

(3) Service given by an Assistant Superintendent in a Nursery School in Northern Ireland during a period when the foregoing conditions are not fulfilled shall not be recognised by the Ministry for any purpose.

(4) For the purposes of these Regulations the expression "average daily enrolment" has the meaning assigned to it by the Regulations for the time being in force applicable to public elementary schools."

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 2nd day of July, 1947, in the presence of

(L.S.)

*R. S. Brownell,*

Secretary.

### Public Elementary Schools : Amending Regulations

REGULATIONS, DATED 5TH JUNE, 1947, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1923 TO 1942, AFTER CONSULTATION WITH THE MINISTRY OF FINANCE.

1947. No. 94

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 65, 69 and 77 of the Education Act (Northern Ireland), 1923, and of all other powers enabling it in that behalf, and after consultation with the Ministry of Finance, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Public Elementary Schools Regulations, 1934, Amending Regulations, No. 24, 1947.

(2) In these Regulations the expression "the Principal Regulations" means the Public Elementary Schools Regulations, 1934, as amended by subsequent Regulations other than these Regulations.

(3) These Regulations shall be construed as one with the Principal Regulations.

2. Article 53 of the Principal Regulations is revoked.

3. For Article 59 of the Principal Regulations there shall be substituted the following Article :—

" 59 (1) Save as provided in paragraph (b) of Article 49 and in Article 50 of the Principal Regulations, only women teachers shall be eligible for appointment as principal of a one-teacher school. Where men teachers are so eligible they must, as a condition of recognition by the Ministry, possess the qualifications prescribed for women in paragraph (2) of this Article.

(2) To be eligible for recognition as principal of a one-teacher school, a woman teacher must fulfil the other requirements of the Principal Regulations as amended by these Regulations and be either (i) a teacher who has successfully completed the probationary period and whose service at the date of appointment is satisfactory or (ii) a teacher who has not failed to secure full recognition at the end of the first probationary period.

(3) For the purpose of this Article the expressions "probationary period" and "first probationary period" shall have the meanings assigned thereto by paragraph (a) of Article 71 of the Principal Regulations as amended by these Regulations."

4. For Article 60 of the Principal Regulations there shall be substituted the following Article :—

"60 (1) In addition to fulfilling the other requirements of the Principal Regulations as amended by these Regulations, a teacher in order to be eligible for appointment as principal teacher of

(a) *a two-teacher school with an average daily enrolment of less than 35 pupils :* if a woman, must have successfully completed the probationary period : provided that the Ministry may, in special circumstances, recognise a woman teacher who has not successfully completed the probationary period, if she has not failed to secure full recognition at the end of the first probationary period : if a man, must have successfully completed the probationary period or if he has not successfully completed it, must not have failed to secure full recognition at the end of the first probationary period :

provided always that

(i) a teacher, whether a man or a woman, who has successfully completed the probationary period shall not be eligible for appointment if his service at the date of the appointment is not satisfactory, and

(ii) a teacher who, on 30th June, 1947, was, under the Regulations then in force, eligible for recognition as a principal teacher of a school with an average daily enrolment of less than thirty-five pupils shall continue to be so eligible for as long as he would have been eligible under those Regulations if they had remained in force.

- (b) *a two-teacher school with an average daily enrolment of thirty-five but less than sixty-five pupils :*

must have successfully completed the probationary period and his service at the date of appointment must be satisfactory :

provided always that

(i) if in special circumstances the Ministry so decides, a teacher (whether a man or a woman) who has not successfully completed the probationary period but who has not failed to secure full recognition at the end of the first probationary period shall be eligible for recognition.

(ii) a man teacher who has not successfully completed the probationary period, but who has not failed to secure full recognition at the end of the first probationary period shall be eligible for recognition as principal teacher of a school with an average daily enrolment of not more than sixty pupils if he takes up duty in the post before 1st July, 1948 ; and

(iii) a man teacher who on 30th June, 1947, was, under the Regulations then in force, eligible for recognition as principal teacher of a school with an average daily enrolment of not more than sixty pupils shall continue to be so eligible for as long as he would have been eligible under those Regulations if they had remained in force.

