WELSH STATUTORY INSTRUMENTS

2011 No. 2940 (W.316)

EDUCATION, WALES

The School Teacher Appraisal (Wales) Regulations 2011

Made - - - -	*6 December 2011*
Laid before the National Assembly for Wales - -	*8 December 2011*
Coming into force - -	*1 January 2012*

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 21(3) and 131 of the Education Act 2002(**1**) and now vested in them, and after consulting in accordance with section 131(7) of the Education Act 2002 such associations of local authorities in Wales, local authorities in Wales, bodies representing the interests of governing bodies in Wales and bodies representing the interests of teachers in Wales as appear to them to be appropriate, make the following Regulations:

PART I

Introduction

Title, commencement and application

1.—(1) The title of these Regulations is the School Teacher Appraisal (Wales) Regulations 2011 and they come into force on 1 January 2012.

(2) These Regulations apply in relation to Wales.

Revocation, savings and transitional provisions

2.—(1) Subject to paragraph (2), the School Teacher Appraisal (Wales) Regulations 2002(**2**) (as amended), the School Teacher Appraisal (Amendment) (Wales) Regulations 2009(**3**), the School

(**1**) 2002 c. 32; conferred upon the National Assembly for Wales in the Education Act 2002 and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) S.I. 2002/1394 (W.137). The School Teacher Appraisal (Wales) Regulations 2002 were amended by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007 (S.I. 2007/944) (W.80), the School Teacher Appraisal (Amendment) (Wales) Regulations 2009 (S.I. 2009/2159) (W.183), the School Teacher Appraisal (Wales) (Amendment No, 2) Regulations 2009 (S.I. 2009/2864) (W.251) and the Local Education Authorities and Children's Services Authorities (Integration of Functions) (Subordinate Legislation) (Wales) Order 2010 (S.I. 2010/1142) (W. 101).

(**3**) S.I. 2009/2159 (W. 183)

Teacher Appraisal (Wales) (Amendment No. 2) Regulations 2009(**4**) and the School Government (Terms of Reference) (Amendment) (Wales) Regulations 2002(**5**) are revoked.

(2) The savings and transitional provisions in regulations 19, 33 and 46 and in the Schedule have effect.

Interpretation

3.—(1) Except where the context otherwise requires, in these Regulations—

"appraisal statement" ("*datganiad gwerthuso*") has the meaning given to it by, as the case may be, regulation 15(4), regulation 29(4) or regulation 42(4);

"authority" ("*awdurdod*") in relation to an unattached teacher means the local authority by which the teacher is employed and if employed by more than one authority then each such authority;

"Chief Education Officer" ("*Prif Swyddog Addysg*") means the chief education officer of the local authority (or, in the case of an unattached teacher, of the authority);

"Diocesan Authority" ("*Awdurdod Esgobaeth*") has the meaning given to it in section 142(1) and (4) of the School Standards and Framework Act 1998(**6**);

"the Document" ("*y Ddogfen*") means the document referred to in any order for the time being in force made under section 122 of the Education Act 2002;

"governing body" ("*corff llywodraethu*") in relation to a school means the governing body of the school, and a "governor" ("llywodraethwr") means a member of that governing body;

"head teacher" ("*pennaeth*") includes an acting head teacher;

"Pupil Performance Information" ("*Gwybodaeth am Berfformiad Disgyblion*") means information about the performance of pupils in schools in Wales as specified by the Welsh Ministers from time to time;

"the relevant date" ("*y dyddiad perthnasol*") means 1 September 2012;

"school" ("*ysgol*") means a community, voluntary, foundation, community special or foundation special school or maintained nursery school;

"school day" ("*diwrnod ysgol*") means a day on which the school meets;

"School Improvement Plan" ("*Cynllun Gwella'r Ysgol*") means the strategic plan setting out the objectives to improve the school's provision and performance;

"School Performance Information" ("*Gwybodaeth am Berfformiad Ysgolion*") means information about the performance of schools in Wales as specified by the Welsh Ministers from time to time;

"School Performance Management Policy" ("*Polisi Rheoli Perfformiad yr Ysgol*") means the written policy setting out how the staff appraisal policy in the school will be implemented;

"school teacher" ("*athro neu athrawes ysgol*") means a teacher employed by a local authority or by the governing body of a foundation, voluntary aided or foundation special school, but does not include a teacher employed under a short term contract;

"school term" ("*tymor ysgol*") includes (a) a period of time short of a full school term by no more than one week and (b) two consecutive half terms;

(**4**) S.I. 2009/2864 (W. 251).
(**5**) S.I. 2002/1396 (W.138)
(**6**) 1998 c. 31.

"school which has a religious character" ("*ysgol sydd â chymeriad crefyddol*") means a foundation or voluntary school designated as a school having such character under section 69(3) of the School Standards and Framework Act 1998;

"short term contract" ("*contract cyfnod byr*") means a contract of employment for a fixed term of less than one school term;

"statement of objectives" ("*datganiad amcanion*") means the written statement of objectives recorded under regulation 12(5), regulation 26(5) or regulation 39(5), as the case may be;

"unattached teacher" ("*athro neu athrawes ddigyswllt*") means a teacher employed by the authority falling within one of the following categories—

(a) a teacher not attached to a particular school;

(b) a teacher employed to provide primary or secondary education otherwise than at a school; or

(c) a teacher employed at a pupil referral unit (including a teacher in charge of a unit);

but does not include a teacher employed under a short term contract; and

"the 2002 Regulations" ("*Rheoliadau 2002*") means the School Teacher Appraisal (Wales) Regulations 2002.

