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STATUTORY INSTRUMENTS

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**2001 No. 2855**

Education (School Teacher Appraisal)  
(England) Regulations 2001

PART III

PROVISIONS APPLYING TO CERTAIN TEACHERS  
EMPLOYED BY THE LOCAL EDUCATION AUTHORITY  
OTHER THAN IN CERTAIN NURSERY SCHOOLS

**Application of Part III**

**23.** Part III applies to the appraisal of the performance of a teacher who is employed by a local education authority under the terms and conditions determined by the Secretary of State by Order under Section 2 of the School Teachers' Pay and Conditions Act 1991<sup>(1)</sup> and who—

- (a) is not attached to a particular school (other than a pupil referral unit); or
- (b) is employed to work in a nursery school to which part II does not apply;

and if he is employed under a fixed term contract of employment, is employed for a period of twelve weeks or more.

**Interpretation of Part III**

**24.** In this Part—

“appraisal statement” means an appraisal statement prepared under regulation 34 in respect of a teacher;

“authority” in relation to a teacher to whom part III applies means the local education authority by which he is employed;

“Chief Education Officer” includes (except in regulation 35(3)) any officer specifically designated by the Chief Education Officer with responsibility for carrying out any function of the Chief Education Officer under this Part;

“head teacher” means a teacher paid as a head under the School Teachers' Pay and Conditions Act 1991;

“pupil referral unit” has the meaning given to that expression in section 19(2) of the Education Act 1996<sup>(2)</sup>;

“short fixed term contract” means a fixed term contract of 12 weeks or more but less than one year;

“teacher” means a teacher to whom regulation 23 applies;

“working day” means any day except Saturday and Sunday, which is not a public holiday.

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(1) 1991 c. 49.

(2) 1996 c. 56.

### **Duty to appraise**

**25.** It shall be the duty of the local education authority to secure that the performance in discharging their duties of teachers employed by them is regularly appraised in accordance with this Part.

### **Appointment of appraisers**

**26.—(1)** The Chief Education Officer shall appoint an appraiser for every teacher to whom this part applies.

(2) The Chief Education Officer may appoint a new appraiser in place of an existing appraiser at any time.

### **The appraisal cycle**

**27.—(1)** Subject to the following provisions of this regulation, and to regulations 28 and 29, the Chief Education Officer shall determine the timing of the appraisal cycle for the head teacher and every teacher employed by the authority to whom this Part applies.

(2) Except as provided for in paragraphs (3), (4) and (5) of this regulation and regulation 28(3) the length of an appraisal cycle shall be one year.

(3) The Chief Education Officer may determine that the length of the first appraisal cycle under these Regulations of a teacher other than a head teacher shall be a period of not less than nine months and not exceeding 18 months.

(4) The Chief Education Officer may determine that the length of the first appraisal cycle under these Regulations of a head teacher shall be a period of less than one year.

(5) Where the teacher is employed under a short fixed term contract the length of the appraisal cycle shall be the term of the contract.

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

**28.—(1)** If a teacher moves to a new post in the local education authority the appraisal cycle may begin again.

(2) If a teacher becomes an acting head teacher the Chief Education Officer may determine that—

- (a) the appraisal cycle shall begin again; and
- (b) the teacher shall be appraised as a head teacher.

(3) Where the Chief Education Officer determines that a teacher's appraisal cycle shall begin again under paragraph (1) or (2)(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.

(4) The appointment of a new appraiser shall not cause a teacher's appraisal cycle to begin again.

**29.** The Chief Education Officer shall secure that:

- (a) objectives have been agreed or set for every head teacher in accordance with regulation 30 on or before 31st December 2001 and on or before 31st December in every subsequent year; and
- (b) objectives have been recorded in relation to every teacher who is not a head teacher, in accordance with regulation 31 on or before 28th February 2002.

**30.—(1)** This regulation applies in relation to the appraisal of all teachers including head teachers.

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

- (a) in the case of a head teacher—
    - (i) leadership and management; and
    - (ii) pupil progress, or where the head teacher does not have sufficient direct contact with pupils to enable a direct measure of progress, his contribution to pupil progress;
  - (b) in the case of a teacher who is not a head teacher—
    - (i) developing and improving the teacher’s professional practice; and
    - (ii) pupil progress, or where the teacher does not have sufficient direct contact with pupils to enable a direct measure of progress, his contribution to 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.

