



# Education Act 2002

## 2002 CHAPTER 32

### PART 8

#### TEACHERS

##### *School teachers' appraisal*

### 131 Appraisal

- (1) Regulations may require the appraisal of the performance of teachers—
  - (a) in a manner specified by the regulations, and
  - (b) at times specified by or determined in accordance with the regulations.
- (2) The regulations may impose a duty on—
  - (a) a [<sup>F1</sup>local authority];
  - (b) the governing body of a school or institution;
  - (c) the head teacher of a school or the principal of an institution.
- (3) The regulations may—
  - (a) require or permit an appraisal to be carried out in a manner which confers a discretion on a person specified by or chosen or determined in accordance with the regulations;
  - (b) permit a person on whom a duty is imposed under subsection (2) to delegate that duty in whole or in part.
- (4) The regulations may require or permit a person listed in subsection (2) to have regard to the results of an appraisal in the performance of a function specified by the regulations.
- (5) The results of an appraisal may be used in determining a teacher's remuneration.
- (6) Before making regulations under this section the Secretary of State shall consult such of the following as appear to him to be appropriate—
  - (a) associations of [<sup>F2</sup>local authorities] in England,
  - (b) [<sup>F2</sup>local authorities] in England,

*Changes to legislation: Education Act 2002, Section 131 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) bodies representing the interests of governing bodies in England,
  - (d) bodies representing the interests of teachers in England, <sup>F3</sup> ...
  - <sup>F3</sup>(e) .....
- (7) Before making regulations under this section the National Assembly for Wales shall consult such of the following as appear to it to be appropriate—
- (a) associations of [<sup>F2</sup>local authorities] in Wales,
  - (b) [<sup>F2</sup>local authorities] in Wales,
  - (c) bodies representing the interests of governing bodies in Wales, [<sup>F4</sup>and]
  - (d) bodies representing the interests of teachers in Wales, <sup>F5</sup> ...
  - <sup>F5</sup>(e) .....
- (8) Section 49 of the Education (No. 2) Act 1986 (c. 61) (appraisal) shall cease to have effect.

#### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(3)**
- F3** S. 131(6)(e) and word repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 46, **Sch. 2 Pt. 1** (with art. 2(3))
- F4** Word in s. 131(7)(c) inserted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 87(a)** (with art. 7)
- F5** S. 131(7)(e) and word omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 1 para. 87(b)** (with art. 7)

#### Commencement Information

- I1** S. 131 wholly in force at 19.12.2002; s. 131 not in force at Royal Assent, see s. 216; s. 131 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), **art. 3** (with transitional provisions and savings in [art. 4, Sch.](#)); s. 131 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), **art. 4, Sch. Pt. I**

**Changes to legislation:**

Education Act 2002, Section 131 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 131(1) words inserted by [2014 anaw 5 Sch. 3 para. 1\(3\)](#)
- s. 131(7) repealed by [2014 anaw 5 Sch. 3 para. 3](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)