

**2000 No. 3106**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Teachers' Pay and Conditions)  
(No. 4) Order 2000**

*Made - - - - - 21st November 2000*

*Laid before Parliament 22nd November 2000*

*Coming into force - - 13th December 2000*

Whereas the review body appointed under section 1(1) of the School Teachers' Pay and Conditions Act 1991(a) ("the Act") have made a report following the reference to them of certain matters;

And whereas the Secretary of State has consulted, in accordance with section 2(1) of the Act(b), such associations of local education authorities, such bodies representing the interests of governors of foundation, voluntary, and foundation special schools and such bodies representing school teachers as appeared to him to be concerned;

Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 2(1), (3) and (4) and 5(4) of the Act(c) hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Education (School Teachers' Pay and Conditions) (No. 4) Order 2000 and shall come into force on 13th December 2000.

**Application**

2. This Order applies to school teachers (as defined in section 5(1) and (2) of the School Teachers' Pay and Conditions Act 1991(d)) in England and Wales.

**School Teachers' Pay and Conditions**

3.—(1) The School Teachers' Pay and Conditions Document 2000(e) ("the Document") shall be amended as provided for in articles 4 to 17.

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(a) 1991 c. 49.

(b) Section 2(1) is amended by paragraphs 24 and 26(a) of Schedule 30 to the School Standards and Framework Act 1998 (c. 31).

(c) Section 2(3) and (4) is amended by paragraphs 24 and 26(c) and (d) of Schedule 30 to the School Standards and Framework Act 1998.

(d) The definition of "school teacher" in section 5(1) is amended by paragraphs 24 and 28(2)(a) of Schedule 30 to the School Standards and Framework Act 1998.

(e) ISBN 0 11 271090 5; the Document was given effect by the Education (School Teachers' Pay and Conditions) (No. 3) Order 2000 (S.I. 2000/2321).

(2) The amendment made by article 7 to the extent that it inserts paragraph 19.3 into the Document has effect from 1st September 2000.

(3) The amendments made by the remaining provisions of article 7 and by articles 4 to 6 and 8 to 17 have effect from 13th December 2000.

4. In paragraph 1.2 in the appropriate positions there shall be inserted the following definitions—

““apply for threshold assessment” has the meaning given to that expression in paragraph 19B.11 (a);

“assessor” in relation to threshold assessments means an assessor appointed under arrangements made by the Secretary of State on such terms and conditions as the Secretary of State thinks fit for the purposes set out in paragraphs 19A to 19D;

“performance threshold standards” means the professional standards set out in Annex 1;

“post-threshold teacher” has the meaning given to that expression in paragraph 19;

“relevant period” in relation to an application for threshold assessment means the relevant period referred to in paragraph 19B.2.2;

“teacher who has passed the threshold” has the meaning given to that expression in paragraph 19B.11(b);

“threshold assessment” means an assessment carried out under paragraph 19B or 19C of whether a teacher has passed the threshold;”.

5.—(1) After paragraph 3.1(b) there shall be inserted the following sub-paragraph—

“(c) where a teacher passes the threshold and he is entitled to be paid as a post-threshold teacher pursuant to paragraph 19—

(i) in the case of a teacher whose remuneration is paid by an authority in England and who applies for threshold assessment on or before 5th June 2000, with effect from 1st September 2000,

(ii) in the case of a teacher whose remuneration is paid by an authority in Wales and who applies for threshold assessment on or before 16th March 2001, with effect from 1st September 2000,

(iii) in the case of a teacher whose remuneration is paid by an authority in England and who applies for threshold assessment on or after 6th June 2000 and before 29th October 2001, with effect from 1st September 2001, and

(iv) in the case of a teacher whose remuneration is paid by an authority in Wales and who applies for threshold assessment on or after 17th March 2001 and before 29th October 2001, with effect from 1st September 2001; or”.

(2) In paragraph 3.3 (b) after “points awarded” there shall be inserted “under paragraph 19 or”.

(3) After paragraph 3.4 there shall be inserted the following paragraphs—

“3.5 For the purposes of paragraph 3.1 (c) (i) and (iii) a classroom teacher’s application for threshold assessment shall be treated as if it were made on or before 5th June 2000—

(a) in the case of an application made on or before 14th July 2000, where it seems to the head teacher, or in the case of an unattached teacher the relevant body, reasonable to do so in the light of—

(i) confusion on the part of the teacher about the deadline for making the application, or

(ii) personal circumstances which made it difficult for the teacher to submit the application on or before 5th June 2000; and

(b) in the case of an application made on or before 16th March 2001, where—

(i) the head teacher, or in the case of an unattached teacher the relevant body, is satisfied that the teacher moved from a post in Wales to a post in England in the period starting on 5th June 2000 and ending on 16th March 2001, or

(ii) it seems to the head teacher, or in the case of an unattached teacher the relevant body, reasonable to do so where due to the teacher’s absence from work for the whole or a substantial part of the period starting on 1st April 2000 and ending on 14th July 2000 the teacher was unable to gain access to evidence to support his application.