**31.**—(1) A teacher’s objectives may be revised at any time during the appraisal cycle where the teacher and his appraiser agree.

- (2) Where a teacher’s objectives are revised under this regulation—
  - (a) his statement of objectives shall be amended to show the agreed revision;
  - (b) references in this Part to his objectives shall be read as references to his revised objectives; and
  - (c) references in this Part to his statement of objectives shall be read as references to his amended statement of objectives.

### **Teaching observation**

**32.**—(1) Subject to paragraph (3) in appraising a teacher who is not a head teacher the appraiser shall observe the teacher teaching on at least one occasion.

(2) An appraiser may not without first consulting the teacher obtain from any other person (save for a person appointed in accordance with paragraph (3)) information, whether written or oral, relevant to the teacher’s performance.

(3) Any observation of a teacher may be undertaken by a suitably experienced person, appointed by the appraiser, who shall provide a report to the appraiser and feedback to the teacher.

### **The appraisal interview and the appraisal statement**

**33.**—(1) At or near the end of the appraisal cycle, the appraiser, and the teacher shall hold an appraisal interview, with the objects of—

- (a) reviewing the teacher’s performance and identifying his achievements and aspects in which further development would be desirable;
- (b) assessing the extent to which the teacher has met the objectives agreed or set under regulation 30 or recorded under regulation 30(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 working days beginning with each appraisal interview, the appraiser shall prepare a written appraisal statement recording the main points made by the appraiser and the 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) The appraiser shall give the teacher a copy of the appraisal statement not later than the end of the period of 10 working days beginning with the date of the appraisal interview.

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

### **Appraisal procedures**

**34.** Subject to regulations 30 to 33, the Chief Education Officer shall determine any ancillary or supplementary procedures for the appraisal of teachers in the area of his authority.

### **Review of appraisal**

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

(2) Subject to subparagraph (3) the review officer shall be the Chief Education Officer.

(3) Where the Chief Education Officer (in person) has participated in the appraisal complained of the review officer shall be the Chief Executive of the authority.

(4) The review officer shall not later than the end of the period of 10 working 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 teacher.

(5) 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, amend the appraisal statement; or
- (c) except in the case of a teacher employed under a short fixed term contract, order that the appraisal statement be expunged and order a new appraisal.

(6) Where a new appraisal is ordered under paragraph (5)(c) the appraisal shall not be conducted by the person who conducted the original appraisal and subject to paragraph (7) the review officer shall determine which appraisal procedures shall be repeated.

(7) The review officer shall not—

- (a) determine that new objectives be agreed or set in accordance with regulation 30 or 31; or
- (b) determine that the objectives agreed or set in accordance with regulation 30 or 31 be revised.

(8) 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 working days beginning with the date on which the review officer made his order.

### **Chief Education Officer's Report**

**36.** At least once a year, the Chief Education Officer shall make a written report to the local education authority about the operation of teachers' appraisal in the authority's area, the effectiveness of the authority's appraisal procedures and the training and developmental needs of the teachers.

**37.**—(1) This regulation applies in the case of any teacher who may be a head teacher.

(2) The appraiser shall give the appraisal statement to the Chief Education Officer.

(3) The Chief Education Officer 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 officer of the authority responsible for advising about, or taking decisions in relation to, the promotion of the teacher or the use of any discretion in relation to his pay, upon request.
- (4) The Chief Education Officer shall make a teacher's current statement of objectives available to a new appraiser appointed otherwise than at the beginning of an appraisal cycle.
- (5) The Chief Education Officer shall provide a copy of the annex to the appraisal statement referred to in regulation 33(2) to the person or persons responsible for planning the training and development of teachers at the pupil referral unit, nursery school or in the education service.
- (6) The Chief Education Officer shall keep a teacher's appraisal statement until at least three years after his next appraisal statement has been finalised.
- 38.—**(1) Relevant information from appraisal statements may be taken into account by Chief Education Officers in taking decisions, and in advising those responsible for taking decisions, about the performance, promotion, dismissal or discipline of teachers or the use of any discretion in relation to pay.
- (2) Appraisal procedures shall not form part of any disciplinary or dismissal procedures.