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STATUTORY INSTRUMENTS

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**1999 No. 2261**

**EDUCATION, ENGLAND**

**The Education (School Teacher Appraisal)  
(Amendment) (England) Regulations 1999**

*Made - - - - 6th August 1999*  
*Laid before Parliament 11th August 1999*  
*Coming into force - - 1st September 1999*

In exercise of the powers conferred on the Secretary of State by sections 49 and 63(3) of the Education (No. 2) Act 1986(1) and after consulting in accordance with section 49(4) of that Act such associations of local authorities, and representatives of 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:

1. These Regulations may be cited as the Education (School Teacher Appraisal) (Amendment) (England) Regulations 1999 and shall come into force on 1st September 1999.
2. The Education (School Teacher Appraisal) Regulations 1991(2) shall be amended as follows in so far as they apply in relation to school teachers at maintained schools in England(3).
3. In regulation 2 (interpretation)—
  - (a) for the definition of “appraising body” there shall be substituted—

““appraising body” means—

    - (a) in the case of a teacher employed at a school other than a school to which paragraph (b) refers, the local education authority, and
    - (b) in the case of a teacher employed at a former grant-maintained or grant-maintained special school, the governing body of the school;”;
  - (b) after the definition of “appraisal record” there shall be inserted the following definitions—

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(1) 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 the Education Act 1996.

(2) S.I. 1991/1511.

(3) Functions under section 49 of the Education (No. 2) Act 1986 transferred to the National Assembly for Wales by virtue of S.I. 1999/672.

““former grant-maintained school” means a school maintained by a local education authority which immediately before 1st September 1999 was a grant-maintained school;

“former grant-maintained special school” means a school maintained by a local education authority which immediately before 1st September 1999 was a grant-maintained special school;”;

- (c) for the definition of “qualified teacher” there shall be substituted–

““qualified teacher” has the same meaning as in section 218(2) of the Education Reform Act 1988(4);”;

- (d) the definition of “probationary teacher” shall be omitted;

- (e) in the definition of “school” the words “, or a grant-maintained school” shall be omitted; and

- (f) in the definition of “school teacher” the words “, other than a probationary teacher,” and “maintained by a local education authority or at any one grant-maintained school” shall be omitted.

4. After regulation 2, there shall be inserted the following regulation–

“**2A.** In these Regulations, a reference to a community or community special, voluntary controlled, voluntary aided, or foundation or foundation special school does not include any such school which is a former grant-maintained or grant-maintained special school.”.

5. In regulation 7 (the appraisal cycle) for the words “maintained by a local education authority” there shall be substituted the words “other than a former grant-maintained or grant-maintained special school”.

6. In regulation 8 (appraisal procedures)–

- (a) in paragraph (1) for the words “controlled, county or special agreement” there shall be substituted the words “community, voluntary controlled or community special”;

- (b) in paragraph (2) after the words “voluntary aided” there shall be inserted the words “, foundation or foundation special”;

- (c) in paragraph (3), for the words “grant-maintained” there shall be substituted the words “former grant-maintained or grant-maintained special”; and

- (d) in paragraph (8) after the words “voluntary aided” there shall be inserted the words “, foundation or foundation special”.

7. In regulation 11 (appraisal procedures)–

- (a) in paragraph (3) for the words “grant-maintained, county, controlled or special agreement” there shall be substituted the words “former grant-maintained, former grant-maintained special, community, voluntary controlled or community special”; and

- (b) in paragraph (4) after the words “voluntary aided” there shall be inserted the words “, foundation or foundation special”.

8. In regulation 13 (use and retention of appraisal records)–

- (a) in paragraph (1)(b) for the words “maintained by a local education authority” there shall be substituted the words “other than a former grant-maintained or grant-maintained special school”;

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(4) The Regulations currently in force under this provision are the Education (Teachers) Regulations 1993 (S.I. 1993/543); the relevant amending instrument is S.I. 1997/2679.

- (b) in paragraph (2)(a) for the words “maintained by a local education authority” there shall be substituted the words “other than a former grant-maintained or grant-maintained special school”; and
- (c) in paragraph (2)(b) for the words “grant-maintained” there shall be substituted the words “former grant-maintained or grant-maintained special”.

**9.** In regulation 14(2) (use and retention of appraisal records) for the words “maintained by a local education authority, appropriate officers of or advisers to that authority” there shall be substituted the words “other than a former grant-maintained or grant-maintained special school, the appropriate officers of or advisers to the local education authority by which the school is maintained”.

6th August 1999

*Estelle Morris*  
Minister of State,  
Department for Education and Employment

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Education (School Teacher Appraisal) Regulations 1991 to take account of changes to the framework for schools brought about by the School Standards and Framework Act 1998 (“the 1998 Act”) and the consequential amendment of section 49 of the Education (No. 2) Act 1986, under which the regulations are made, by the 1998 Act. From 1st April 1999, grant-maintained and grant-maintained special schools are maintained by local education authorities. All maintained schools, including grant-maintained and grant-maintained special schools, will enter their new categories on 1st September 1999, the appointed day for this purpose under the 1998 Act.

The local education authority will be the appraising body in relation to teachers at all maintained schools other than former grant-maintained and grant-maintained special schools. The governing body will continue to be the appraising body for former grant-maintained and grant-maintained special schools. The Regulations continue to apply to former grant-maintained and grant-maintained special schools as they applied before the school category changes.

The Regulations also make amendments to take account of the abolition of probation for newly qualified teachers. The definition of “qualified teacher” is amended because the Education (Teachers) Regulations 1989 (S.I. 1989/1319), to which the definition referred, have been revoked and replaced.