3.6 For the purposes of paragraph 3.1(c) (ii) and (iv) a classroom teacher's application for threshold assessment shall be treated as if it were made on or before 16th March 2001 where—

- (a) the application was made on or before 23rd March 2001; and
- (b) it seems to the head teacher, or in the case of an unattached teacher the relevant body, reasonable to do so in the light of personal circumstances which made it difficult for the teacher to submit the application on or before 16th March 2001.”.

6. In paragraph 17 before paragraph 17.2 there shall be inserted the following paragraph—

“17.1 This paragraph and paragraph 18 apply to a classroom teacher who is not a post-threshold teacher, and references to “classroom teacher” in this paragraph and paragraph 18 shall be construed accordingly.”.

7. After paragraph 18 there shall be inserted the following paragraphs—

**“Pay scale for post-threshold teachers**

19.1 A teacher to whom paragraph 19.2 applies (“a post-threshold teacher”) shall be paid such salary based on the pay scale set out in paragraph 19.3 as the relevant body shall determine in accordance with paragraphs 19.4 to 19.8.

19.2 This paragraph applies to—

- (a) a classroom teacher who has passed the performance threshold, and
  - (i) in the case of a classroom teacher whose remuneration is paid by an authority in England, who applied for threshold assessment on or before 5th June 2000, and who on 1st September 1999 was entitled to a total of nine points under paragraphs 18.1.1 (good honours degree) and 18.2.1 (experience) of the 1999 Document,
  - (ii) in the case of a classroom teacher whose remuneration is paid by an authority in Wales, who applied for threshold assessment on or before 16th March 2001, and who on 1st September 1999 was entitled to a total of nine points under paragraphs 18.1.1 and 18.2.1 of the 1999 Document,
  - (iii) in the case of a classroom teacher whose remuneration is paid by an authority in England, who applied for threshold assessment on or after 6th June 2000 and before 29th October 2001, and who on 1st September 2000 was entitled to a total of eight points under paragraphs 18.1 (good honours degree) and 18.2 (experience),
  - (iv) in the case of a classroom teacher whose remuneration is paid by an authority in Wales, who applied for threshold assessment on or after 17th March 2001 and before 29th October 2001, and who on 1st September 2000 was entitled to a total of eight points under paragraphs 18.1 and 18.2; or
- (b) a classroom teacher who—
  - (i) was last employed as a head teacher, deputy head teacher or assistant head teacher, and
  - (ii) in the case of a teacher who was first appointed to a post of head teacher, deputy head teacher or assistant head teacher on or after 1st September 2000, occupied a post or posts of head teacher, deputy head teacher or assistant head teacher for an aggregate period of three years or more; or
- (c) a classroom teacher who has occupied a post of advanced skills teacher; or
- (d) a classroom teacher who—
  - (i) on 1st September 1999 was entitled to a total of nine points under paragraphs 18.1.1 (good honours degree) and 18.2.1 (experience) of the 1999 Document, or on 1st September 2000 was entitled to a total of eight points under paragraphs 18.1 (good honours degree) and 18.2 (experience), and
  - (ii) has been certified by an assessor appointed by the Secretary of State as eligible for appointment to an advanced skills teacher post but who has not been so appointed; or
- (e) a classroom teacher—
  - (i) who was last employed in a teaching or educational advisory post other than as a teacher (as defined in paragraph 1.2),

- (ii) whom the relevant body determine is entitled to be paid on point 9 of the pay scale set out in paragraph 17.3, and
- (iii) who while he was employed in a teaching or educational advisory post other than as a teacher (as defined in paragraph 1.2) was assessed as meeting each of the performance threshold standards throughout a period which fulfils the requirements of sub-paragraph (a) or (b) of paragraph 19B.2.2 (as applicable), which assessment has been approved by an assessor.

19.3 The pay scale for post-threshold teachers is:

Scale point	Annual Salary
	£
1	25,959
2	26,919
3	27,915
4	28,947
5	30,018

19.4 Where a teacher first becomes entitled to be paid as a post-threshold teacher, the relevant body shall determine that he shall be paid on scale point 1 on the pay scale set out in paragraph 19.3.

19.5 In making a determination of the salary of a post-threshold teacher pursuant to paragraph 3.1(a) the relevant body shall not determine that there has been any movement up the pay scale set out in paragraph 19.3 unless—

- (a) there has first been a review of the performance of the post-threshold teacher; and
- (b) the achievements of the post-threshold teacher and his contribution to the school have been substantial and sustained.

19.6 Save in exceptional circumstances, the relevant body shall not determine a movement up the pay scale set out in paragraph 19.3 until the second annual salary determination after the date on which the post-threshold teacher's salary was last increased by the award of an additional point on that pay scale.

19.7 A post-threshold teacher's salary shall not be increased by more than one scale point in the course of a single annual salary determination.

19.8 Paragraphs 19.5 to 19.7 shall not apply to the annual determination with effect from 1st September 2001 of the salary of a teacher who was first paid as a post-threshold teacher with effect from 1st September 2000.