- (c) *of a three-teacher school :*

must have successfully completed the probationary period, have given at least two years' satisfactory service as a teacher thereafter and his service at the date of appointment must be satisfactory :

provided always that

if in special circumstances the Ministry so decides, a teacher who has not successfully completed the probationary period but who has not failed to secure full recognition at the end of the first probationary period shall be eligible for recognition.

- (d) *of a four or five-teacher school :* must have satisfactorily completed the probationary period, have given at least four years' satisfactory service as a teacher thereafter and his service at the date of appointment must be satisfactory.
- (e) *of a six, seven or eight-teacher school :* must fulfil the conditions as in subparagraph (d) save that he must have given at least six years' satisfactory service as a teacher after the successful completion of the probationary period.
- (f) *of a nine, ten or eleven-teacher school :* must fulfil the conditions as in subparagraph (d) save that he must have given at least eight years' satisfactory service as a teacher after the successful completion of the probationary period : provided that a teacher who on 30th June, 1947, had completed eight years' service as a teacher shall be deemed to be qualified as regards length of service for appointment as principal teacher of a school with an average daily enrolment of less than 365 pupils.
- (g) *of a school of twelve teachers and above :* must fulfil the conditions as in subparagraph (d) save that he must have given at least ten years' satisfactory service as a teacher after the successful completion of the probationary period : provided that a teacher who on 30th June, 1947, had completed ten years' service as a teacher shall be deemed to be qualified as regards length of service for appointment as principal teacher of a school with an average daily enrolment of 365 pupils and above.

(2) The number of teachers in a school shall, for the purpose of paragraph (1) of this Article, be determined by the number of teachers (including the Principal Teacher but excluding any substitute or supplementary assistant teacher as defined in paragraph 4 of Article 40 of the Principal Regulations) recognised under Article 40 of the Principal Regulations as constituting the staff of the school for the school year in which the principal teacher takes up duty.

(3) The period of satisfactory service, after the successful completion of the probationary period, prescribed in Article (1) hereof for principalships of schools of three or more teachers may

- (a) in the case of graduates of a British or Irish University be reduced by two years : provided that a degree awarded after 30th June, 1949, shall not be admitted for this purpose unless it entitles the holder to payment of salary on Scale IV or Scale V of the Salary Scales prescribed for Qualified Teachers ;
- (b) in the case of a teacher who, on completion of the normal period of training as a public elementary school teacher, has successfully followed a further course of approved full-time training in a Training College or other institution approved for the purpose, be reduced by one year for each academic year of such further training, subject to a maximum reduction of two years : provided always that the reduction under this sub-paragraph and sub-paragraph (a) combined shall not exceed two years.

(4) A period of war service given by a teacher before admission to a course of training as a teacher in a recognised Training College shall, on satisfactory completion by the teacher of that course and of the probationary period prescribed in paragraph (a) of Article 71 of the Principal Regulations as amended by these Regulations, be deemed to be an equivalent period of satisfactory service after the successful completion of the probationary period for the purpose of sub-paragraphs (c), (d), (e), (f) and (g) of paragraph (1) of this Article.

(5) Where a teacher has undertaken war service after having been accepted for admission to a course of training as a teacher in a recognised Training College, his period of war service shall, if he has successfully completed the said course of training, be deemed, for the purpose of sub-paragraphs (c), (d), (e), (f) and (g) of paragraph (1) of this Article, to be an equivalent period of satisfactory service after the successful completion of the probationary period.

(6) Where a teacher has undertaken war service after having been accepted for admission to a course of training as a teacher in a recognised Training College, he shall, if he has successfully completed the said course of training and provided that he has not failed to secure full recognition as a teacher at the end of the first probationary period (as defined in Article 71 (a) of the Principal Regulations as amended by these Regulations), be eligible for recognition as a principal teacher notwithstanding that he has not successfully completed the probationary period prescribed in the said Article 71 (a). Further, for recognition as a principal teacher of a school of three or more teachers, he shall not be subject to the provisions as to length of service or as to satisfactory service at the date of appointment as prescribed in sub-paragraphs (c), (d), (e), (f) and (g) of paragraph (1) of this Article, provided that the duration of his war service and service as a teacher is equivalent to the total period of service prescribed in the appropriate said sub-paragraph—the period of probationary service for this purpose being deemed to be two years.

