



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

1999 Rhif 2888 (Cy. 25)

1999 No. 2888 (W. 25)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg
(Gwerthuso Athrawon Ysgol)
(Cymru) 1999**

**The Education
(School Teacher Appraisal)
(Wales) Regulations 1999**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn nodi'r trefniadau ar gyfer gwerthuso athrawon mewn ysgol a gynhelir yng Nghymru a fydd mewn grym o 1 Medi 1999.

These Regulations set out the arrangements, which will apply from 1 September 1999, for the appraisal of teachers in maintained schools in Wales.

Maent yn disodli'r rheoliadau presennol sef Rheoliadau Addysg (Gwerthuso Athrawon Ysgol) 1991, sy'n cael eu gwneud o dan adrannau 49 a 63 o Ddeddf Addysg (Rhif 2) 1986, ac maent yn gymwys yng Nghymru a Lloegr.

They replace the existing Education (School Teacher Appraisal) Regulations 1991, which are made under sections 49 and 63 of the Education (No 2) Act 1986, and apply in England and Wales.

Newidiodd Deddf Safonau a Fframwaith Ysgolion 1998 y fframwaith ar gyfer ysgolion ac felly ni fydd y mathau o ysgolion a ddiffinir yn rheoliadau 1991 yn bodoli bellach. Mae'r rheoliadau hyn yn cymhwyso'r trefniadau gwerthuso presennol i'r categorïau newydd o ysgolion cyn gynted ag y cânt eu sefydlu.

The School Standards and Framework Act 1998 changed the framework for schools and so the types of schools defined in the 1991 regulations will no longer exist. These regulations apply the existing appraisal arrangements to the new categories of schools immediately they are established.

Yn sgil hynny, yr awdurdod addysg lleol fydd y corff gwerthuso i athrawon ym mhob ysgol a gynhelir, heblaw ysgolion a gynhelid gynt â grant ac ysgolion arbennig a gynhelid gynt â grant. Bydd y corff llywodraethu yn parhau i fod yn gorff gwerthuso i'r ysgolion a gynhelid gynt â grant ac ysgolion arbennig a gynhelid â grant. Caiiff athrawon mewn ysgolion yn y categorïau newydd o ysgolion sefydledig ac ysgolion arbennig sefydledig eu trin yn yr un ffordd ag athrawon mewn ysgolion gwirfoddol a gynorthwyir at ddibenion gwerthuso.

As a result, the local education authority will be the appraising body for teachers at all maintained schools, other than former grant-maintained and grant-maintained special schools. The governing body will continue to be the appraising body for former grant maintained and grant maintained special schools. Teachers at schools in the new categories of foundation and foundation special schools will be treated in the same way as teachers at voluntary aided schools for appraisal purposes.

Mae'r Rheoliadau hefyd yn gwneud diwygiadau i gymryd i ystyriaeth dileu cyfnod prawf athrawon sydd newydd gymhwyso. Diwygir y diffiniad o "athro cymwysedig" am fod Rheoliadau Addysg (Athrawon) 1989, y cyfeiria'r diffiniad atynt, wedi'u diddymu a'u disodli.

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

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EDUCATION, WALES

Rheoliadau Addysg
(Gwerthuso Athrawon Ysgol)
(Cymru) 1999

The Education
(School Teacher Appraisal)
(Wales) Regulations 1999

Wedi'u gwneud 31 Awst 1999

Made 31st August 1999

Yn dod i rym 1 Medi 1999

Coming into Force 1st September 1999

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 49 a 63(3) o Ddeddf Addysg (Rhif 2) 1986(a), ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(b) ac wedi ymgynghori yn unol ag adran 49(4) o'r Ddeddf â'r cymdeithasau hynny o awdurdodau lleol, a chynrychiolwyr athrawon, ag yr oedd yn ymddangos eu bod yn berthnasol phersonau eraill yr oedd yn ymddangos yn ddymunol ymgynghori â hwy:

In exercise of the powers conferred on the Secretary of State by sections 49 and 63(3) of the Education (No 2) Act 1986(a), and now vested in the National Assembly for Wales(b) 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:

Enwi, cychwyn, hyd a lled a darpariaeth drosiannol

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Gwerthuso Athrawon Ysgol) (Cymru) 1999 a deuant i rym ar 1 Medi 1999.

