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STATUTORY INSTRUMENTS

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**2001 No. 2855**

**EDUCATION, ENGLAND**

**Education (School Teacher Appraisal)  
(England) Regulations 2001**

*Made* - - - - *3rd August 2001*  
*Laid before Parliament* *9th August 2001*  
*Coming into force* - - *1st September 2001*

In exercise of the powers conferred on the Secretary of State by sections 49 and 63(3) of the Education (No. 2) Act 1986<sup>(1)</sup> and after consulting in accordance with section 49(4) of that Act such associations of local authorities, and representatives of school teachers, as appeared to her to be concerned and other persons with whom consultation appeared to her to be desirable, the Secretary of State for Education and Skills hereby makes the following Regulations:

**PART I**  
**GENERAL**

**Citation, commencement, extent and revocation**

1.—(1) These Regulations may be cited as the Education (School Teacher Appraisal) (England) Regulations 2001 and shall come into force on 1st September 2001.

(2) These Regulations shall apply in relation to England.

(3) The Education (School Teacher Appraisal) (England) Regulations 2000<sup>(2)</sup> and the Education (School Teacher Appraisal) (Amendment) (England) Regulations 2000<sup>(3)</sup> are hereby revoked.

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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 that Act. The Secretary of State can exercise the power under section 49 only in relation to England: see article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) S.I. 2000/1620.

(3) S.I. 2000/3369.

### **Breach of time limits**

2. Failure by any person to discharge any duty within a time limit specified in these Regulations shall not relieve him of that duty.

## **PART II**

### **PROVISIONS APPLYING TO TEACHERS EMPLOYED AT SCHOOL**

#### **Application of Part II**

3.—(1) Part II applies to the appraisal of the performance of a teacher who—

- (a) is employed by a local education authority in a community, voluntary, foundation, community special, foundation special school or nursery school or by the governing body of a community, voluntary, foundation, community special or foundation special school; and
- (b) if he is employed under a fixed term contract of employment, is employed for a period of one school term or more;

and “teacher” in this Part shall be interpreted accordingly.

(2) Regulations 6, 7, 11, 12, 14 and 16 shall not apply to a head teacher who is not employed under the terms and conditions determined by the Secretary of State by order under the School Teachers' Pay and Conditions Act 1991(4).

#### **Interpretation of Part II**

4.—(1) In this Part—

“appraisal statement” means an appraisal statement prepared under regulation 16 in respect of a teacher;

“external adviser” means a person appointed as such by a school governing body being one of the persons on a list of advisers in relation to the appraisal of head teachers maintained by the Secretary of State;

“nursery school” means a nursery school maintained by a local education authority for which a management committee, governing body or board of governors (however described) has been constituted and which is charged with the exercise of staff management functions;

“school” means—

- (a) a community, voluntary, foundation, community special, or foundation special school; or
- (b) a nursery school;

“school day”, in relation to a school, means any day on which at that school there is a school session;

“school which has a religious character” means a foundation or voluntary school designated as a school having such a character under section 69(3) of the School Standards and Framework Act 1998(5);

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

“teacher” has the meaning assigned to it in regulation 3.

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(4) 1991 c. 49.

(5) The order currently in force under this provision in relation to England is S.I. 1999/2432.

- (2) In the application of Part II to a teacher employed to work at a nursery school—
- “chairman of the governing body” means the chairman of the management committee, governing body or board of governors (however described) of the school;
  - “governing body” means the management committee, governing body or board of governors (however described) of the school; and
  - “governor” means a member of the management committee, governing body or board of governors (however described) of the school.

### **Duty to appraise**

5.—(1) It shall be the duty of the governing body of a community, voluntary, foundation, community special, or foundation special school to secure that the performance of teachers in discharging their duties at the school is regularly appraised in accordance with this Part.

(2) It shall be the duty of the local education authority responsible for maintaining a nursery school to secure that the performance in discharging their duties of teachers at the school is regularly appraised in accordance with this Part.