(7) For the purpose of this Article "war service" means service since the 1st day of September, 1939, in the Royal Navy, Army, Air Force (including, in the case of women, the Women's Auxiliaries to these Forces) or the Merchant Navy for at least one year or, in special circumstances, for such shorter period as the Ministry may determine.

(8) For the purpose of this Article the expressions "full recognition" "probationary period" and "first probationary period" shall have the meanings assigned to them in paragraph (a) of Article 71 of the Principal Regulations as amended by these Regulations.

5. For Article 61 of the Principal Regulations there shall be substituted the following Article :—

"61. No teacher recognised for the first time as principal or assistant in a public elementary school in Northern Ireland after 1st April, 1930, shall be eligible for appointment as principal of a school with an average daily enrolment of 365 or above unless he is a graduate of a British or Irish University or possesses such other special qualifications as may be approved by the Ministry."

6. For paragraph 5 of Article 62 of the Principal Regulations there shall be substituted the following paragraph :—

"62. (5) Untrained teachers who are entitled to receive salary in accordance with Scale 1 of the Salary Scales prescribed for Qualified Teachers."

7. For Article 63 (including the title "(b) Vice-Principals") of the Principal Regulations there shall be substituted the following Article and title :—

"(b) Vice-Principals and Holders of the Second Post of Special Responsibility.

"63. Subject to the fulfilment of the other requirements laid down in the Principal Regulations as amended by these Regulations; the following teachers are eligible for appointment as Vice-principal (which expression for the purpose of this Article includes Holder of the Second Post of Special Responsibility) :—

(1) Trained teachers who have given at least three years' satisfactory service as a teacher after the successful completion of their probationary period (as defined in Article 71 (a) of the Principal Regulations) and whose service at the date of appointment is satisfactory : provided that war service (as defined in paragraph 7 of Article 60 of the Principal Regulations) given by a teacher shall have the same effect in regard to his eligibility for recognition as a Vice-principal as it has in relation to his eligibility for recognition as a principal teacher.

(2) Teachers already recognised as Vice-principal.

- (3) Untrained teachers who are entitled to receive salary in accordance with Scale I of the Salary Scales prescribed for Qualified Teachers."

8. For Article 65 of the Principal Regulations there shall be substituted the following Article :—

" 65. Eligibility for recognition as a Vice-principal or as a Holder of the Second Post of Special Responsibility shall be withdrawn for such period as the Ministry may determine if a teacher ceases to discharge the duties of the post satisfactorily, unless it appears to the Ministry that this decline is of a temporary character."

9. The final sentence of paragraph (e) of Article 66 of the Principal Regulations shall have effect

- (i) as if for the words "Monks and nuns" there were substituted the words "Members of religious Orders", and
- (ii) as if for the words "in monastery and convent schools not paid by capitation grant" there were substituted the words "in public elementary schools conducted by members of religious Orders".

10. For Article 67 of the Principal Regulations there shall be substituted the following Article :—

" 67. Eligibility for recognition as a principal teacher shall be withdrawn for such period as the Ministry may determine if a teacher who is so recognised ceases to discharge the duties of the post satisfactorily, unless it appears to the Ministry that the decline is of a temporary character."

11. Article 70 of the Principal Regulations is hereby revoked.

12. For paragraphs (a) and (b) of Article 71 of the Principal Regulations there shall be substituted the following paragraphs :—

" 71. (a) Except as provided in Article 73, all teachers shall, on first appointment, be placed on probation. The duration of the probationary service, which must be completed within a period of five years, shall be two years ending in or with a period of "continuous service" as hereinafter defined.

If towards the end of this probationary service the probationer's work is, as a result of a special inspection, found to be satisfactory, full recognition will be granted from the day after the completion of such service. In cases of doubt a decision may be postponed for six months, and if towards the completion of that additional period of service, which must end in or with a period of continuous service; the teacher's work, when re-tested, is then found satisfactory, full recognition will be granted from the day after the completion of the additional six months' service.