(2) Bydd y Rheoliadau hyn yn gymwys mewn perthynas ag athrawon ysgol mewn ysgolion a gynhelir yng Nghymru, ac, mewn perthynas â'r athrawon ysgol hynny, daw effaith Rheoliadau Addysg (Gwerthuso Athrawon Ysgol) 1991(c) ("Rheoliadau 1991") i ben.

(3) Bydd i unrhyw beth a wnaed cyn 1 Medi 1999 gan neu mewn perthynas ag athro o dan unrhyw ddarpariaeth a gynhwyswyd yn Rheoliadau 1991 effaith, ar y dyddiad hwnnw, fel pe bai wedi'i wneud o dan y darpariaethau cyfatebol yn y Rheoliadau hyn.

Citation, commencement, extent and transitional provision

1.—(1) These Regulations shall be cited as the Education (School Teacher Appraisal) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) These Regulations shall apply in relation to school teachers at maintained schools in Wales and, in relation to such school teachers, the Education (School Teacher Appraisal) Regulations 1991(c) ("the 1991 Regulations") shall cease to have effect.

(3) Anything done before 1st September 1999 by or in relation to a teacher under any provision contained in the 1991 Regulations shall, on that date, have effect as if done under the corresponding provisions of these Regulations.

(a) 1986 p.61 Diwygir adran 49 gan baragraffau 36 a 101 o Atodlen 12 i Ddeddf Diwygio Addysg 1988 (p.40), gan baragraff 23 o Atodlen 8 i Ddeddf Addysg Bellach ac Uwch 1992 (p.13) a chan baragraff 14 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31). Diwygiwyd adran 63(3) gan baragraff 107 o Atodlen 19 i Ddeddf Addysg 1993 (p.35). Ar gyfer materion sydd i'w rhagnodi gweler adran 67(3) o Ddeddf 1986 (a ddiwygiwyd gan baragraff 66 o Atodlen 37 i Ddeddf Addysg 1996 (p.56) ac adran 579(1) o'r Ddeddf honno.

(b) Gweler Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) O.S. 1991/1511.

(a) 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.

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

(c) S.I. 1991/1511.

Dehongli

2.—(1) Yn y Rheoliadau hyn, oni bai bod y cydestun yn mynnu fel arall —

mae i “athro cymwysedig” yr un ystyr â “qualified teacher” yn adran 218(2) o Ddeddf Diwygio Addysg 1988(a);

ystyr “athro ysgol” yw athro cymwysedig a gyflogir mewn unrhyw un ysgol i weithio naill ai yn amser llawn neu heb fod yn llai na deugain y cant o amser llawn, ac eithrio ar contract sy’n parhau am lai nag un flwyddyn ysgol;

ystyr “corff gwerthuso” yw:

(a) yr awdurdod addysg lleol yn achos athro sy’n cael ei gyflogi mewn ysgol heblaw’r ysgol y mae paragraff (b) yn cyfeirio ati; a

(b) corff llywodraethu’r ysgol yn achos athro sy’n cael ei gyflogi mewn ysgol a gynhelid gynt â grant;

ystyr “record gwerthuso” yw’r datganiadau gwerthuso a baratoir o dan Rheoliad 10(2) mewn perthynas ag athro ysgol;

ystyr “ysgol” yw ysgol a gynhelir gan awdurdod addysg lleol.

ystyr “ysgol a gynhelid gynt â grant” yw ysgol a gynhelir gan awdurdod addysg lleol a oedd yn union cyn 1 Medi 1999 yn ysgol a gynhelid â grant neu’n ysgol arbennig a gynhelid â grant.

(2) Yn y Rheoliadau hyn, nid yw unrhyw gyfeiriad at ysgol gymunedol neu arbennig gymunedol, wirfoddol a reolir, wirfoddol a gynorthwyr, neu sefydledig neu arbennig sefydledig yn cynnwys unrhyw ysgol o’r fath sy’n ysgol a gynhelid gynt â grant.

Y ddyletswydd i werthuso

3. Dyletswydd pob corff gwerthuso fydd sicrhau bod perfformiad yr athrawon ysgol y maent yn gorff gwerthuso ar eu cyfer wrth gyflawni eu dyletswyddau yn cael ei werthuso yn rheolaidd yn unol â’r Rheoliadau hyn.