19.9 For the purposes of paragraph 19.2(a)(i) and (iii) a classroom teacher's application for threshold assessment shall be treated as if it were made on or before 5th June 2000—

- (a) in the case of an application made on or before 14th July 2000, where it seems to the head teacher, or in the case of an unattached teacher the relevant body, reasonable to do so in the light of —
  - (i) confusion on the part of the teacher about the deadline for making the application, or
  - (ii) personal circumstances which made it difficult for the teacher to submit the application on or before 5th June 2000; and
- (b) in the case of an application made on or before 16th March 2001, where—
  - (i) the head teacher, or in the case of an unattached teacher the relevant body, is satisfied that the teacher moved from a post in Wales to a post in England in the period starting on 5th June 2000 and ending on 16th March 2001, or
  - (ii) it seems to the head teacher, or in the case of an unattached teacher the relevant body, reasonable to do so where due to the teacher's absence from work for the whole or a substantial part of the period starting on 1st April 2000 and ending on 14th July 2000 the teacher was unable to gain access to evidence to support his application.

19.10 For the purposes of paragraph 19.2(a)(ii)and(iv) a classroom teacher's application for threshold assessment shall be treated as if it were made on or before 16th March 2001 where—

- (a) the application was made on or before 23rd March 2001; and
- (b) it seems to the head teacher, or in the case of an unattached teacher the relevant body, reasonable to do so in the light of personal circumstances which made it difficult for the teacher to submit the application on or before 16th March 2001.

#### **Assessors in relation to threshold assessments**

19A.1 The Secretary of State shall make arrangements for the allocation of an assessor to every school at which a classroom teacher applies for threshold assessment, and in relation to unattached teachers of one or more assessors to every authority.

19A.2 Where a classroom teacher seeks a review of a threshold assessment under paragraph 19D, the Secretary of State shall make arrangements for the appointment of a review coordinator and for the allocation of an assessor who has not been involved in the assessment of which a review is sought to act as the review officer.

19A.3 The Secretary of State may make arrangements for the appointment of a new assessor in place of an existing assessor at any time.

19A.4 The Secretary of State shall make arrangements for the quality of threshold assessments made by assessors to be monitored, and for the determination of complaints by head teachers against assessors.

19A.5 An assessor appointed for the purposes of paragraphs 19A to 19D shall exercise his functions without sex discrimination, racial discrimination or discrimination on the grounds of a person's disability.

#### **Threshold assessment**

19B.1 This paragraph applies where a classroom teacher who is not an unattached teacher applies for threshold assessment.

19B.2.1 The teacher shall prepare an application for threshold assessment complying with the requirements of paragraph 19B.2.2, and he shall give it to the head teacher of the school at which he is employed to teach.

19B.2.2 An application shall be made in writing and shall contain a summary of the evidence the teacher wishes to rely on in order to demonstrate that his performance has met each of the performance threshold standards throughout the relevant period, which period must meet the requirements of sub-paragraph (a) or (b) (as applicable)—

- (a) where the teacher has worked as a teacher for the two years immediately preceding the date of his application for threshold assessment, the relevant period shall be a period of not less than two years and not more than three years ending with the date of the application;
- (b) where sub-paragraph (a) does not apply to a teacher, but he has worked as a teacher for an aggregate period of at least two years in the five years preceding the date of his application for threshold assessment, the relevant period shall be a period (or aggregate period) of not less than two years and not more than three years ending with the date on which he last worked as a teacher.

19B.2.3 Where a teacher is absent from work in exercise of her right to maternity leave conferred by section 71 of the Employment Rights Act 1996 or conferred by her contract of employment or because of her pregnancy, and has the right to return to work by virtue of the said section 71 or by virtue of her contract of employment, the period of absence shall count towards the relevant period.

19B.3.1 Having considered the application and such of the evidence mentioned in the application and such other evidence as he thinks appropriate, the head teacher shall determine whether a teacher making an application under paragraph 19B.2—

- (a) has met each of the performance threshold standards throughout the relevant period, and so has passed the threshold; or
- (b) has not met each of the performance threshold standards throughout the relevant period, and so has not passed the threshold.

19B.3.2 The head teacher shall record in writing on the application—

- (a) what evidence in addition to that relied upon by the teacher he took into account;
- (b) his assessment of whether or not the teacher has met each of the performance threshold standards throughout the relevant period; and
- (c) his assessment of whether the teacher has passed the threshold.

19B.3.3 The head teacher may amend his assessment under paragraph 19B.3.2 (b) or (c) or his record under paragraph 19B.3.2 (a) at any time before the assessor issues a certificate under paragraph 19B.5.

19B.3.4 When the head teacher is satisfied that all the applications made by teachers at his school which meet a deadline specified in paragraph 19(2) (a) (“a batch”) have been received by him and assessments have been recorded by him in relation thereto under paragraph 19B.3.2, he shall give the batch of applications to the assessor allocated to the school.

19B.3.5 If the head teacher considers he has any connection with a teacher of whom he has made an assessment of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to that teacher, he shall promptly inform the assessor of the existence and nature of the connection.

