

2000 No. 1620

EDUCATION, ENGLAND

**The Education (School Teacher Appraisal) (England)
Regulations 2000**

<i>Made</i> - - - -	<i>19th June 2000</i>
<i>Laid before Parliament</i>	<i>20th June 2000</i>
<i>Coming into force</i>	<i>1st September 2000</i>

In exercise of the powers conferred on the Secretary of State by sections 49 and 63(3) of the Education (No. 2) Act 1986(a) and after consulting in accordance with section 49(4) of that Act such associations of local authorities, and representatives of school teachers, as appeared to him to be concerned and other persons with whom consultation appeared to him to be desirable, the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement, extent and revocation

1.—(1) These Regulations may be cited as the Education (School Teacher Appraisal) (England) Regulations 2000 and shall come into force on 1st September 2000.

(2) These Regulations shall apply in relation to England.

(3) The Education (School Teacher Appraisal) Regulations 1991(b) and the Education (School Teacher Appraisal) (Amendment) (England) Regulations 1999(c) are hereby revoked.

Interpretation

2.—(1) In these Regulations—

“appraisal statement” means an appraisal statement prepared under regulation 14 in respect of a school teacher;

“external adviser” means a person appointed as such by a school governing body being one of the persons on a list of advisers in relation to the appraisal of head teachers maintained by the Secretary of State;

“school” means a community, voluntary, foundation, community special, or foundation special school;

(a) 1986 c. 61. Section 49 is amended by paragraphs 36 and 101 of Schedule 12 to the Education Reform Act 1988 (c. 40), by paragraph 23 of Schedule 8 to the Further and Higher Education Act 1992 (c. 13) and by paragraph 14 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31). Section 63(3) was amended by paragraph 107 of Schedule 19 to the Education Act 1993 (c. 35). For matters to be prescribed see section 67(3) of the 1986 Act amended by paragraph 66 of Schedule 37 to the Education Act 1996 (c. 56) and section 579(1) of that Act. The Secretary of State can exercise the power under section 49 only in relation to England: see article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) S.I. 1991/1511.

(c) S.I. 1999/2261.

“school day”, in relation to a school, means any day on which at that school there is a school session;

“school teacher” means a teacher employed at one or two schools by a local education authority or by the governing body of a foundation, voluntary aided or foundation special school, but does not include a teacher employed under a fixed term contract of employment the term of which is less than one year; and

“school which has a religious character” means a foundation or voluntary school designated as a school having such a character under section 69(3) of the School Standards and Framework Act 1998^(a).

(2) Any reference in these Regulations to—

(a) a numbered regulation is a reference to the regulation bearing that number in these Regulations; and

(b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

Breach of time limits

3. Failure by any person to discharge any duty within a time limit specified in these Regulations shall not relieve him of that duty.

Duty to appraise

4. It shall be the duty of the governing body of a school to secure that the performance in discharging their duties of school teachers at the school is regularly appraised in accordance with these Regulations.

Appointment of appraisers and external advisers for head teachers

5.—(1) The governing body of a school shall appoint two or three governors to be appraisers for the head teacher, and may appoint a new appraiser in place of an existing appraiser at any time.

(2) No governor who is a teacher or other member of staff at the school shall be appointed as appraiser of the head teacher.

(3) Subject to paragraph (4), one or more of the appraisers of the head teacher of—

(a) a school which has a religious character; or

(b) a voluntary aided school which does not have a religious character,

shall be foundation governors of the school.

(4) Where the governing body of a voluntary aided school appoints three governors as appraisers of the head teacher under paragraph (1), not less than two of them shall be foundation governors of the school.

6. The governing body of a school shall appoint an external adviser in relation to the appraisal of the head teacher, and may appoint a new external adviser in place of an existing external adviser at any time.

Appointment of appraisers for other school teachers

7.—(1) The head teacher shall appoint as appraiser for every other school teacher at the school, a school teacher at the school who may be the head teacher.

(2) The head teacher may appoint a new appraiser in place of an existing appraiser at any time.