If the probationer's work is not found satisfactory at the end of his probationary service (extended where necessary for the additional period of six months) the teacher may, after consideration of the reports on his work by the Ministry's inspectors, be granted a further two years' probation—to be known as the second probationary period and to be completed in the same manner as the first probationary period. During the second probationary period a teacher shall be recognised only as an assistant, and recognition as a principal teacher, if the probationer has been serving as such, shall be withdrawn (at least three months' notice being given). If, towards the end of the second probationary period the probationer's work is found to be satisfactory, full recognition shall be granted from the day after completion of this second probationary period, if the work does not reach a satisfactory standard, recognition shall be withdrawn and the probationer shall leave the service.

“Continuous service” shall mean a period of not less than three months' unbroken service in one school or not less than two months' unbroken service in a school followed, either immediately or after an interval of not more than five school days, by a further period of not less than two months' unbroken service in the same or another school.

(b) A teacher who has served for not less than one year on probation may, provided that the prior approval of the manager and of the Ministry has been obtained, be allowed to attend a school, approved by the Ministry for the purpose, for a period not exceeding six months in order to obtain practice of teaching under a highly qualified teacher.”

13. Proviso (ii) to paragraph (b) of Article 72 of the Principal Regulations shall have effect as if for the words “if a teacher is rated as efficient” there were substituted the words “if a teacher's work is found to be satisfactory”.

14. Article 73 of the Principal Regulations shall have effect—

(a) as if for the words in line 11 “rated as efficient” there were substituted the words “found satisfactory”; and

(b) as if for the words in lines 14 and 15 “rated as less than efficient” there were substituted the words “not found to be satisfactory”.

15. For Article 85 of the Principal Regulations there shall be substituted the following Article :—

“85. (1) A teacher (other than a locum tenens teacher or a substitute) shall, subject to the provisions of the Principal Regulations as amended by these Regulations, be entitled to receive salary in respect of a period of absence owing to illness.

- (a) at the full rate for a period not exceeding six months, and
- (b) at one-half of the full rate for a further period not exceeding six months

in any period of four years' service : Provided always that

- (i) notwithstanding that, in any period of four years' service, salary in respect of a period of absence owing to illness may have been paid at one-half of the full rate, payment for any subsequent absence owing to illness for which salary can be allowed at the full rate within the provisions of sub-paragraph (a) of this paragraph shall nevertheless be so allowed, and
  - (ii) a period of absence owing to illness for which payment was allowed at one-half of the full rate in accordance with the provisions of sub-paragraph (b) of this paragraph at the time when the payment was made shall not subsequently be entitled to rank for payment at the full rate under the provisions of sub-paragraph (a) of this paragraph.
- (2) For the purpose of paragraph (1) of this Article,
- (i) the expression "full rate" means the rate of salary which would be payable to a teacher if he were serving personally in the school, and
  - (ii) the expression "salary" includes any allowances payable by the Ministry to the teacher in accordance with the Principal Regulations as amended by these Regulations, and
  - (iii) "six months" shall be taken as a period of 183 days
  - (iv) the expression "any period of four years' service" means, in relation to any day, a period of four years' service ending on that day.

(3) For the purpose of paragraph (1) of this Article, a period of school closing shall be reckoned as absence owing to illness unless the teacher has resumed teaching duties for not less than ten successive working days either immediately preceding or immediately succeeding, or immediately preceding and succeeding, the said closing.

(4) Where any days of absence owing to illness under the Regulations in force prior to 1st July, 1947, fall within the period of four years' service prescribed in paragraph (1) of this Article, salary shall for the purpose of sub-paragraphs (a) and (b) of that paragraph be deemed to have been paid at the full rate for one-half of the number of the said days, and at one-half of the full rate for the remainder : provided that

- (i) if the said number of days, when divided by two, gives a quotient which is not a whole number, only the said

whole number shall be taken as the number of days on which the teacher shall be deemed to have received salary at the full rate and

(ii) proviso (ii) to paragraph (1) of this Article shall not apply to absence owing to illness prior to 1st July, 1947.

(5) Where the absence of a teacher owing to illness does not exceed either three successive working days, or a total of ten working days in any year ending 31st December, the manager's statement may be accepted as evidence of the necessity for the absence, but absence owing to illness for longer than either of these periods must be supported by a medical certificate specifying the nature of the illness and certifying the incapacity of the teacher for the performance of duty. The medical certificate must be furnished to the Ministry as a condition of the allowance of salary.