19B.3.6 The head teacher shall give a late application he has decided to allow in the circumstances specified in paragraph 19.9 or 19.10 to the assessor allocated to the school immediately after he has recorded his assessment of it under paragraph 19B.3.2.

19B.4.1 Where the assessor receives a batch of applications from the head teacher under paragraph 19B.3.4—

- (a) he shall discuss with the head teacher the batch of applications and the threshold assessment arrangements at the school, and he may discuss with the head teacher any of the applications in the batch; and
- (b) he shall make a first assessment of the batch of applications, which he may do by giving detailed consideration to a sample of the applications, and he shall consider any application in relation to which the head teacher has notified him of a connection under paragraph 19B.3.5.

19B.4.2 When the assessor’s first assessment of the batch of applications is complete he shall decide whether to approve the head teacher’s assessments of applications in the batch, and if he approves those assessments he shall complete his assessment and issue a certificate under paragraph 19B.5.

19B.4.3 Where the assessor decides not to approve the head teacher’s assessments of applications in the batch following his first assessment, he shall take one or more of the following steps—

- (a) discuss or further discuss with the head teacher the batch of applications, or any of the applications in the batch, or the threshold assessment arrangements at the school;
- (b) require the head teacher to reconsider the batch of applications, or any of the applications in the batch;
- (c) carry out his own assessment of any of the applications in the batch, and substitute his own assessment for the head teacher’s assessment in any case where he has made such an assessment;
- (d) where the head teacher has reconsidered a batch of applications or any of the applications in the batch, carry out a further assessment of the batch.

19B.4.4 When the assessor has completed all the steps he decides to take under paragraph 19B.4.3 he shall decide whether to—

- (a) complete his assessment and issue a certificate under paragraph 19B.5; or
- (b) take the steps set out in paragraph 19B.4.5,

and where he decides to complete his assessment under this paragraph he may approve all the head teacher's assessments of applications in the batch, or substitute his own assessments for some or all of the head teacher's assessments.

19B.4.5 The steps to be taken by the assessor are to—

- (a) report to the chairman of the governing body of the school his concerns about the threshold assessment arrangements at the school, or the assessments of applications in the batch and the reasons why he is unable to complete his assessment; and
- (b) request the governing body to take action in relation to the threshold assessment arrangements at the school, or the assessments of applications in the batch.

19B.4.6 A governing body which receive a request under paragraph 19B.4.5 (b) shall address the assessor's concerns by taking one or more of the following steps—

- (a) securing that the head teacher makes such alterations to the threshold assessment arrangements at the school as they specify;
- (b) securing that the head teacher repeats his assessments of all the applications in the batch in accordance with any specific directions they give him;
- (c) where steps are being taken against the head teacher for lack of capability on his part, securing that a deputy head teacher makes assessments of all the applications in the batch in accordance with any specific directions they give him;
- (d) where steps are being taken against the head teacher for lack of capability on his part and there is no deputy head teacher available to make assessments under sub-paragraph (c), inviting the assessor to make assessments of all the applications in the batch.

19B.4.7 An assessor shall make the assessments which he is invited to make under paragraph 19B.4.6 (d).

19B.4.8 When the alterations and assessments referred to in paragraph 19B.4.6 are completed to the satisfaction of the governing body, the assessor shall repeat such of the steps set out in paragraph 19B.4 as are appropriate, and when he decides to complete his assessment he shall issue a certificate under paragraph 19B.5.

19B.4.9 Where an assessor receives a late application under paragraph 19B.3.6, he may—

- (a) add the application to a batch of applications in relation to the same school; or
- (b) assess the application individually,

and where an assessor assesses an application individually, paragraph 19B shall apply to the individual application as if it were a batch of applications.

19B.4.10 When making an assessment or taking further steps under paragraph 19B.4 the assessor may do any of the following—

- (a) consider such further evidence as is appropriate;
- (b) consult or seek further information from a teacher whose application was in the batch, his head teacher and any teacher with management responsibility for him who has provided evidence or information in relation to his threshold assessment;
- (c) observe a teacher whose application was in the batch teaching.

19B.5 When an assessor completes his assessment of a batch of applications under paragraph 19B.4, he shall certify which of the teachers whose applications were in that batch have passed the threshold, and which have not.

19B.6.1 Following the issue of a certificate under paragraph 19B.5 the assessor shall promptly send—

- (a) to the chairman of the governing body of the school—
  - (i) notification of the number of teachers whose applications were in that batch who have passed the threshold, and

- (ii) except where the certificate relates to an application assessed individually under paragraph 19B.4.9 (b), a report giving his assessment of the effectiveness of the assessment process at the school; and
- (b) to the head teacher—
  - (i) the certificate,
  - (ii) except where the certificate relates to an application assessed individually under paragraph 19B.4.9 (b), a report giving his assessment of the effectiveness of the assessment process at the school,
  - (iii) the applications in the batch, and
  - (iv) where the assessor substituted his own assessment of a teacher for that of the head teacher, a written statement of the reasons for his decision.