### **Appointment of appraisers for head teachers**

6.—(1) The governing body of a school shall appoint two or three governors to be appraisers for the head teacher, and may appoint a new appraiser in place of an existing appraiser at any time.

(2) No governor who is a teacher or other member of staff at the school shall be appointed as appraiser of the head teacher.

(3) Subject to paragraph (4), one or more of the appraisers of the head teacher of—

- (a) a school which has a religious character; or
- (b) a voluntary aided school which does not have a religious character,

shall be foundation governors of the school.

(4) Where the governing body of a voluntary aided school appoints three governors as appraisers of the head teacher under paragraph (1), not less than two of them shall be foundation governors of the school.

### **Appointment of external advisers for head teachers**

7. The governing body of a school shall appoint an external adviser in relation to the appraisal of the head teacher, and may appoint a new external adviser in place of an existing external adviser at any time.

### **Appointment of appraisers for other teachers**

8.—(1) The head teacher shall appoint as appraiser for every other teacher at the school, a teacher at the school who may be the head teacher.

(2) The head teacher may appoint a new appraiser in place of an existing appraiser at any time.

### **The appraisal cycle**

9.—(1) Subject to the following provisions of this regulation, and to regulations 10 and 11, the governing body of a school shall determine the timing of the appraisal cycle for the head teacher (including an acting head teacher) and the head teacher shall determine the timing of the appraisal cycle for every other teacher at the school.

(2) Except as provided for in regulation 10(4), (5), (6) and (7) the length of an appraisal cycle shall be one year.

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

**10.**—(1) If a teacher moves to a post in another school or to a new post as a head teacher, the appraisal cycle shall begin again.

(2) The governing body may determine that the length of the first appraisal cycle under these regulations of the head teacher of the school shall be a period of less than one year.

(3) If a teacher other than a head teacher moves to a new post in the same school the head teacher may determine that the appraisal cycle shall begin again.

(4) If a teacher becomes an acting head teacher the governing body may determine that—

(a) the appraisal cycle shall begin again; and

(b) the teacher shall be appraised as a head teacher.

(5) Where a teacher's appraisal cycle begins again under paragraph (1), (3) or (4)(a), the head teacher or the governing body may determine that the length of the teacher's first appraisal cycle in his new post shall be a period of less than one year.

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

(7) In the case of the first appraisal cycle under these Regulations of a school teacher other than a head teacher, the head teacher may determine that the length of the cycle shall be a period of not less than nine months and not exceeding 18 months.

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

**11.** The governing body shall secure that objectives have been agreed or set for the head teacher of a school in accordance with regulation 12 on or before 31st December 2001 and on or before 31st December in every subsequent year.

### **Planning appraisal and setting of objectives**

**12.**—(1) Before or at the start of the appraisal cycle, all the appraisers of a head teacher, the external adviser and the head teacher shall meet to plan and prepare for the appraisal and to seek to agree objectives which shall include objectives relating to—

(a) school leadership and management; and

(b) pupil progress.

(2) If objectives are not agreed under paragraph (1), the appraisers shall set the objectives for the head teacher.

(3) The objectives agreed or set under this regulation shall be recorded in a written statement of objectives and in the case of objectives set under paragraph (2) the head teacher may add to it comments in writing.

**13.**—(1) This regulation applies in relation to the appraisal of a teacher who is not a head teacher.

(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) developing and improving the teacher's professional practice; and

(b) 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.

(5) Where a teacher is employed at more than one school the requirements of subsections (2) to (4) above must be met in relation to each school.

**14.—**(1) A teacher's objectives may be revised at any time during the appraisal cycle where the teacher and his appraiser, or in the case of a head teacher all his appraisers, 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 these Regulations to his objectives shall be read as references to his revised objectives; and
- (c) references in these Regulations to his statement of objectives shall be read as references to his amended statement of objectives.

### **Classroom observation**

**15.—**(1) 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 information, whether written or oral, relevant to the teacher's performance.