Nodau gwerthuso

4.—(1) Bydd y cyrff gwerthuso’n sicrhau bod gwerthuso yn helpu —

(a) athrawon ysgol yn eu datblygiad proffesiynol a’u cynlluniau gyrfa; a

(b) y rhai sy’n gyfrifol am gymryd penderfyniadau ynghylch rheolaeth athrawon ysgol.

(2) Wrth gyflawni eu dyletswydd o dan Reoliad 3, bydd y cyrff gwerthuso’n anelu at wella ansawdd addysg ar gyfer disgyblion, drwy helpu athrawon ysgol i wireddu eu potensial ac i gyflawni eu dyletswyddau’n fwy effeithiol.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires —

“appraising body” means:

(a) in the case of a teacher employed at a school other than a school to which paragraph (b) refers, the local education authority; and

(b) in the case of a teacher employed at a former grant-maintained school, the governing body of the school.

“appraisal record” means the appraisal statements prepared under Regulation 10(2) in respect of a school teacher;

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

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

“school” means a school maintained by a local education authority;

“school teacher” means a qualified teacher employed at any one school to work either full-time or not less than forty per cent of full-time, except on a contract of less than one school year’s duration.

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

Duty to appraise

3. It shall be the duty of each appraising body to secure that the performance of school teachers for whom they are the appraising body in discharging their duties is regularly appraised in accordance with these Regulations.

Aims of appraisal

4.—(1) Appraising bodies shall secure that appraisal assists —

(a) school teachers in their professional development and career planning; and

(b) those responsible for taking decisions about the management of school teachers.

(2) In carrying out their duty under Regulation 3, appraising bodies shall aim to improve the quality of education for pupils, through assisting school teachers to realise their potential and to carry out their duties more effectively.

(a) 1988 p.40

(a) 1988 c.40.

(3) Yn benodol, bydd gweithdrefnau gwerthuso'n anelu at —

- (a) cydnabod cyrraeddiadau athrawon ysgol a'u helpu i nodi ffyrdd o wella'u medrau a'u perfformiad;
- (b) helpu athrawon ysgol, cyrff llywodraethu ac awdurdodau addysg lleol (fel y bo'r achos) i benderfynu a fyddai newid yn eu dyletswyddau yn helpu datblygiad proffesiynol athrawon ysgol ac yn gwella'u rhagolygon gyrfa;
- (c) nodi potensial athrawon ar gyfer datblygiad gyrfa, gan anelu at eu helpu, lle bo'n bosibl, drwy hyfforddiant mewn swydd priodol;
- (d) helpu athrawon ysgol sy'n cael anawsterau gyda'u perfformiad, drwy ganllawiau, cwnsela a hyfforddi priodol;
- (e) darparu gwybodaeth ar gyfer y rhai sy'n gyfrifol am gynnig tystlythyrau ar gyfer athrawon ysgol mewn perthynas â phenodiadau;
- (f) gwella rheolaeth ysgolion.

(4) Ni fydd gweithdrefnau gwerthuso'n ffurfio rhan o unrhyw weithdrefnau disgyblu neu ddiswyddo, ond fe all datganiadau gwerthuso gael eu defnyddio at y dibenion a bennir yn Rheoliad 14.

Y cylch gwerthuso

5.—(1) Yn ddarostyngedig i baragraffau (2), (3) a (4), bydd cylch gwerthuso pob athro ysgol yn gyfnod parhaus o ddwy flynedd.

(2) Os bydd yr athro ysgol yn symyd i swydd mewn ysgol arall neu i swydd newydd yn bennaeth, bydd y cylch gwerthuso yn dechrau eto.

(3) Os bydd yr athro ysgol yn symud i swydd newydd yn yr un ysgol, gall y pennaeth benderfynu bod y cylch gwerthuso yn dechrau eto.

(4) Os daw'r athro ysgol yn bennaeth dros dro, caiff y corff gwerthuso benderfynu —

- (a) bod y cylch gwerthuso yn dechrau eto; a
- (b) bod yr athro ysgol yn cael ei werthuso fel pennaeth.

6. Dyletswydd y corff gwerthuso fydd sicrhau bod pob athro ysgol y maent yn gorff gwerthuso ar ei gyfer yn destun cylch gwerthuso, a bod y cylch gwerthuso, ar ôl ei ddechrau ar gyfer unrhyw athro ysgol, yn gylch di-dor.