19B.6.2 When the head teacher has received the certificate issued under paragraph 19B.5, he shall promptly inform all of the teachers to whom the certificate relates whether or not they have passed the threshold.

19B.6.3 The head teacher shall within a reasonable time after receiving a certificate issued under paragraph 19B.5—

- (a) explain to each teacher to whom the certificate relates the outcome of his application for threshold assessment and the reasons, including any reasons given by the assessor, why each of the performance threshold standards was, or was not, met (as the case may be);
- (b) give him advice about the aspects of his performance which would benefit from further development;
- (c) give him a copy of his application; and
- (d) where applicable, give him a copy of the statement of reasons provided by the assessor under paragraph 19B.6.1 (b) (iv) together with any written comments the head teacher wishes to add.

19B.6.4 The head teacher shall provide a teacher who has not passed the threshold with written feedback meeting the requirements of paragraph 19B.6.3 (a) and where applicable the statement and comments referred to in paragraph 19B.6.3 (d) within four weeks of receiving a certificate pursuant to paragraph 19B.5.

19B.7.1 Where a teacher wishing to make an application for threshold assessment is simultaneously employed to teach at two or more schools, a designated head teacher shall be appointed to fulfil the head teacher's functions under paragraphs 19B and 19D, who shall be—

- (a) the head teacher of the school at which the teacher is employed for the greatest number of hours;
- (b) where the teacher is employed for the same number of hours at all the schools at which he is employed, the head teacher of the school at which he has been employed for the longest period of time; or
- (c) where the head teachers of all the schools concerned agree, any one of those head teachers.

19B.7.2 Before he completes or revises an assessment under paragraph 19B.3, the designated head teacher shall consult the head teachers of the other schools at which the teacher is employed.

19B.7.3 An application to which paragraph 19B.7 relates shall be added to a batch of applications in relation to the designated head teacher's school.

19B.7.4 References in paragraphs 19B and 19D to the head teacher of the school shall be read in relation to a teacher simultaneously employed to teach at two or more schools as references to the designated head teacher.

19B.8 Where an application for threshold assessment is made by a teacher at a school which does not have a governing body—

- (a) the authority shall fulfil the functions under paragraph 19B of the governing body, and references in that paragraph to the governing body shall be read as references to the authority; and



- (b) the Chief Education Officer shall fulfil the functions under paragraph 19B of the chairman of the governing body, and references in that paragraph to the chairman of the governing body shall be read as references to the Chief Education Officer.

19B.9.1 Where under arrangements made by the Secretary of State an assessor allocated to a school is replaced by another assessor as a result of a complaint being upheld against the original assessor—

- (a) the assessor allocated as a replacement shall start the assessment under paragraph 19B.4 afresh; and
- (b) any certificate issued by the original assessor under paragraph 19B.5 shall be void.

19B.9.2 Except as provided for in paragraph 19B.9.1, where an assessor is replaced by another assessor at any time, the replacement assessor may continue the assessment without repeating any steps taken by the original assessor.

19B.10 The head teacher shall keep a copy of each teacher's application for threshold assessment and all other documents pertaining to his assessment, and he shall make copies of the application and assessment documents available only to—

- (a) the teacher;
- (b) a member of the leadership group at the school;
- (c) a teacher with management responsibility for the teacher;
- (d) an assessor; or
- (e) a person responsible under arrangements made by the Secretary of State for monitoring the quality of threshold assessments at the school.

19B.11 For the purposes of the Document—

- (a) a teacher applies for threshold assessment when an application which meets the requirements of paragraph 19B.2.2 is received by the head teacher or other person to whom the application is required to be given under paragraph 19C (as the case may be); and
- (b) "a teacher who has passed the threshold" means a teacher whom an assessor has certified has passed the threshold under paragraph 19B.5, 19C.5.5 or 19D.7.

19B.12 Failure by any person to discharge any duty within a time limit specified in paragraphs 19B to 19D shall not relieve him of that duty.

#### **Threshold assessment: unattached teachers**

19C.1 This paragraph applies where an unattached teacher who is a classroom teacher indicates to the authority that he wishes to apply for threshold assessment.

19C.2 Except where it is not practicable to do so, the Chief Education Officer of the authority shall nominate a person with management responsibility for the unattached teacher to act as his designated line manager for the purpose of this paragraph.

19C.3 Paragraphs 19B and 19D shall apply in relation to the threshold assessment of an unattached teacher for whom a designated line manager has been nominated with the following modifications—

- (a) the designated line manager shall fulfil the functions under those paragraphs of the head teacher of the school, and references in those paragraphs to the head teacher of the school shall be read as references to the designated line manager;
- (b) the assessor allocated to the authority shall fulfil the functions under those paragraphs of the assessor allocated to the school, and references in those paragraphs to the assessor allocated to the school shall be read as references to the assessor allocated to the authority;
- (c) the Chief Education Officer of the authority shall fulfil the functions under those paragraphs of the governing body of the school and the chairman of the governing body of the school, and references in those paragraphs to the governing body of the school and the chairman of the governing body of the school shall be read as references to the Chief Education Officer of the authority;
- (d) the designated line manager shall where practicable send to the assessor batches of applications received from teachers for whom he is the designated line manager,

and for the purposes of his assessment under paragraph 19B.4 the assessor may combine such batches of applications with other applications or batches of applications;

(e) where the assessor receives one or more individual applications, the authority may make arrangements with him for such applications to be combined in batches or added to other batches for the purposes of his assessment under paragraph 19B.4; and

(f) where the assessor decides to assess an application made by an unattached teacher individually, paragraph 19B shall apply to the individual application as if it were a batch of applications.

