
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Education (School Teacher Performance Management) (England) Regulations 2006. Those Regulations continue to apply in relation to performance management and review cycles under regulations 12 and 26 of the 2006 Regulations which are in progress when these Regulations come into force (although a governing body or local authority (as the case may be) may decide to curtail any performance management and review cycle in progress when these Regulations come into force) (regulation 9).

These Regulations apply to teachers whose pay and conditions are determined by an order of the Secretary of State under section 122 of the Education Act 2002 who are employed for one school term or more, other than those who are undergoing an induction period or who are the subject of capability procedures.

Regulation 3 requires governing bodies (in respect of teachers employed at a school) and local authorities (in respect of unattached teachers) to have a written document setting out the appraisal process. “Unattached teachers” are teachers employed by a local authority who are not attached to a particular school or who are employed otherwise than at a school (for example teachers employed at a pupil referral unit).

Regulation 5 establishes the appraisal period in relation to teachers to whom the Regulations apply.

Regulation 6 requires head teachers (in respect of teachers, other than the head teacher, employed at a school), governing bodies (in respect of a head teacher employed at a school) and local authorities (in respect of unattached teachers) to set objectives for teachers and inform each teacher of the standards against which that teacher’s performance is to be assessed. Such standards must be the set of standards contained in the document entitled “Teachers’ Standards” published by the Secretary of State in July 2011 (which can be found at <http://www.education.gov.uk/>), and may include any other set of standards relating to teachers’ performance published by the Secretary of State as the head teacher, governing body or local authority determines as being applicable to the performance of that teacher. A governing body must consult the external adviser (appointed under regulation 4) in setting objectives for a head teacher.

Regulation 7 requires the annual appraisal of the performance of teachers, which must include an assessment of the teacher’s performance against the appropriate standards and that teacher’s objectives, an assessment of the teacher’s professional development needs and, where relevant, a recommendation on the teacher’s pay. A governing body must consult the external adviser (appointed under regulation 4) in appraising a head teacher’s performance.

The teacher must be given a written report recording the appraisal (regulation 8).

An impact assessment has not been produced for this instrument as no impact on business, charities and voluntary bodies is foreseen and the impact on the public sector will be minimal.