7. Dyletswydd corff llywodraethu ysgol heblaw ysgol a gynhelid gynt â grant fydd sicrhau y cydymffurfir, cyn belled ag y bo'n rhesymol ymarferol iddynt wneud hynny, yn eu hysgol â threfniadau yn unol â'r Rheoliadau hyn a wneir gan yr awdurdod addysg lleol sy'n cynnal yr ysgol a rhoi'r cymorth i'r awdurdod hwnnw y gofynnir yn rhesymol amdano mewn cysylltiad â'r trefniadau hynny.

(3) Appraisal procedures shall in particular aim to -

- (a) recognise the achievements of school teachers and help them to identify ways of improving their skills and performance;
- (b) help school teachers, governing bodies and local education authorities (as the case may be) to determine whether a change of duties would help the professional development of school teachers and improve their career prospects;
- (c) identify the potential of teachers for career development, with the aim of helping them, where possible, through appropriate in-service training;
- (d) help school teachers having difficulties with their performance, through appropriate guidance, counselling and training;
- (e) inform those responsible for providing references for school teachers in relation to appointments;
- (f) improve the management of schools.

(4) Appraisal procedures shall not form part of any disciplinary or dismissal procedures, but appraisal statements may be used for the purposes specified in Regulation 14.

The appraisal cycle

5.—(1) Subject to paragraphs (2), (3) and (4), the appraisal cycle for each school teacher shall be a continuous period of two years.

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

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

(4) If the school teacher becomes an acting head teacher the appraising body may determine that —

- (a) the appraisal cycle shall begin again; and
- (b) the school teacher shall be appraised as a head teacher.

6. It shall be the duty of the appraising body to secure that every school teacher for whom they are the appraising body is the subject of an appraisal cycle, and that once the appraisal cycle has begun for any school teacher it is continuous.

7. It shall be the duty of the governing body of a school other than a former grant-maintained school to secure compliance, so far as it is reasonably practicable for them to do so, in their school with arrangements pursuant to these Regulations made by the local education authority maintaining the school and to provide such assistance as that authority may reasonably require in connection with those arrangements.

Gweithdrefnau gwerthuso

8.—(1) Bydd yr awdurdod addysg lleol yn penodi dau werthuswr ar gyfer pennaeth pob ysgol gymunedol, pob ysgol wirfoddol a reolir neu bob ysgol arbennig gymunedol a gynhelir ganddynt, wedi ymgynghori â chorff llywodraethu yr ysgol.

(2) Bydd yr awdurdod addysg lleol a chorff llywodraethu ysgol wirfoddol a gynorthwyir, ysgol sefydledig neu ysgol arbennig sefydledig yn ceisio cytuno ar benodi dau werthuswr ar gyfer pennaeth yr ysgol. Yn niffyg cytundeb o'r fath, rhaid i'r awdurdod addysg lleol a'r corff llywodraethu benodi un gwerthuswr yr un.

(3) Bydd corff llywodraethu ysgol a gynhelid gynt â grant yn penodi dau werthuswr ar gyfer pob pennaeth.

(4) Bydd gwerthuswyr pennaeth yn cynnwys un person sy'n cael ei gyflogi neu sydd wedi cael ei gyflogi —

- (a) yn achos gwerthuswr pennaeth ysgol gynradd, yn bennaeth ysgol gynradd;
- (b) yn achos gwerthuswr pennaeth ysgol uwchradd, yn bennaeth ysgol uwchradd;
- (c) yn achos gwerthuswr pennaeth ysgol arbennig, yn bennaeth ysgol arbennig, sut bynnag y caiff ei chynnal;

a'r rheiny, ym marn y corff gwerthuso, yn ystod y gyflogaeth honno wedi cael profiad sy'n berthnasol i amodau presennol yr ysgol lle cyflogir y pennaeth.

(5) Yn ddarostyngedig i baragraff (6), rhaid i'r pennaeth benodi gwerthuswr (a all fod y pennaeth) i bob athro arall yn yr ysgol ag fe gaiff benodi gwerthuswr newydd yn lle un o'r gwerthuswyr presennol ar unrhyw adeg.