The appraisal cycle

8.—(1) Subject to the following provisions of this regulation, and to regulations 9 and 10, the governing body of a school shall determine the timing of the appraisal cycle for the head teacher (including an acting head teacher) and the head teacher shall determine the timing of the appraisal cycle for every other teacher at the school.

(a) The order currently in force under this provision in relation to England is S.I. 1999/2432.

(2) Except as provided for in paragraph (3) and regulation 9(4) the length of an appraisal cycle shall be one year.

(3) In the case of the first appraisal cycle under these Regulations of a school teacher other than a head teacher, the head teacher may determine that the length of the cycle shall be a period of not less than nine months and not exceeding 18 months.

(4) Once begun, appraisal cycles for every school teacher shall be continuous.

9.—(1) If a school teacher moves to a post in another school or to a new post as a head teacher, the appraisal cycle shall begin again.

(2) If a school teacher other than a head teacher moves to a new post in the same school the head teacher may determine that the appraisal cycle shall begin again.

(3) If a school teacher becomes an acting head teacher the governing body may determine that—

(a) the appraisal cycle shall begin again; and

(b) the school teacher shall be appraised as a head teacher.

(4) Where the head teacher or governing body determine that a school teacher's appraisal cycle shall begin again under paragraph (1), (2) or (3)(a), they may also determine that the length of the teacher's first appraisal cycle in his new post shall be a period of less than one year.

(5) The appointment of a new appraiser or new external adviser shall not cause a school teacher's appraisal cycle to begin again.

10. The governing body shall secure that—

(a) on or before 31st December 2000 objectives have been agreed or set for the head teacher of a school in accordance with regulation 11; and

(b) on or before 28th February 2001 objectives have been recorded in accordance with regulation 12(4) in relation to every school teacher who is not a head teacher.

Planning appraisal and setting of objectives

11.—(1) Before or at the start of the appraisal cycle, all the appraisers of a head teacher, the external adviser and the head teacher shall meet to plan and prepare for the appraisal and to seek to agree objectives which shall include objectives relating to—

(a) school leadership and management; and

(b) pupil progress.

(2) If objectives are not agreed under paragraph (1), the appraisers shall set the objectives for the head teacher.

(3) The objectives agreed or set under this regulation shall be recorded in a written statement of objectives and in the case of objectives set under paragraph (2) the head teacher may add to it comments in writing.

12.—(1) This regulation applies in relation to the appraisal of a school teacher who is not a head teacher.

(2) Before or at the start of the appraisal cycle, the appraiser and the school teacher shall meet to plan and prepare for the appraisal and to seek to agree objectives which shall include objectives relating to—

(a) developing and improving the school teacher's professional practice; and

(b) pupil progress.

(3) If objectives are not agreed under paragraph (2), the appraiser shall record such objectives as he considers appropriate in writing, and the teacher may add comments in writing.

(4) The objectives agreed under paragraph (2), or where objectives have not been agreed, the objectives recorded under paragraph (3) and the teacher's written comments shall be recorded in a written statement of objectives.

Classroom observation etc.

13.—(1) In appraising a school teacher who is not a head teacher the appraiser shall observe the school teacher teaching on at least one occasion.

(2) An appraiser may not without first consulting the school teacher obtain from any other person information, whether written or oral, relevant to the school teacher's performance.

The appraisal interview and the appraisal statement

14.—(1) At or near the end of the appraisal cycle, the appraiser and the school teacher, and in the case of a head teacher, all the appraisers, the external adviser and the head teacher shall hold an appraisal interview, with the objects of—

- (a) reviewing the school teacher's performance and identifying his achievements and aspects in which further development would be desirable;
- (b) assessing the extent to which the school teacher has met the objectives agreed or set under regulation 11 or recorded under regulation 12(4); and
- (c) identifying any training and developmental needs and ways of meeting such needs.