(2) Any reference in these Regulations to—

(a) a numbered regulation is a reference to the regulation bearing that number in these Regulations;

(b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears; and

(c) the Schedule is a reference to the Schedule to these Regulations.

Duty to appraise

4.—(1) It is the duty of the governing body and head teacher of a school to exercise their functions under these Regulations with a view to securing that the performance of school teachers and head teachers in discharging their duties at the school is regularly appraised in accordance with these Regulations.

(2) In the case of a school teacher or head teacher employed at two or more schools, performance at each school must be appraised and accordingly "school" in paragraph (1) is to be read as referring to each school.

(3) Where the authority has delegated to a school teacher some or all of the duties imposed on an appraiser as permitted by regulation 36(2), it is the duty of the governing body and head teacher of the school to exercise their functions under these Regulations with a view to securing the performance of the unattached teacher in discharging their duties at that school and at other schools is regularly appraised in accordance with these Regulations.

(4) It is the duty of the authority to exercise their functions under these Regulations with a view to securing that the performance of unattached teachers in discharging their duties to the authority is regularly appraised in accordance with these Regulations.

School Performance Management Policy

5.—(1) Prior to commencement of the appraisal cycle the governing body, the local authority and the head teacher must establish and maintain a School Performance Management Policy.

(2) The governing body, the local authority and the head teacher must review, and, if they so decide, amend, the School Performance Management Policy at least annually.

(3) The governing body and the local authority may delegate to the head teacher the formulation of a draft of or draft amendments to the School Performance Management Policy for their consideration.

(4) In the event that agreement cannot be reached the local authority must determine the School Performance Management Policy.

(5) Prior to the establishment or amendment of the School Performance Management Policy the governing body (or, if so directed by the governing body, the head teacher) must consult with the school teachers at the school on the content of or proposed changes to the School Performance Management Policy.

(6) The governing body and the head teacher must implement the School Performance Management Policy.

(7) At least once during each school year the head teacher must make a written report to the governing body about the operation of the School Performance Management Policy under these Regulations, the effectiveness of the school's appraisal procedures, and the training and development needs of the school teachers and the head teacher.

(8) The governing body must make a copy of the School Performance Management Policy available for inspection at the school on school days.

PART II

Appraisal of Head Teachers

Application of Part II

6. Regulations 7 to 19 apply to the appraisal of head teachers only.

Appointment of appraisers

7.—(1) The governing body of a school must appoint as appraisers of a head teacher at least two governors, at least one of whom must be a foundation governor of the school if it is a school which has a religious character or a voluntary aided school which does not have a religious character.

(2) The governing body may at any time appoint a new appraiser in place of any existing appraiser appointed under paragraph (1).

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

(4) The local authority may appoint one or two appraisers in relation to the appraisal of a head teacher.

(5) The governing body may make a request at any time to the local authority for the appointment of a new appraiser in place of an existing appraiser appointed by the local authority but such appointment must be at the local authority's discretion and any refusal must be accompanied by a written explanation of the reasons for the refusal.

(6) Where the appraisal is of a head teacher of a school which has a religious character, the Diocesan Authority may appoint an appraiser of the head teacher.

The appraisal cycle

8.—(1) Subject to the following provisions of this regulation, and to regulation 9, the governing body must determine the timing of the appraisal cycle for the head teacher of the school.

(2) Except as provided for in paragraph (3) and regulation 9(3) the length of an appraisal cycle will be one year and will begin after 1 September and before 31 December unless the local authority and the governing body agree otherwise.

(3) In the case of the first appraisal cycle under these Regulations of a head teacher in post on the date on which these Regulations come into force, the governing body may determine that the length of that appraisal cycle is a period other than one year provided that it begins no earlier than 1 January 2012 and ends no later than 31 December 2012.

(4) Once begun, appraisal cycles for every head teacher are continuous.

(5) The appointment of a new appraiser does not cause a head teacher's appraisal cycle to begin again.

New appraisal cycle

9.—(1) If a head teacher moves to a post as head teacher in another school, the appraisal cycle begins again.

(2) Where a school teacher (who is not a head teacher) becomes a head teacher (in the same or in another school) so that regulations 7 to 19 apply to the appraisal, the timing of the appraisal cycle will as soon as practicable be determined afresh by the governing body under regulation 8(1).

(3) Where the appraisal cycle of a head teacher begins again under paragraph (1), or is determined afresh under paragraph (2), the governing body may determine that the length of the head teacher's first appraisal cycle in the new post will be a period of less than one year.

First appraisal cycle

10. The governing body must take all reasonable steps to secure that the first appraisal cycle for a head teacher of the school in post on the date on which these Regulations come into force begins no later than 31 December 2012.

School performance management policy

11. The appraisal of the head teacher must be in accordance with the provisions of the School Performance Management Policy.

Planning of appraisal and setting of objectives

12.—(1) Before or at the start of the appraisal cycle, all the appraisers and the head teacher must meet to plan and prepare for the appraisal and to seek to agree the head teacher's objectives which must take account of such relevant evidence as the appraisers and the head teacher agree (or, in the absence of agreement, such relevant evidence as the appraisers decide) but which will include the School Performance Information, and must relate to—

(a) school leadership and management;

(b) the head teacher's job description;

(c) any relevant pay progression criteria;

(d) any relevant whole-school or team objectives specified in the School Improvement Plan;

(e) the professional standards for head teachers as specified by the Welsh Ministers from time to time; and

(f) any national priorities for school improvement set by the Welsh Ministers from time to time.