(6) Caiff y corff gwerthuso benderfynu penodi dau werthuswr ar gyfer dirprwy bennaeth.

(7) Caiff y person sy'n gyfrifol am benodi gwerthuswr pennaeth o dan y Rheoliad hwn benodi gwerthuswr newydd yn lle un o'r gwerthuswyr lle bo'n angenrheidiol.

(8) Lle bo gwerthuswr wedi'i benodi gan awdurdod addysg lleol neu gan y corff llywodraethu, fel bo'r achos, o dan baragraff (2) mewn perthynas ag ysgol wirfoddol a gynorthwyir, ysgol sefydledig neu ysgol arbennig sefydledig, gwneir y penodiad y cyfeirir ato yn y paragraff blaenorol gan y person a wnaeth y penodiad blaenorol.

(9) Bydd y cylch gwerthuso'n parhau er gwaethaf unrhyw newid gwerthuswr.

9.—(1) Ar ddechrau neu tua dechrau'r cylch gwerthuso ar gyfer pennaeth, bydd y gwerthuswyr a'r pennaeth yn cyfarfod i gynllunio'r gwerthusiad a pharatoi ato.

Appraisal procedures

8.—(1) The local education authority shall appoint two appraisers for the head teacher of each community, voluntary controlled or community special school maintained by them, after consulting the governing body of the school.

(2) The local education authority and the governing body of a voluntary aided, foundation or foundation special school shall endeavour to agree on the appointment of two appraisers for the head teacher of the school. Failing such agreement, the local education authority and the governing body shall each appoint one appraiser.

(3) The governing body of a former grant-maintained school shall appoint two appraisers for each head teacher.

(4) The appraisers of a head teacher shall include one person who is or has been employed —

- (a) in the case of an appraiser of a head teacher of a primary school, as the head teacher of a primary school;
- (b) in the case of an appraiser of a head teacher of a secondary school, as the head teacher of a secondary school;
- (c) in the case of an appraiser of a head teacher of a special school, as the head teacher of a special school however maintained;

and whom the appraising body consider has in the course of such employment had experience relevant to current conditions in the school at which the head teacher is employed.

(5) Subject to paragraph (6), the head teacher shall appoint an appraiser (who may be the head teacher) for every other teacher at the school and may appoint a new appraiser in place of an existing appraiser at any time.

(6) The appraising body may determine that two appraisers shall be appointed for a deputy head teacher.

(7) The person responsible for appointing an appraiser of a head teacher under this Regulation may appoint a new appraiser in place of an appraiser where necessary.

(8) Where an appraiser has been appointed by a local education authority or the governing body as the case may be under paragraph (2) in respect of a voluntary aided, foundation or foundation special school the appointment referred to in the preceding paragraph shall be made by the person who made the previous appointment.

(9) The appraisal cycle shall continue notwithstanding any change in appraiser.

9.—(1) At or near the commencement of the appraisal cycle of a head teacher the appraisers and the head teacher shall meet to plan and prepare for the appraisal.

(2) Wrth werthuso athro ysgol nad yw'n bennaeth, yn ystod blwyddyn gyntaf y cylch gwerthuso, bydd y gwerthuswr yn arsylwi ar yr athro ysgol wrth iddo addysgu o leiaf ddwywaith.

(3) Bydd o leiaf un o werthuswyr y pennaeth, yn ystod blwyddyn gyntaf y cylch gwerthuso yn arsylwi ar y pennaeth naill ai wrthi'n addysgu neu'n perfformio dyletswyddau eraill; bydd yr arsylwi hwn yn cynnwys arsylwi o leiaf ddwywaith gan yr un gwerthuswr.

(4) Heb ymgynghori'n gyntaf â'r athro ysgol, ni chaiff y gwerthuswr sicrhau gwybodaeth, ysgrifenedig neu lafar, sy'n berthnasol i berfformiad yr athro ysgol, oddi wrth unrhyw bersonau eraill.

10.—(1) Cyn diwedd blwyddyn gyntaf y cylch gwerthuso, bydd y gwerthuswr yn cynnal cyfweiliad gwerthuso gyda'r athro ysgol gyda'r nod o adolygu gwaith yr athro ysgol, nodi cyrraeddau'r athro ysgol ac agweddau lle byddai datblygiadau pellach yn ddymunol, gan nodi unrhyw anghenion o ran hyfforddi a datblygu, a chan bennu targedau ar gyfer gweithredu am weddill y cylch gwerthuso.

