

EXPLANATORY MEMORANDUM TO
THE EDUCATION (SCHOOL TEACHERS' APPRAISAL) (ENGLAND)
(AMENDMENT) REGULATIONS 2012

2012 No. 2055

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend the Education (School Teachers' Appraisal) Regulations 2012 ("2012 Appraisal Regulations") to provide for the arrangements for the appraisal of school teachers to take account of the new regulations governing the induction of newly qualified teachers - the Education (Induction Arrangements for School Teachers) (England) Regulations 2012 ("the 2012 Induction Regulations") - which will come into force on 1 September 2012.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 These Regulations amend the 2012 Appraisal Regulations.

5. Territorial Extent and Application

5.1 These Regulations apply in relation to England.

6. European Convention on Human Rights

6.1 As these Regulations are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 The 2012 Appraisal Regulations set out the arrangements for the appraisal of teachers (including head teachers) employed by governing bodies and local authorities at maintained schools, and other teachers employed by local authorities ("unattached teachers"). They do not apply to teachers who are undergoing an induction period under the Education (Induction Arrangements for School Teachers) (England) Regulations 2008 ("the 2008 Regulations"). Although the 2008 Induction Regulations will be revoked with effect from the 1 September 2012 by the 2012 Induction Regulations they will continue to

apply to teachers who are undergoing an induction period in accordance with the 2008 Regulations.

7.2 These Regulations amend the 2012 Appraisal Regulations so that teachers who are undergoing an induction period under the 2012 Induction Regulations are excluded from their provisions, as well as those who are still serving a period of induction under the 2008 Regulations.

8. Consultation outcome

8.1 The 2012 Regulations were the subject of consultation. The amendment made by these Regulations is a consequential amendment which preserves the current policy arrangements that teachers undergoing an induction period should not be covered by the separate performance management arrangements set out in the 2012 Appraisal Regulations and for that reason no consultation is necessary. The Department has of course informed bodies representing local authorities and the interests of teachers that the Regulations have been made.

9. Guidance

9.1 An optional model policy is available on the Department's website which covers arrangements for appraisals and capability issues. There will be no need to update that guidance in the light of these Regulations.

10. Impact

10.1 There is no impact on business or civil society organisations.

10.2 The impact on the public sector is minimal. Schools and local authorities will continue to operate in exactly the same way as they have always done as they already exclude teachers serving from their statutory appraisal arrangements

10.3 An Impact Assessment has not been prepared for this instrument because no impact on business or civil society organisations.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This is a consequential amendment and there is no need to review its impact.

13. Contact

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jenny.curtis@education.gsi.gov.uk can answer any queries regarding the instrument.