(6) The appointment of a teacher who has been absent on sick leave for the maximum period allowable under paragraph (1) of this Article shall be automatically terminated on the day of the completion of that period unless the teacher is able to resume regular service on the following day. If the teacher be re-appointed at a later date to the position in the school which he held when his appointment was terminated, such re-appointment will be regarded as an entirely new appointment. Where, however, the Ministry is satisfied that this provision would operate with undue harshness in any particular case it may, at its discretion, permit the restoration of privileges formerly enjoyed in the event of the teacher's re-appointment.

(7) In any case of prolonged illness the Ministry will require the production of a medical certificate of restoration to health before permitting the teacher to resume service.

(8) Recurring absences of a teacher on account of illness may render the teacher liable to withdrawal of recognition.

(9) Subject to the provisions of paragraph (10) of this Article the Ministry may recognise and pay (at the rates prescribed in these Regulations) the remuneration of a substitute for a teacher who is absent owing to illness.

(10) A substitute for a teacher absent owing to illness shall not, save in a one-teacher school, be recognised from a date prior to the fourth consecutive working day of such absence or to the day following the date of the medical certificate certifying the teacher's incapacity for duty, whichever be the earlier.

(11) For the purpose of these Regulations the expression "working day" shall mean any day (other than a Saturday or a Sunday) on which the school was in operation or would have been in operation but for the absence of the teacher."

16. For Article 86 of the Principal Regulations there shall be substituted the following Article :—

“ 86. (1) The Ministry may allow salary to a teacher for brief absences from school owing to domestic, personal or other like circumstances, provided that the teacher has obtained the consent of the manager to the absence.

Salary shall not, as a rule, be allowed for more than three consecutive working days on any one occasion for absences of this nature.

(2) Provided that the teacher has obtained the consent of the manager, leave of absence to a teacher may be approved if the Ministry considers the cause of absence to be satisfactory and the duration reasonable.

The Ministry shall determine whether salary shall be allowed for all or any portion of such absence.

(3) The Ministry may recognise and pay the remuneration of a substitute for a teacher who is absent from school under the foregoing provisions of this Article, but, unless in special circumstances the Ministry otherwise determines, a substitute shall not be recognised during the absence of a teacher of three working days or less.

(4) The Ministry may allow salary for absence from school in the following circumstances, provided that the prior approval of the manager and the Ministry has been obtained and that a qualified substitute approved by the manager is employed.

The substitute shall receive remuneration at the appropriate rate as set forth in Article 18 of these Regulations. The amount of the remuneration shall be remitted to the substitute by the Ministry, and the Ministry shall recover from the absent teacher, by deduction from salary or otherwise, the whole amount so remitted :—

- (a) absence at a training college specially recognised for training elementary teachers for Northern Ireland ;
- (b) absence at University or other comparable courses approved by the Ministry.”

(5) The Ministry may approve of the secondment of a teacher for purposes other than teaching service in a public elementary school, provided that the prior consent of the manager and of the Ministry has been obtained.

During a period of secondment a teacher shall not be entitled to receive salary (and/or allowances) as teacher of the school from which he is seconded, but, on his resumption of duty as a public elementary school teacher, the period of secondment shall be reckoned for increment as if he had continued to serve in the

school (and in the position in which he was recognised therein) from which he was seconded.

The Ministry may, for the period of the teacher's secondment, sanction such appointments and pay such allowances as will place the staffing of the school in the position in which it would have been if the secondment had not occurred."

17. For Article 87 of the Principal Regulations there shall be substituted the following Article :—

" 87. (1) A married woman teacher must absent herself from her school duties for three months continuously during the period preceding and succeeding child-birth, and shall in respect of that absence be entitled to receive salary at one-half of the full rate.

A period of school closing occurring during such absence shall be regarded as part thereof.

The Ministry may require that a period of school closing immediately preceding or immediately succeeding absence owing to child-birth shall be regarded in whole or in part as portion of the period of three months' absence prescribed by this paragraph.

(2) In addition to the period of compulsory absence prescribed in paragraph (1) hereof, absence for a further period may, subject to the approval of the manager, be sanctioned : provided that the teacher shall not be entitled to salary in respect of such further period of absence.