(2) Ar ôl pob cyfweiliad gwerthuso, mewn ymgynghoriad a'r athro ysgol, bydd y gwerthuswr yn paratoi datganiad gwerthuso ysgrifenedig yn cofnodi'r prif bwyntiau a wnaed gan y gwerthuswr a'r athro ysgol yn y cyfweiliad a'r casgliadau y daethpwyd iddynt, gan gynnwys unrhyw dargedau ar gyfer gweithredu sydd i'w cofnodi mewn atodiad ar wahân i'r datganiad gwerthuso (ond a fydd yn ffurfio rhan ohono).

(3) O fewn ugain niwrnod gwaith o gael gweld y datganiad gwerthuso gyntaf, caiff yr athro ysgol ychwanegu sylwadau ysgrifenedig ato.

(4) Bydd y gwerthuswr yn rhoi copi o'r datganiad gwerthuso i'r athro ysgol.

11.—(1) Bydd gan athro ysgol hawl i gwyno am ddatganiad gwerthuso o fewn ugain niwrnod gwaith ar ôl cael ei weld gyntaf.

(2) Os ceir cŵyn gan athro ysgol nad yw'n bennaeth, rhaid i'r pennaeth, neu os y pennaeth yw'r gwerthuswr, rhaid i'r corff gwerthuso benodi person sydd â gwybodaeth berthnasol neu brofiad perthnasol mewn addysg sydd heb gymryd rhan yn y gwerthusiad y cwynwyd amdano fel swyddog adolygu i gynnal adolygiad o'r gwerthusiad hwnnw.

(3) Os ceir cŵyn gan bennaeth ysgol a gynhelid gynt â grant, ysgol gymunedol, ysgol wirfoddol a reolir neu ysgol arbennig gymunedol, bydd y corff gwerthuso'n penodi dau swyddog adolygu sydd heb gymryd rhan yn y gwerthusiad y cwynwyd amdano i gynnal adolygiad o'r gwerthusiad hwnnw.

(4) Os ceir cŵyn gan bennaeth ysgol wirfoddol a gynorthwyir, ysgol sefydledig neu ysgol arbennig sefydledig, bydd yr awdurdod addysg lleol a'r corff llywodraethu yn ceisio cytuno ar benodi dau swyddog adolygu sydd heb gymryd rhan yn y gwerthusiad y cwynwyd amdano i gynnal adolygiad o'r gwerthusiad hwnnw. Yn niffyg

(2) In appraising a school teacher who is not a head teacher the appraiser shall, during the first year of the appraisal cycle, observe the school teacher teaching on at least two occasions.

(3) At least one appraiser of a head teacher shall during the first year of the appraisal cycle observe the head teacher either teaching or performing other duties; such observation shall include observation on at least two occasions by the same appraiser.

(4) The appraiser may not, without first consulting the school teacher, obtain from any other persons information, whether written or oral, relevant to the school teacher's performance.

10.—(1) Before the end of the first year of the appraisal cycle the appraiser shall hold an appraisal interview with the school teacher with the object of reviewing the school teacher's work, identifying the school teacher's achievements and aspects in which further development would be desirable, identifying any training and developmental needs and setting targets for action for the rest of the appraisal cycle.

(2) After each appraisal interview, the appraiser shall, in consultation with the school teacher, prepare a written appraisal statement recording the main points made by the appraiser and the school teacher at the interview and the conclusions reached, including any targets for action which shall be recorded in a separate annex to (but forming part of) the appraisal statement.

(3) The school teacher may, within twenty working days of first having access to the appraisal statement, add to it comments in writing.

(4) The appraiser shall give the school teacher a copy of the appraisal statement.

11.—(1) A school teacher shall be entitled to complain about an appraisal statement within twenty working days of first having access to it.

(2) In the event of a complaint by a school teacher who is not a head teacher, the head teacher, or where the appraiser is the head teacher, the appraising body shall appoint a person having relevant knowledge of or experience in education who has not participated in the appraisal complained of as review officer to conduct a review of that appraisal.