19C.4 Where it is not practicable for the authority to nominate a designated line manager for an unattached teacher, an assessor allocated to the authority shall assess whether the teacher has passed the threshold in accordance with paragraph 19C.5, and paragraph 19D shall apply with the modifications in paragraph 19C.6.

19C.5.1 The teacher shall prepare an application for threshold assessment complying with the requirements of paragraph 19B.2.2, and he shall give it to the assessor.

19C.5.2 The assessor shall consider the application and such of the evidence mentioned in the application and such other evidence as he thinks appropriate, and he may—

(a) consult or seek further information from the teacher who made the application, and any teacher with management responsibility for him who has provided information in relation to his threshold assessment;

(b) observe the teacher teaching.

19C.5.3 The assessor shall determine whether the teacher—

(a) has met each of the performance threshold standards throughout the relevant period, and so has passed the threshold; or

(b) has not met each of the performance threshold standards throughout the relevant period, and so has not passed the threshold.

19C.5.4 The assessor shall record in writing on the application—

(a) what evidence in addition to that relied upon by the teacher he took into account;

(b) his assessment of whether or not the teacher has met each of the performance threshold standards throughout the relevant period; and

(c) his assessment of whether the teacher has passed the threshold.

19C.5.5 The assessor shall certify whether or not the teacher has passed the threshold.

19C.5.6 Following the issue of a certificate under paragraph 19C.5.5 the assessor shall promptly—

(a) send the certificate to the Chief Education Officer of the authority; and

(b) inform the teacher whether or not he has passed the threshold.

19C.5.7 The assessor shall within a reasonable time after issuing a certificate under paragraph 19C.5.5—

(a) explain to the teacher the reasons for the outcome of his application for threshold assessment;

(b) give him advice about the aspects of his performance which would benefit from further development; and

(c) give him a copy of his application.

19C.5.8 The assessor shall provide a teacher who has not passed the threshold with written feedback meeting the requirements of paragraph 19C.5.7(a) within four weeks of issuing a certificate under paragraph 19C.5.5.

19C.5.9 The assessor shall keep a copy of each teacher's application for threshold assessment and all other documents pertaining to his threshold assessment, and he shall make copies of the application and assessment documents available only to—

(a) the teacher;

(b) a teacher with management responsibility for the teacher;

(c) a person responsible under arrangements made by the Secretary of State for monitoring the quality of threshold assessments; or

(d) another assessor.

19C.6 Paragraph 19D applies with the modifications that the Chief Education Officer of the authority shall fulfil the functions under paragraph 19D.3.4, 19D.5.1(b) (ii) and 19D.6 of the head teacher who made the assessment, and references in those paragraphs to the head teacher who made the assessment shall be read as references to the Chief Education Officer of the authority.

#### **Review of threshold assessment**

19D.1 A classroom teacher who has not passed the threshold shall no later than the end of the period of 40 working days starting on the day on which he receives written feedback under paragraph 19B.6.4 or 19C.5.8 be entitled to seek a review of his threshold assessment upon the grounds set out in paragraph 19D.2 (but no other grounds).

19D.2 The grounds for review are that the teacher would have passed the threshold if the head teacher or assessor who made the assessment—

- (a) had taken proper account of relevant evidence; or
- (b) had not taken account of irrelevant or inaccurate evidence; or
- (c) had not been biased or had not discriminated against the classroom teacher in question.

19D.3.1 An application for review shall be made in writing, and shall contain, or refer to, evidence relating to the grounds upon which review is sought.

19D.3.2 A classroom teacher may not bring evidence under paragraph 19D.3.1 to demonstrate that his performance has met a performance threshold standard throughout the relevant period which—

- (a) was not available during the relevant period; or
- (b) relates to his performance outside the relevant period.

19D.3.3 An application for review shall be given to the review coordinator, who shall give it to the allocated review officer.

19D.3.4 A classroom teacher making an application for review shall promptly give a copy of the application to the head teacher who made the assessment, and the head teacher may submit to the review officer his written comments on the application.

19D.4.1 Where the review officer is satisfied that the classroom teacher who made the application would have passed the threshold if the head teacher or assessor who made the assessment—

- (a) had taken proper account of relevant evidence; or
- (b) had not taken account of irrelevant or inaccurate evidence; or
- (c) had not been biased or had not discriminated against the classroom teacher in question,

he shall determine that the teacher has passed the threshold.