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

**16.—**(1) At or near the end of the appraisal cycle, the appraiser and the teacher, and in the case of a head teacher, all the appraisers, the external adviser and the head 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 12 or recorded under regulation 13(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 school days beginning with each appraisal interview, the appraiser or appraisers shall prepare a written appraisal statement recording the main points made by the appraiser or appraisers 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) An appraisal interview under paragraph (1) may be combined with a meeting under regulation 12 or 13 in relation to the following appraisal cycle.

(4) The appraiser shall give the teacher a copy of the appraisal statement not later than the end of the period of 10 school days beginning with the date of the appraisal interview.

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

### **Appraisal procedures**

17. Subject to regulations 12 to 16, the governing body of a school shall determine any ancillary or supplementary procedures for the appraisal of the teachers at the school.

### **Head teacher's report**

18.—(1) At least once during each school year the head teacher shall make a written report to the governing body about the operation of teachers' appraisal at the school, the effectiveness of the school's appraisal procedures, and the training and developmental needs of the teachers.

(2) The governing body of a nursery school shall upon request provide a copy of the head teacher's report to the Chief Education Officer or representative of that officer.

### **Review of appraisal**

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

(2) The review officer in relation to a complaint by a head teacher shall be the chairman of the governing body, but where the chairman of the governing body had participated in the appraisal complained of, the governing body shall appoint one or more governors who have not participated in the appraisal complained of as review officers in relation to such complaint.

(3) The review officer in relation to a complaint by a teacher who is not a head teacher shall be the head teacher, but where the appraiser is the head teacher, the review officer shall be the chairman of the governing body.

(4) No governor who is a teacher or other staff member at the school shall be appointed as a review officer for a teacher at the school.

(5) The review officer shall not later than the end of the period of 10 school 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.

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

(7) Where a new appraisal is ordered under paragraph (6)(c)—

- (a) in the case of a head teacher, all the appraisers shall be replaced by new appraisers appointed in accordance with regulation 6; and
- (b) in the case of a teacher who is not a head teacher, a new appraiser shall be appointed in accordance with regulation 8, and where the head teacher was the appraiser the review officer shall appoint as appraiser the head teacher of another school or such other person of suitable seniority, expertise and experience as he considers fit,

and subject to paragraph (8) the review officer shall determine which appraisal procedures shall be repeated.

(8) The review officer shall not—

- (a) determine that new objectives be agreed or set in accordance with regulation 12 or 13; or
- (b) determine that the objectives agreed or set under regulation 12 or 13 be revised.

(9) 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 school days beginning with the date on which the review officer made his order.

### **Use and retention of appraisal statements**

**20.**—(1) This regulation applies in the case of a head teacher.

(2) The appraisers shall give the appraisal statement to the chairman of the governing body.

(3) The chairman of the governing body shall provide a copy of the appraisal statement to—

- (a) the appraisers, 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 governors responsible for advising about, or taking decisions in relation to, the use of any discretion in relation to the head teacher's pay, upon request;
- (d) in the case of the head teacher of a school which does not have a delegated budget the Chief Education Officer or any officer or adviser specifically designated by the Chief Education Officer with responsibility for advising about, or taking decisions in relation to, the use of any discretion in relation to the head teacher's pay, upon request; and
- (e) in the case of the head teacher of a nursery school the Chief Education Officer, upon request.

(4) The chairman of the governing body shall provide the appraisal statement to the Chief Education Officer or any officer or adviser specifically designated by the Chief Education Officer with responsibility for advising about, or taking decisions in relation to, the performance of head teachers pursuant to paragraph 23 of Schedule 16 and paragraph 22 of Schedule 17 to the School Standards and Framework Act 1998(6), upon request.

(5) The chairman of the governing body shall make a head teacher's current statement of objectives available to a new appraiser appointed otherwise than at the beginning of an appraisal cycle.

(6) The chairman of the governing body shall provide a copy of the annex to the appraisal statement referred to in regulation 16(2) to the person or persons responsible for planning the training and development of teachers at the school.

(7) A head teacher shall keep a copy of his appraisal statement until at least three years after his next appraisal statement has been finalised.

(8) The governing body shall keep a copy of the head's appraisal statement until at least three years after his next appraisal statement has been finalised.