(2) Not later than the end of the period of 10 school days beginning with each appraisal interview, the appraiser or appraisers shall prepare a written appraisal statement recording the main points made by the appraiser and the school teacher at the interview and the conclusions reached, and there shall be recorded in a separate annex to the appraisal statement (which shall form part of the statement) the training and developmental needs and ways of meeting such needs identified at the interview.

(3) An appraisal interview under paragraph (1) may be combined with a meeting under regulation 11 or 12 in relation to the following appraisal cycle.

(4) The appraiser shall give the school teacher a copy of the appraisal statement not later than the end of the period of 10 school days beginning with the date of the appraisal interview.

(5) The school teacher may, not later than the end of the period of 10 school days beginning with the date on which he first had access to the appraisal statement, add to it comments in writing.

Appraisal procedures

15. Subject to regulations 11 to 14, the governing body of a school shall determine any ancillary or supplementary procedures for the appraisal of the school teachers at the school.

Head teacher's report

16. At least once during each school year the head teacher shall make a written report to the governing body about the operation of school teachers' appraisal at the school, the effectiveness of the school's appraisal procedures, and the training and developmental needs of the school teachers.

Review of appraisal

17.—(1) A school teacher shall be entitled to complain about an appraisal statement not later than the end of the period of 10 school days beginning with the day on which he first had access to it.

(2) The review officer in relation to a complaint by a head teacher shall be the chairman of the governing body, but where the chairman of the governing body has participated in the appraisal complained of, the governing body shall appoint one or more governors who have not participated in the appraisal complained of as review officers in relation to such complaint.

(3) The review officer in relation to a complaint by a school teacher who is not a head teacher shall be the head teacher, but where the appraiser is the head teacher, the review officer shall be the chairman of the governing body.

(4) No governor who is a teacher or other staff member at the school shall be appointed as a review officer for a school teacher at the school.

(5) The review officer shall not later than the end of the period of 10 school days beginning with the day on which he was provided with a copy of the appraisal statement conduct and conclude a review of the appraisal complained of, and shall take account of any representations made by the school teacher.

(6) The review officer may—

- (a) order the appraisal statement to stand with or without observations of his own; or
- (b) with the agreement of the appraiser, or in the case of a head teacher all the appraisers, amend the appraisal statement; or
- (c) order that the appraisal statement be expunged and order a new appraisal.

(7) Where a new appraisal is ordered under paragraph (6)(c)—

- (a) in the case of a head teacher, all the appraisers shall be replaced by new appraisers appointed in accordance with regulation 5; and
- (b) in the case of a school teacher who is not a head teacher, a new appraiser shall be appointed in accordance with regulation 7, and where the head teacher was the appraiser the review officer shall appoint as appraiser the head teacher of another school or such other person of suitable seniority, expertise and experience as he considers fit,

and subject to paragraph (8) the review officer shall determine which appraisal procedures shall be repeated.

(8) The review officer shall not—

- (a) determine that new objectives be agreed or set in accordance with regulation 11 or 12; or
- (b) determine that the objectives agreed or set under regulation 11 or 12 be revised.

(9) All appraisal procedures determined to be repeated where a new appraisal is ordered under paragraph (6)(c) shall be completed by not later than the end of the period of 15 school days beginning with the date on which the review officer made his order.

Use and retention of appraisal statements

18.—(1) This regulation applies in the case of a head teacher.

(2) The appraisers shall give the appraisal statement to the chairman of the governing body.

(3) The chairman of the governing body shall provide a copy of the appraisal statement to—

- (a) the appraisers, upon request;
- (b) any review officer, who shall also be given access to the statement of objectives for the appraisal cycle to which the statement relates;
- (c) any governors responsible for advising about, or taking decisions in relation to, the use of any discretion in relation to the head teacher's pay, upon request; and
- (d) in the case of the head teacher of a school which does not have a delegated budget the Chief Education Officer or any officer or adviser specifically designated by the Chief Education Officer with responsibility for advising about, or taking decisions in relation to, the use of any discretion in relation to the head teacher's pay, upon request.