19D.4.2 Where the review officer is not satisfied that the classroom teacher who made the application would have passed the threshold if the head teacher or assessor who made the assessment—

- (a) had taken proper account of relevant evidence; or
- (b) had not taken account of irrelevant or inaccurate evidence; or
- (c) had not been biased or had not discriminated against the classroom teacher in question,

he shall order the threshold assessment to stand.

19D.5.1 Before determining a review under paragraph 19D.4 the review officer—

- (a) shall consider the application for threshold assessment and the application for review; and
- (b) may—
  - (i) request the head teacher or assessor who made the assessment of which review is sought to provide copies of any of their records in relation to the assessment, and consider such documents as they supply pursuant to his request,
  - (ii) seek comments from the classroom teacher who made the application for review, the head teacher or assessor who made the assessment of which

review is sought and any other teacher with management responsibility for him who provided evidence or information in relation to the assessment of which review is sought, and

(iii) do anything an assessor could do under paragraph 19B.4.10.

19D.5.2 The head teacher or assessor who made the assessment of which review is sought shall provide to the review officer copies of such of their records in relation to the assessment of the application as he requests.

19D.6 The review officer shall notify the classroom teacher who made the application for review and the head teacher and assessor who made the assessment of which review is sought of his decision under paragraph 19D.4 no later than the end of the period of 70 working days starting on the day on which the review officer received the review application.

19D.7 Where the review officer determines that the classroom teacher has passed the threshold, he shall issue a certificate to that effect which shall replace the certificate previously issued under paragraph 19B.5 or 19C.5.5.

19D.8 In paragraph 19D—

- (a) “the head teacher or assessor who made the assessment” includes any deputy head teacher or designated line manager who carried out a threshold assessment of a classroom teacher under paragraph 19B or 19C; and
- (b) “working day” means any day other than a Saturday, a Sunday or a day which is a bank holiday.”.

8. In paragraph 26 at the end of sub-paragraph (a) there shall be inserted “, or in the case of a teacher who is entitled to be paid as a post-threshold teacher with effect from that date, the value of the maximum of the pay scale set out in paragraph 17.3”.

9. In paragraph 27.1 at the end of sub-paragraph (a) there shall be inserted “, or in the case of a teacher who is entitled to be paid as a post-threshold teacher with effect from that date, the value of the maximum of the pay scale set out in paragraph 17.3”.

10. At the end of paragraph 29.3.2 there shall be inserted “, unless his salary entitlement increases by reason of his becoming entitled to be paid as a post-threshold teacher”.

11. In paragraph 30—

(a) at the beginning of paragraph 30.2 there shall be inserted “Subject to paragraphs 30.3 and 30.5,”;

(b) after paragraph 30.2 there shall be inserted the following paragraph—

“30.3 A classroom teacher who:

- (a) was last employed as a head teacher, deputy head teacher or assistant head teacher; and
- (b) in the case of a teacher who was first appointed to a post of head teacher, deputy head teacher or assistant head teacher on or after 1st September 2000, occupied a post or posts of head teacher, deputy head teacher or assistant head teacher for an aggregate period of three years or more,

shall not be paid at less than point 1 on the pay scale for post-threshold teachers set out in paragraph 19.3.”;

(c) for paragraph 30.4 there shall be substituted the following paragraph—

“30.4 A classroom teacher who:

- (a) was last employed as a head teacher, deputy head teacher or assistant head teacher; and
- (b) was first appointed to a post of head teacher, deputy head teacher or assistant head teacher on or after 1st September 2000; and
- (c) occupied a post or posts of head teacher, deputy head teacher or assistant head teacher for an aggregate period of less than three years,

shall not be paid at less than point 9 on the pay scale set out in paragraph 17.3.”;

(d) after paragraph 30.4 there shall be inserted the following paragraph—

“30.5 A post-threshold teacher taking up an appointment which is his second or subsequent one as a teacher (whether or not after a break in service and whether on a full-time, part-time, regular, day to day or short term basis) on or after 1st September 2000, (but not in circumstances where paragraph 40 applies) shall be paid the greater of the salary at the time of appointment determined under paragraph 19 and point 1 on the pay scale for post-threshold teachers set out in paragraph 19.3.”; and

(e) in paragraph 30.6—

(i) in sub-paragraph (a) for “paragraph 30.2” there shall be substituted “paragraphs 30.2 to 30.4”, and

(ii) in sub-paragraph (b) for “paragraph 30.4” there shall be substituted “paragraphs 30.3 and 30.4”.

12. In paragraph 37.5(d) after “18.1 or 18.2” there shall be inserted “or an increase in salary caused by the teacher having become entitled to be paid as a post-threshold teacher”.

13. After paragraph 39.3 there shall be inserted the following paragraph—

“39.4 Nothing in paragraph 39 shall be taken to authorise an unattached teacher to whom paragraph 19.2 does not apply to be paid a salary based on the pay scale set out in paragraph 19.3.”.

