, the relevant body must review the teacher's assigned duties and through consultation allocate such additional duties to the teacher as it considers appropriate and commensurate with the sum of the re-organisation allowance, for as long as the teacher continues to be paid the reorganisation allowance. Unless the Department decides otherwise a teacher must not be paid the reorganisation allowance if the teacher refuses to carry out such additional duties.
15. Where a relevant body has determined that a reorganisation allowance should cease in accordance with paragraph 13 or paragraph 14, it shall give the teacher at least one month's prior written notice of such cessation.
16. Subject to paragraph 17 a reorganisation allowance shall be paid from the appropriate date and at the same time as salary.
17. 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.

18. A reorganisation allowance shall cease to be payable on the fourth anniversary of the appropriate date.
19. In the case of a teacher who was in receipt of a reorganisation allowance on 1 September 2013, the reorganisation allowance shall cease to be payable on 1 September 2017.
20. All questions arising under this determination shall be determined by the Department.
21. This determination supersedes the determination made in Circular 1996/1.