**21.**—(1) This regulation applies in the case of a teacher who is not a head teacher.

(2) The appraiser shall give the appraisal statement to the head teacher.

(3) The head teacher 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 governors 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; and

(d) in the case of a teacher employed at a school which does not have a delegated budget the Chief Education Officer or any officer or adviser specifically designated by the Chief Education Officer with responsibility 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 head teacher 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 head teacher shall provide a copy of the annex to the appraisal statement referred to in regulation 16(2) to the person or persons responsible for planning the training and development of teachers at the school.

(6) The head teacher shall keep a teacher's appraisal statement until at least three years after his next appraisal statement has been finalised.

**22.**—(1) Relevant information from appraisal statements may be taken into account by head teachers, school governing bodies (including committees of governing bodies), Chief Education Officers or any officers or advisers specifically designated by a Chief Education Officer under regulation 20(3)(d), 20(4) or 21(3)(d) 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.

## 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(7) 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(8);

“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.

### **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.

## **PART IV**

### **TRANSITIONAL PROVISIONS**

#### **Transitional provision**

**39.** Regulations 20 to 22 shall apply in relation to—

- (a) appraisal records produced and maintained under the Education (School Teacher Appraisal) Regulations 1991; and
- (b) appraisal statements produced and maintained under the Education (School Teacher Appraisal) Regulations 2000,

as they apply in relation to appraisal statements and review documents produced and maintained under these Regulations.

3rd August 2001

*Stephen Timms*  
Minister of State,  
Department for Education and Skills

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## EXPLANATORY NOTE

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

These Regulations revoke and replace the Education (School Teacher Appraisal) Regulations 2000 (S.I.2000/1620) as amended (S.I. 2000/3369).

The Regulations in part II provide for the appraisal of the performance of teachers (including unqualified teachers and those employed on fixed term contracts of less than a year) employed at one or more community, voluntary, foundation, community special, foundation special schools or nursery schools with a management committee which exercises staff management functions.

The Regulations in part III provide for the appraisal of the performance of teachers who are employed by the local education authority in pupil referral units, nursery schools without a management committee or not attached to a particular school.

By virtue of section 19(7) of the Teaching and Higher Education Act 1998, these Regulations do not apply to teachers serving an induction period under section 19.

In relation to the teachers to whom part II applies, the Regulations make provision for the appointment of an appraiser for each teacher. A school governing body (or management committee of a nursery school) must appoint an external adviser in relation to the appraisal of a head teacher, and they shall appoint either two or three appraisers for a head teacher.

The governing body of a school are under a duty to secure that the performance of all teachers at the school is appraised regularly. The appraisal cycle normally lasts for one year, although the first appraisal cycle under these Regulations for a teacher who is not a head teacher may last for between 9 and 18 months. The Regulations make provision for the procedures for appraisal.

A teacher has a right to have his appraisal statement reviewed if he complains within 10 school days.

The Regulations impose a duty on head teachers to make an annual written report on the effectiveness of appraisal procedures to the governing body.

The Regulations also make provision for the retention, disclosure and use of appraisal statements.

In relation to the teachers to whom part III applies, it is the duty of the local education authority to secure that the performance of all teachers employed by them is appraised in accordance with these Regulations and the Regulations make provision for the Chief Education Officer, or person acting on his behalf, to appoint an appraiser for every teacher.

As with appraisals under part II of these Regulations, the appraisal cycle normally lasts for one year although the first appraisal cycle under these Regulations of a teacher other than a head teacher may last for between 9 and 18 months and the first appraisal cycle under these Regulations of a head teacher may be less than one year.

The Regulations provide for the procedure to be followed in carrying out appraisal, which is very similar to that in schools under part II. A teacher has a right to have his appraisal reviewed if he complains within 10 working days.

The Regulations impose a duty on the Chief Education Officer to submit an annual report to the local education authority about the operation of the teachers' appraisal within the authority's area, its effectiveness and the training and development needs of the teachers.

The Regulations also make provision for the retention, disclosure and use of appraisal statements of teachers to whom part III applies.

