WELSH STATUTORY INSTRUMENTS

2002 No. 1394 (W.137)

EDUCATION, WALES

The School Teacher Appraisal (Wales) Regulations 2002

Made - - - -	*21st May 2002*
Coming into Force - -	*30th September 2002*

In exercise of the powers conferred on the Secretary of State by sections 49 and 63(3) of the Education (No 2) Act 1986(**1**), and now vested in the National Assembly for Wales(**2**) and after consulting in accordance with section 49(4) of the Act such associations of local authorities, and representatives of teachers, as appeared to be concerned and other persons with whom consultation appeared to be desirable, the National Assembly for Wales makes the following Regulations:

PART I —
INTRODUCTION

Citation, commencement and application

1.—(1) These Regulations may be cited as the School Teacher Appraisal (Wales) Regulations 2002 and shall come into force on 30th September 2002.

(2) These Regulations apply in relation to Wales.

Revocation

2. The Education (School Teacher Appraisal) (Wales) Regulations 1999(**3**) are revoked.

Interpretation

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

(**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).

(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(**3**) S.I. 1999/2888 (W.25).

"appraisal statement" ("*datganiad gwerthuso*") has the meaning given to it by, as the case may be, regulation 16(10) or regulation 30(11);

"external adviser" ("*cynghorydd allanol*") means a person whose name appears on a list of advisers in relation to the appraisal of teachers maintained by a local education authority;

"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;

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

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

"school teacher" ("*athro neu athrawes ysgol*") means a teacher employed at no more than two schools, by a local education authority or by the governing body of a foundation, voluntary aided or foundation special school, but does not include a teacher employed under a fixed term contract of employment the term of which is less than one year;

"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(**4**); and

"statement of objectives" ("*datganiad amcanion*") means the written statement of objectives recorded under regulation 12 (3) or regulation 26(3) as the case may be.

(2) Any reference in these Regulations to—

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

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

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 schools, his or her performance at both schools must be appraised and accordingly "school" in paragraph (1) is to be read as referring to both schools.

Head teacher's report

5. At least once during each school year the head teacher must make a written report to the governing body about the operation of appraisal at the school 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.

(**4**) 1998 c. 31.

PART II —

APPRAISAL OF HEADTEACHERS

Application of Part II

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

Appointment of appraisers and external adviser

7.—(1) The governing body of a school must appoint as appraisers of a head teacher two or three 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 appoint a new appraiser in place of any existing appraiser at any time.

(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 governing body of a school must also appoint an external adviser in relation to the appraisal of a headteacher.

(5) The governing body may appoint a new external adviser in place of an existing external adviser at any time.

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 shall be one year.

(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 detemine that the lengh of that appraisal cycle is a period other than one year provided that it ends no earlier than 30th November 2003 and no later than 31st October 2004.

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

(5) The appointment of a new appraiser or external adviser shall 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 shall begin 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 his or her appraisal, the timing of the appraisal cycle for him or her shall 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 his or her new post shall 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 31st January 2003.

Appraisal procedures

11. Subject to regulations 12 to 16, the governing body of a school must determine the procedures for the appraisal of the head teacher at the school.

Planning of appraisal and setting of objectives

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

(a) school leadership and management; and

(b) pupil progress.

(2) If objectives are not agreed under paragraph (1), the appraisers must set out in writing such objectives as they consider appropriate, and the head teacher may add comments in writing.

(3) The objectives agreed under paragraph (1), or where objectives have not been agreed the objectives set out in writing under paragraph (2), and the head teacher's written comments, must be recorded in a written statement of objectives.

Revising objectives

13.—(1) A headteacher's objectives may be revised at any time during the appraisal cycle where the head teacher and all the appraisers agree.

(2) Where a headteacher's objectives are revised under paragraph (1)—

(a) the statement of objectives must be amended to show the agreed revision;

(b) references in these Regulations to the headteacher's objectives shall be read as references to the revised objectives; and

(c) references in these Regulations to the headteacher's statement of objectives shall be read as references to the amended statement of objectives.

Monitoring progress

14.—(1) All the appraisers and the head teacher must seek to agree at a meeting held under regulation 12(1) on the procedures for monitoring the head teacher's performance against the objectives agreed under regulation 12(1) or where objectives have not been agreed the objectives set out in writing under regulation 12(2).

(2) If procedures are not agreed under paragraph (1), the appraisers must set out in writing such procedures for monitoring the head teacher's performance as they consider appropriate.

(3) Subject to paragraph (4), an appraiser may not obtain from any other person information, whether written or oral, relevant to the head teacher's performance unless the head teacher consents or the information is obtained in accordance with the procedures agreed under paragraph (1) or where procedures have not been agreed the procedures set out in writing under paragraph (2).

(4) Paragraph (3) does not apply to any information which an appraiser is entitled to receive under any other provision of these Regulations.

The appraisal review and the appraisal statement

15.—(1) At or near the end of the appraisal cycle all the appraisers, the external adviser and the head teacher must hold an appraisal review, with the object of—

(a) reviewing the head teacher's performance and identifying his or her achievements and any aspects in which further progress would be desirable;

(b) assessing the extent to which the head teacher has met the objectives recorded in the statement of objectives; and

(c) identifying any training and developmental needs and ways of meeting such needs.

(2) The date on which an appraisal review is to be held must be determined by the appraisers, but at least 10 school days notice (in writing) must be given to the head teacher of that date.

(3) The head teacher may, at least five school days before the appraisal review, submit to the appraisers—

(a) the head teacher's own assessment of his or her performance against the objectives recorded in the statement of objectives;

(b) particulars of any training which the head teacher considers it would be desirable to receive having regard to that assessment; and

(c) particulars of any factors which the head teacher considers affected his or her performance against the recorded objectives;

and any such assessment and other information submitted to the appraisers under this paragraph must be considered at the appraisal review.

(4) Within 10 school days after each appraisal review all the appraisers must prepare a written statement recording the main points made by the appraisers and the head teacher at the review and the conclusions reached, and there shall be recorded in an annex to the statement (which shall form part of the statement) the training and developmental needs and ways of meeting such needs identified at the review.

(5) An appraisal review under paragraph (1) may be combined with a meeting under regulation 12 in relation to the following appraisal cycle.

(6) The appraisers must give the head teacher a copy of the statement, prepared under paragraph (4) within 10 school days after the appraisal review.

(7) The head teacher may, within 10 school days of receiving a copy of that statement, add to it his or her comments in writing, and such comments shall form part of the statement prepared under that paragraph.

Appeals

16.—(1) A head teacher is entitled to appeal against his or her appraisal under these Regulations within 10 school days of receiving a copy of an appraisal statement under regulation 15(6).

(2) An appeal shall be made in writing to the governing body.

(3) The appeals officer in relation to such an appeal shall be the chairman of the governing body, but where the chairman of the governing body has participated in the appraisal which is the subject of the appeal, the governing body shall appoint one or two governors who have not participated in that appraisal as appeals officers in relation to such an appeal.

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

(5) An external adviser who did not advise in relation to the appraisal must assist the appeals officer or officers.