(3) In the event of a complaint by the head teacher of a former grant maintained, community, voluntary controlled or community special school, the appraising body shall appoint two review officers who have not participated in the appraisal complained of to conduct a review of that appraisal.

(4) In the event of a complaint by the head teacher of a voluntary aided, foundation or foundation special school, the local education authority and the governing body shall endeavour to agree on the appointment of two review officers who have not participated in the appraisal complained of to conduct a review of that

cytundeb o'r fath, bydd yr awdurdod addysg lleol a'r corff llywodraethu'n penodi un swyddog adolygu yr un.

(5) Bydd y swyddog adolygu'n cymryd i ystyriaeth unrhyw sylwadau a wneir gan yr athro ysgol.

(6) Caiff y swyddog adolygu —

- (a) gorchymyn bod y datganiad gwerthuso yn sefyll gyda'i sylwadau ei hun neu hebddynt; neu
- (b) diwygio'r datganiad gwerthuso gyda chytundeb y gwerthuswr; neu
- (c) gorchymyn bod y datganiad gwerthuso yn cael ei ddileu a gorchymyn gwerthusiad newydd.

(7) Lle gorchymynir gwerthusiad newydd o dan baragraff 11(6)(c), penodir gwerthuswr newydd o dan Reoliad 8 a rhaid dilyn y weithdrefn werthuso o dan Reoliadau 9, 10 a 12.

12.—(1) O leiaf unwaith cyn diwedd ail flwyddyn y cylch gwerthuso, bydd y gwerthuswr a'r athro ysgol yn cyfarfod i adolygu'r datganiad gwerthuso a'r cynnydd wrth gyrraedd unrhyw dargedau ar gyfer gweithredu ac i bennu targedau diwygiedig ar gyfer gweithredu.

(2) Ar ôl y cyfarfod, mewn ymgynghoriad â'r athro ysgol, bydd y gwerthuswr yn paratoi nodyn ysgrifenedig (a fydd yn ffurfio rhan o'r datganiad gwerthuso) o'r prif bwyntiau a wnaed gan y gwerthuswr a'r athro ysgol ac o'r casgliadau y daethpwyd iddynt.

Defnyddio cofnodion gwerthuso a'u cadw

13.—(1) Yn achos athro ysgol nad yw'n bennaeth —

- (a) bydd y gwerthuswr yn rhoi copi o'r datganiad gwerthuso i bennaeth yr ysgol (os nad y pennaeth yw'r gwerthuswr);
- (b) os gwneir cais, bydd y pennaeth yn rhoi copi o'r datganiad gwerthuso i Brif Swyddog Addysg yr awdurdod addysg lleol sy'n cynnal yr ysgol neu i unrhyw un o swyddogion yr awdurdod neu i unrhyw gynghorydd a ddynodir yn unswydd gan y Prif Swyddog Addysg;
- (c) bydd y pennaeth yn rhoi copi i unrhyw swyddog adolygu o'r datganiad gwerthuso ac o unrhyw ddatganiad gwerthuso am y cylch gwerthuso blaenorol os yw hwnnw gan y pennaeth;
- (d) bydd y pennaeth yn rhoi copi o unrhyw atodiad i'r datganiad gwerthuso sy'n cofnodi targedau ar gyfer gweithredu o dan Reoliad 10(2) i gadeirydd corff llywodraethu yr ysgol os gwneir cais.

(2) Yn achos pennaeth —

- (a) bydd y gwerthuswyr yn rhoi copi o'r datganiad gwerthuso i gadeirydd corff llywodraethu yr ysgol ac i Brif Swyddog Addysg yr awdurdod addysg lleol sy'n cynnal yr ysgol

appraisal. Failing such agreement, the local education authority and the governing body shall each appoint one review officer.

(5) The review officer shall take account of any representations made by the school 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 amend the appraisal statement; or
- (c) order that the appraisal statement be expunged and order a new appraisal.

(7) Where a new appraisal is ordered under paragraph 11(6)(c) a new appraiser shall be appointed under Regulation 8 and the appraisal procedure followed under Regulations 9, 10 and 12.

12.—(1) At least once before the end of the second year of the appraisal cycle, the appraiser and the school teacher shall meet to review the appraisal statement and progress in achieving any targets for action and to set revised targets for action.

(2) After the meeting the appraiser shall, in consultation with the school teacher, prepare a written note (which shall form part of the appraisal statement) of the main points made by the appraiser and the school teacher and the conclusions reached.

