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WELSH STATUTORY INSTRUMENTS

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**1999 No. 2888 (W. 25)**

**EDUCATION, WALES**

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

*Made* - - - - *31st August 1999*

*Coming into Force* - - *1st September 1999*

In exercise of the powers conferred on the Secretary of State by sections 49 and 63(3) of the Education (No 2) Act 1986<sup>(1)</sup>, and now vested in the National Assembly for Wales<sup>(2)</sup> 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:

**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<sup>(3)</sup> (“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.

**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

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(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. 1991/1511.

- (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(4);

“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.

(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.

### **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) 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 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 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.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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31st August 1999

*Dafydd Elis Thomas*  
Presiding Officer, National Assembly for Wales

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## EXPLANATORY NOTE

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

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

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.

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.

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.

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.