
WELSH STATUTORY INSTRUMENTS

2011 No. 2940

The School Teacher Appraisal (Wales) Regulations 2011

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(1) (as amended), the School Teacher Appraisal (Amendment) (Wales) Regulations 2009(2), the School Teacher Appraisal (Wales) (Amendment No. 2) Regulations 2009(3) and the School Government (Terms of Reference) (Amendment) (Wales) Regulations 2002(4) 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(5);

“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;

(1) [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 \(W. 101\)](#)).

(2) [S.I. 2009/2159 \(W. 183\)](#)

(3) [S.I. 2009/2864 \(W. 251\)](#).

(4) [S.I. 2002/1396 \(W.138\)](#)

(5) 1998 c. 31.

“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;

“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.