(3) Absence under the foregoing provisions of this Article shall not be deemed to be absence owing to illness.

(4) For the purpose of this Article the expressions " salary " and " full rate " shall have the meanings assigned to them in Article 85 of the Principal Regulations as amended by these Regulations.

(5) A married woman teacher who on 30th June, 1947, was absent from her school duties owing to child-birth shall not in respect of that absence be subject to the requirements of paragraph (1) of this Article if on the said date she had absented herself from her school duties for the minimum period of two months prescribed by the Regulations then in force.

(6) The Ministry shall have power to recognise and pay the remuneration of a substitute for a teacher absent under the provisions of this Article."

18. For paragraph (c) of Article 88 of the Principal Regulations there shall be substituted the following paragraph :—

" 88. (c) Where the services of a substitute are recognised by the Ministry the substitute shall receive as remuneration salary at the rate which would be applicable to him under Article 126 of

the Principal Regulations as amended by these Regulations if he were serving as locum tenens teacher in the school.

The amount of the remuneration shall be remitted to the substitute by the Ministry."

19. Paragraph (d) of Article 88 of the Principal Regulations is revoked.

20. Article 91 of the Principal Regulations is revoked.

21. Article 93 of the Principal Regulations shall have effect as if for the words "other than Great Britain or Ireland," there were substituted the words "(other than Great Britain or Ireland) or in any foreign country."

22. For paragraph (e) of Article 120 of the Principal Regulations there shall be substituted the following paragraph :—

" 120. (e) (i) Any service as a teacher in respect of which salary is paid on the scale for unqualified teachers shall not rank for increments in a salary scale for qualified teachers.

(ii) Service in respect of which a teacher is entitled to receive salary at one-half of the full rate shall rank for increment as if salary were payable at the full rate."

23. For Article 126 of the Principal Regulations there shall be substituted the following Article :—

" 126. (1) The grants payable by the Ministry in respect of the salary of a locum tenens teacher shall be as follows :—

(i) *For appointments lasting not more than 50 working days :—*

Payment shall be made on a daily basis for each working day at the rate of 1/200 of the minimum of the appropriate salary scale (including any allowance payable in accordance with the provisions of Article 13 of the Public Elementary Schools (Salaries and Allowances) Regulations (Northern Ireland), 1946) which would be payable if he were recognised permanently in the position of which he is recognised by the Ministry as discharging the duties.

(ii) *For appointments lasting more than 50 working days :—*

For the first 50 working days payment shall be made in accordance with the provisions of sub-paragraph (i) of this paragraph : for each working day in excess of 50 working days payment shall be made at the rate of 1/200 of the rate of salary (including any allowance payable in accordance with the provisions of Article 13 of the

Public Elementary Schools (Salaries and Allowances) Regulations (Northern Ireland), 1946) which would be payable if he were recognised permanently in the position of which he is recognised by the Ministry as discharging the duties.

(iii) *If the locum tenens teacher be a superannuated teacher :—*

Payment shall, irrespective of the duration of the appointment, be made for each working day at the daily rate prescribed in sub-paragraph (i) of this paragraph or at a daily rate of  $1/200$  of the difference between his yearly pension as a teacher and his salary (including allowances) as a teacher in respect of the year of service immediately preceding his retirement, whichever is the lesser rate.

(2) For the purpose of this Article an appointment shall not be deemed to have lasted more than 50 working days unless the teacher has served uninterruptedly in the same school for more than 50 working days either as locum tenens teacher or as substitute or as both.

(3) So much of the Principal Regulations as requires the payment of war bonus to any locum tenens teacher or substitute to whom this Article applies shall cease to have effect."

24. Article 133 of the Principal Regulations is hereby revoked.

25. Article 135 of the Principal Regulations shall have effect as if all words from "The following regulations .....(6)" were revoked, and as if the following paragraph were added :—

"Teachers qualified for recognition under sub-paragraph (iii) of paragraph (b) of Article 53 of the Principal Regulations shall be paid on the same scale."

26. Articles 24 and 25 hereof shall have effect as from 1st April, 1945.

27. These Regulations shall, save as otherwise provided herein, have effect as from 1st July, 1947.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 5th day of June, 1947, in the presence of

(L.S.)

R. S. Brownell,

Secretary.