(4) The chairman of the governing body shall provide a summary of the conclusions recorded in the appraisal statement to the Chief Education Officer or any officer or adviser specifically designated by the Chief Education Officer with responsibility for advising about, or taking decisions in relation to, the performance of head teachers pursuant to paragraph 23 of Schedule 16 and paragraph 22 of Schedule 17 to the School Standards and Framework Act 1998^(a), upon request.

(5) The chairman of the governing body shall make a head teacher's current statement of objectives available to a new appraiser appointed otherwise than at the beginning of an appraisal cycle.

(a) 1998 c. 31.

(6) The chairman of the governing body shall provide a copy of the annex to the appraisal statement referred to in regulation 14(2) to the person or persons responsible for planning the training and development of school teachers at the school.

(7) A head teacher shall keep a copy of his appraisal statement until at least three years after his next appraisal statement has been finalised.

19.—(1) This regulation applies in the case of a school teacher who is not a head teacher.

(2) The appraiser shall give the appraisal statement to the head teacher.

(3) The head teacher shall make the appraisal statement available to—

- (a) the appraiser, upon request;
- (b) any review officer, who shall also be given access to the statement of objectives for the appraisal cycle to which the statement relates;
- (c) any governors responsible for advising about, or taking decisions in relation to, the promotion of the school teacher or the use of any discretion in relation to his pay, upon request; and
- (d) in the case of a school teacher employed at a school which does not have a delegated budget the Chief Education Officer or any officer or adviser specifically designated by the Chief Education Officer with responsibility for advising about, or taking decisions in relation to, the promotion of the school teacher or the use of any discretion in relation to his pay, upon request.

(4) The head teacher shall make a school teacher's current statement of objectives available to a new appraiser appointed otherwise than at the beginning of an appraisal cycle.

(5) The head teacher shall provide a copy of the annex to the appraisal statement referred to in regulation 14(2) to the person or persons responsible for planning the training and development of school teachers at the school.

(6) The head teacher shall keep a school teacher's appraisal statement until at least three years after his next appraisal statement has been finalised.

20.—(1) Relevant information from appraisal statements may be taken into account by head teachers, school governing bodies (including committees of governing bodies), Chief Education Officers or any officers or advisers specifically designated by a Chief Education Officer under regulation 18(3)(d), 18(4) or 19(3)(d) in taking decisions, and in advising those responsible for taking decisions, about the performance, promotion, dismissal or discipline of school teachers or the use of any discretion in relation to pay.

(2) Appraisal procedures shall not form part of any disciplinary or dismissal procedures.

Transitional provision

21. Regulations 18 to 20 shall apply in relation to appraisal records produced and maintained under the Education (School Teacher Appraisal) Regulations 1991 as they apply in relation to appraisal statements.

19th June 2000

Estelle Morris
Minister of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Education (School Teacher Appraisal) Regulations 1991 (S.I. 1991/1511).

The Regulations provide for the appraisal of the performance of school teachers (including unqualified teachers and those employed on fixed term contracts of one year or more) employed at not more than two community, voluntary, foundation, community special, or foundation special schools. By virtue of section 19(7) of the Teaching and Higher Education Act 1998, these Regulations do not apply to teachers serving an induction period under section 19.

The Regulations make provision for the appointment of an appraiser for each school teacher. A school governing body must appoint an external adviser in relation to the appraisal of a head teacher, and they shall appoint either two or three appraisers for a head teacher.

The governing body of a school are under a duty to secure that the performance of all school teachers at the school is appraised regularly. The appraisal cycle normally lasts for one year, although the first appraisal cycle under these Regulations for a school teacher who is not a head teacher may last for between 9 and 18 months. The Regulations make provision for the procedures for appraisal.

A school teacher has a right to have his appraisal statement reviewed if he complains within 10 school days.

The Regulations impose a duty on head teachers to make an annual written report on the effectiveness of appraisal procedures to the governing body.

The Regulations also make provision for the retention, disclosure and use of appraisal statements.

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