14.—(1) In paragraph 40.4—

(a) in sub-paragraph (a) after “classroom teacher” there shall be inserted “who is not entitled to be paid as a post-threshold teacher with effect from immediately before the circumstance mentioned in paragraph 40.1.1 or 40.1.2 arises,”; and

(b) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(b) in the case of a classroom teacher who is entitled to be paid as a post-threshold teacher with effect from immediately before the circumstance mentioned in paragraph 40.1.1 or 40.1.2 arises, the sum of:

(i) any salary to which he is entitled under paragraph 19,

(ii) any allowance to which he is entitled under paragraphs 20 to 22, and

(iii) any assimilation safeguarding payment to which he is entitled under paragraph 28.”.

(2) In paragraph 40.12(d) (i) after “17,” there shall be inserted “19,”.

15. After paragraph 51.8.5 there shall be inserted the following paragraph 51.8A—

**“51.8A Threshold assessment**

51.8A.1 assessing (subject to approval by an assessor) whether a teacher at the school who applies for a threshold assessment has passed the threshold;

51.8A.2 explaining to a teacher who makes an application for a threshold assessment the reasons for the outcome of his application and giving him advice about the aspects of his performance which would benefit from further development;

51.8A.3 where requested by him to do so providing assistance to an assessor in relation to threshold assessments at the school;

51.8A.4 the professional duties of a head teacher under paragraph 51.8A shall not be delegated to a deputy or assistant head teacher, although pursuant to paragraph 53.3 they may be exercised by a deputy head teacher in the head teacher’s absence from the school;”.

16. After paragraph 58.11.1 there shall be inserted the following paragraph—

“58.11.1A assisting the head teacher or an assessor in carrying out threshold assessments of other teachers for whom he has management responsibility;”.

17. After paragraph 59 there shall be inserted the following annex—

*Annex 1*

*Performance threshold standards*

**Knowledge and Understanding**

1. Teachers should demonstrate that they have a thorough and up-to-date knowledge of the teaching of their subject and take account of wider curriculum developments which are relevant to their work.

### **Teaching and Assessment**

2. Teachers should demonstrate that they consistently and effectively plan lessons and sequences of lessons to meet pupils' individual learning needs.

3. Teachers should demonstrate that they consistently and effectively use a range of appropriate strategies for teaching and classroom management.

4. Teachers should demonstrate that they consistently and effectively use information about prior attainment to set well-grounded expectations for pupils and monitor progress to give clear and constructive feedback.

### **Pupil progress**

5. Teachers should demonstrate that, as a result of their teaching, their pupils achieve well relative to the pupils' prior attainment, making progress as good or better than similar pupils nationally. This should be shown in marks or grades in any relevant national tests or examinations, or school based assessment for pupils where national tests and examinations are not taken.

### **Wider Professional Effectiveness**

6. Teachers should demonstrate that they take responsibility for their professional development and use the outcomes to improve their teaching and pupils' learning.

7. Teachers should demonstrate that they make an active contribution to the policies and aspirations of the school.

### **Professional Characteristics**

8. Teachers should demonstrate that they are effective professionals who challenge and support all pupils to do their best through:

- (a) inspiring trust and confidence,
- (b) building team commitment,
- (c) engaging and motivating pupils,
- (d) analytical thinking,
- (e) positive action to improve the quality of pupils' learning.”.

21st November 2000

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

## EXPLANATORY NOTE

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

This Order amends the School Teachers' Pay and Conditions Document 2000 ("the Document"), to which the Education (School Teachers' Pay and Conditions) (No. 3) Order 2000 (S.I.2000/2321) gave effect with modifications on 1st September 2000.

New paragraph 19 of the Document contains an upper pay scale for "post-threshold teachers" who are classroom teachers who have passed the threshold, some teachers previously employed as head teachers, deputy head teachers and assistant head teachers, and some others. Paragraph 19 also sets out the deadlines for making applications for threshold assessment, and makes provision about progress beyond the minimum of the upper pay scale.

New paragraph 19A of the Document provides for arrangements to be made for the allocation of assessors to schools and local education authorities for the purpose of making threshold assessments, and makes other provision about assessors.

New paragraph 19B of the Document sets out the procedures for the assessment of classroom teachers against the performance threshold standards which are set out in new Annex 1. To pass the threshold a teacher must have met each of the performance threshold standards for a period of between two and three years. The initial assessment will be carried out by the head teacher. All the applications and assessments for teachers at the school are then sent to the assessor allocated to the school, who will consider, and if so minded, approve the assessments made by the head teacher. Provision is also made for the determination of threshold assessment applications where the assessor does not approve the head teacher's assessments. New paragraph 19C modifies the threshold assessment procedures for applications from unattached teachers.

Under new paragraph 19D of the Document, teachers who are assessed as not passing the threshold have a right to have the decision reviewed by a different assessor.

The grounds for seeking a review are set out in paragraph 19D.2.

The Order amends the professional duties' section of the Document to introduce professional duties for head teachers and others in relation to carrying out threshold assessments.

The Order also makes amendments to the Document consequential on the introduction of threshold assessment arrangements and the upper pay scale for post-threshold teachers.

The Document is published by Her Majesty's Stationery Office and is obtainable from book shops of the Stationery Office Limited and through booksellers.

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