

Training in Northern Ireland NASUWT Aide-Mémoire for Tutors

- The National Centre will be only too pleased to assist you in making the training course the best experience it can be for learners.
- When in doubt, defer to local, as well as Head Office, knowledge.
- Use nation-specific resources and policies.
- National Action handouts – make sure they are specific to the nation you are tutoring in.

Governance and the Local Authority (LA)

- The Department of Education Northern Ireland (DENI) is responsible for the central administration of all aspects of education and related services in Northern Ireland, except the further and higher education sectors, which are the responsibility of the Department for Employment and Learning (DEL).
- The Education and Training Inspectorate (ETI), part of the DENI, inspects both schools and further education institutions.
- The Council for the Curriculum, Examinations and Assessment (CCEA) is a non-departmental public body reporting to the DENI. Its role is to advise Government, monitor standards and award qualifications.
- The Council for Catholic-Maintained Schools (CCMS) is the advocate for the Catholic maintained schools sector in Northern Ireland. The main purpose of the CCMS is to promote high standards of education in its schools and to ensure the coordination of the Catholic-maintained school system in Northern Ireland. It is the employer of teachers in its schools.
- At local level, responsibility for organising publicly funded school education lies with the Education Authority (EA) which has five regions.
- Publicly funded, grant-aided schools are divided into the following categories: controlled schools, which educate mainly Protestant children and are owned and funded by their EA; controlled integrated schools, which are owned and funded by the EA and educate Catholics and Protestants together; Catholic maintained schools, which educate mainly Catholic children and are owned by the Catholic Church and funded by the EA and the DENI; grant-maintained integrated schools, which educate Catholics and Protestants together, are owned by trustees or the school Board of Governors, but are fully funded by the DENI; and voluntary grammar schools, which are owned by trustees or the school's founding body, but are also fully funded by the DENI.
- All institutions have a Board of Governors which includes representatives from a range of different stakeholders and is responsible for the general direction of the institution. Funds are allocated to the Board of Governors via the relevant central or local body, depending on the legal category of school.
- At secondary level, there has traditionally been a selective system, with pupils transferring to (selective) grammar schools or (non-selective) secondary schools at the age of 11. The DENI no longer supports academic selection of post-primary pupils and no longer provides the 'transfer tests' previously taken by children at age 11 to determine whether they would attend a selective post-primary school. Selection

is not prohibited and many post-primary schools are continuing to select pupils academically, using tests from other providers.

- The Governing Bodies Association (GBA) is the representative organisation of the voluntary sector in Northern Ireland and its purpose is to play an influential role in the educational field in general. It provides policy information, advice and support for member schools, as well as representing their views to politicians, policy-makers media and other stakeholders.
- All personnel matters are dealt with by the Board of Governors of each school.
- Tribunal cases are extremely rare; issues are usually resolved at Labour Relations Agency (LRA) level.

National Agreements

- In Northern Ireland, agreement on teachers' pay and conditions of service is reached through the [Teachers' Salaries and Conditions of Service Committee \(Schools\) Constitution](#) which comprises the employing authorities/employer representatives, the DENI and the five recognised teachers' unions (Irish National Teachers' Organisation, National Association of Schoolmasters and Union of Women Teachers, Ulster Teachers' Union, Association of Teachers and Lecturers, and National Association of Headteachers).
- Following negotiations, the Department determines teachers' pay in accordance with the provisions of Article 69 (1) and (6) of the Education and Libraries Order 1986. In doing so, it issues Pay Determinations/Circulars which give legal effect to salary changes.
- [Teachers' \(Terms and Conditions of Employment\) Regulations \(Northern Ireland\) 1987 No. 267 \(and Amendment Regulations 1988 No. 299\)](#) make provision as to the terms and conditions of employment of teachers in grant-aided schools and to peripatetic teachers. Other [contractual changes, and agreed schemes and procedures](#), are normally issued by the employing authorities/employer representative bodies to schools.
- Education in Northern Ireland is devolved to the Northern Ireland Assembly and there is a Minister for Education.

The NASUWT is currently in a national trade dispute with the Minister for Education.

Working Time Agreements (WTA)

- Working time is set out in the Jordanstown Agreement.
- A full-time teacher should be available for work on 195 days a year, of which 190 days should involve the teaching of children in the classroom. The maximum hours per year is 1,265.
- The maximum number of hours per week is 32.4 hours.
- A teacher may not be required to teach in a classroom for more than 25 hours in any week in a primary or special school and 23.5 in any week in a secondary school.
- Teachers in nursery schools, or nursery schools in primary schools, are required to have at least a 30-minute break between 12 noon and 2.30pm, while all other teachers are required to have the break between 12 noon and 2pm.

Procedures and Policies

- All major policies such as 'competency', 'disciplinary' etc are agreed at the Teachers' Negotiating Committee between employers and trade unions.
- 'Capability' is a term only associated with ill health and should only be used in this context. 'Effectiveness' is the term used for questioning ability.
- Where there are redundancies in schools, those who are selected for redundancy are provided with access to the 'Transferred Redundancy' list; this provides those who are selected for redundancy with the opportunity to transfer to a position where a teacher is volunteering to be made redundant.
- Under the workload agreement, NQTs should only be required to undertake cover in exceptional circumstances.