Use and retention of appraisal records

13.—(1) In the case of a school teacher who is not a head teacher —

- (a) the appraiser shall provide a copy of the appraisal statement to the head teacher of the school (if the head teacher is not the appraiser);
- (b) the head teacher shall, on request, provide a copy of the appraisal statement to the Chief Education Officer of the local education authority maintaining the school or any officer of the authority or adviser specifically designated by the Chief Education Officer;
- (c) the head teacher shall provide any review officer with a copy of the appraisal statement and of any appraisal statement for the previous appraisal cycle if the head teacher has this;
- (d) the head teacher shall give a copy of any annex to the appraisal statement recording targets for action under Regulation 10(2) to the chairman of the governing body of the school upon request.

(2) In the case of a head teacher —

- (a) the appraisers shall provide a copy of the appraisal statement to the chairman of the governing body of the school and to the Chief Education Officer of the local education

neu i unrhyw un o swyddogion neu i unrhyw gynghorydd i'r awdurdod a ddynodir yn unswydd gan y Prif Swyddog Addysg;

- (b) bydd y Prif Swyddog Addysg yn rhoi copi i unrhyw swyddog adolygu o'r datganiad gwerthuso ac o unrhyw ddatganiad gwerthuso am y cylch gwerthuso blaenorol os yw hwnnw gan y Prif Swyddog Addysg.

(3) Lle penodir gwerthuswr newydd heblaw ar ddechrau cylch gwerthuso, bydd y corff gwerthuso'n sicrhau ei fod yn cael copi o unrhyw ddatganiad gwerthuso cyfredol.

(4) Cedwir datganiad gwerthuso gan y pennaeth am o leiaf dri mis ar ôl pennu manylion terfynol y datganiad gwerthuso nesaf.

14.—(1) Gall gwybodaeth berthnasol o gofnodion gwerthuso gael ei chymryd i ystyriaeth gan benaethiaid, Prif Swyddogion Addysg neu unrhyw swyddogion neu gynghorwyr a ddynodir yn unswydd gan Brif Swyddog Addysg o dan Reoliad 13(1)(b) neu (2)(a) wrth gynghori'r rhai sy'n gyfrifol am gymryd penderfyniadau ar ddyrchafu, diswyddo neu ddisgyblu athrawon ysgol neu ar ddefnyddio unrhyw ddisgresiwn mewn perthynas â thâl.

(2) Bydd y rhai sy'n gyfrifol am gynllunio hyfforddiant a datblygiad athrawon ysgol mewn ysgol (gan gynnwys swyddogion priodol neu gynghorwyr yr awdurdod addysg lleol sy'n cynnal yr ysgol) yn cael manylion unrhyw dargedau ar gyfer gweithredu sy'n ymwneud â hyfforddiant a datblygiad.

authority maintaining the school or any officer of or adviser to the authority specifically designated by the Chief Education Officer;

- (b) the Chief Education Officer shall provide any review officer with a copy of the appraisal statement and of any appraisal statement for the previous appraisal cycle if the Chief Education Officer has this.

(3) Where a new appraiser is appointed otherwise than at the beginning of an appraisal cycle, the appraising body shall ensure that he is provided with a copy of any current appraisal statement.

(4) An appraisal statement shall be kept by the head teacher until at least three months after the next appraisal statement has been finalised.

14.—(1) Relevant information from appraisal records may be taken into account by head teachers, Chief Education Officers or any officers or advisers specifically designated by a Chief Education Officer under Regulation 13(1)(b) or (2)(a) in advising those responsible for taking decisions on the promotion, dismissal or discipline of school teachers or on the use of any discretion in relation to pay.

(2) Those responsible for planning the training and development of school teachers in a school (including appropriate officers of or advisers to the local education authority maintaining the school) shall receive particulars of any targets for action relating to training and development.

31 Awst 1999

*Llywydd,
Cynulliad Cenedlaethol Cymru*

Dafydd Elis Thomas

31st August 1999

*Presiding Officer,
National Assembly for Wales*

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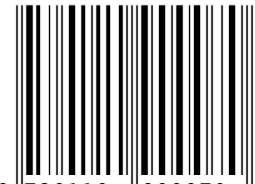
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