Pay

- It is the school that decides on movement up the pay scale. This is very largely automatic and transparent and schools normally adopt the model salary policy. If the employer moves a teacher to another school through a reorganisation, and the position is lower paid, the teacher has 'salary conservation' for four years (Reorganisation Allowance).
- Teachers must be registered with the General Teaching Council for Northern Ireland (GTCNI) before they can teach. A teacher's pay starts at Point 1 in the induction year.
- Teachers must complete Early Professional Development (EPD) in years 2 and 3 before they can progress up the pay spine from point 3 to point 6. Movement up the pay spine is automatic between points 3 and the maximum point 6.
- There are three points on the Upper Pay Scale (UPS) which depend on successful Performance Review and Staff Development (PRSD).
- A teacher can apply for a promoted post at any point. These are known as Teaching Allowances (TAs). They range from TA1 to TA5. There are no Teaching and Learning Responsibility (TLRs) payments.

Accountability

- The Education and Training Inspectorate (ETI) is an organisation which provides inspection services and information about the quality of education being offered to the DENI; it is similar to Ofsted.
- The work of the ETI covers early years, primary and post-primary schools, special education, further education, work-based learning, youth, initial teacher education, inspection of DCAL organisations, DARD and CJI, as well as policy, planning and improvement work.
- The Procedure for Supporting Effective Teaching in Schools (TNC 213/4) is invoked whenever a teacher's performance is giving cause for concern and all informal measures have been exhausted.

Miscellaneous

- Legislated class sizes:
 - Primary – 30 (few exceptions);
 - Secondary – 35 (practical classes – 20).

- The School Re-Organisation Agreement sets out common approaches to issues which may affect the Terms and Conditions of Employment of teachers arising from amalgamations, closure of an existing school, establishment of new models of school governance and creation of new jointly managed schools. It primarily provides that there will be no compulsory redundancies of those teachers redeployed for two years and that any teacher who held a permanent Teaching Allowance (TA) will have it protected for up to a maximum of for four years.
- The GTCNI is the independent professional body for teachers in Northern Ireland. It is dedicated to enhancing the status of teaching and promoting the highest standards of professional conduct and practice. All teachers in Northern Ireland are required to be registered with the GTCNI. From 1 April 2015, the Department conferred powers on the GTCNI to enable it to consider cases of serious teacher misconduct (which have led or could have led to dismissal) and, where appropriate, to remove a teacher from its register. The GTCNI has no remit over the competency of teachers.

The Northern Ireland Substitute Teacher Register (NISTR) is an on-line web-based facility which provides a real-time booking system and a regional centralised database for all substitute teachers in Northern Ireland. It allows local schools to access the database at short notice in order to book substitute teaching cover for teacher absences. Payment for all approved periods of substitute teaching is then made on a monthly basis by the DENI Teachers' Pay Team.

PRSD

The PRSD is integral to the School Development Planning process. It recognises the significant skills, abilities and experience of teachers in Northern Ireland and will foster their continuing professional development. It will seek to provide for all pupils the highest quality learning and teaching.

Key differences in employment law between NI and GB – June 2015

NI	GB
Qualifying period in order to claim unfair dismissal = 1 year	Qualifying period in order to claim unfair dismissal = 2 years
NI retains the statutory dismissal procedure and the grievance procedure requirements are now contained in the LRA Code of Practice	GB repealed all of the statutory dispute resolution procedures and replaced them with the ACAS Code of Practice
Collective redundancy consultation period where over 100 employees = 90 days	Collective redundancy consultation period where over 100 employees = 45 days
There are no fees for lodging an industrial tribunal claim	The fees for lodging an employment tribunal range from £390-£1,200

Public Interest Disclosure legislation (whistle-blowing) remains largely the same since 1999	In summer 2013 there were 4 significant areas of change to the whistle-blowing law
A tribunal applicant can proceed to industrial tribunal directly if that is what they want	A tribunal applicant must first attempt conciliation through ACAS before progressing
The law on compromise agreements and settlement processes remains as it was	Recent reforms in relation to “settlement” agreements and protected conversations
The law on TUPE transfers remains as it was in 2006 (also see Service Provision Change '06)	There were 6 technical reforms to TUPE 2006 legislation in 2014
Fit for Work – national occupational health service does not extend to Northern Ireland	Fit for work – national occupational health service rolled out between 2014-2015
Arbitration as an alternative to going to industrial tribunal can be used in over 50 areas of claim	Arbitration as an alternative to going to industrial tribunal can be used in only 2 areas of claim (unfair dismissal and flexible working)
No back-stop limitation period for making backdated holiday pay calculations that have not included contractual non-guaranteed overtime	From 1/7/15 employment tribunal claims will limit backdated holiday pay calculations that have not included contractual non-guaranteed overtime to 2 years
There is no regulation of exclusivity clauses in zero hours contracts in Northern Ireland	Exclusivity clauses in zero hours contracts have been banned since May 2015
Different discrimination legislation	Single Equality Act
Free mediation service	Charge for mediation