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WELSH STATUTORY INSTRUMENTS

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**2011 No. 2940**

**The School Teacher Appraisal (Wales) Regulations 2011**

**PART III**

**Appraisal of School Teachers other than Head Teachers**

**Application of Part III**

**20.** Regulations 21 to 33 apply to the appraisal of school teachers other than head teachers.

**Appointment of appraisers for school teachers**

**21.**—(1) Subject to regulation 30(8) the head teacher must appoint as appraiser for every school teacher at the school, a school teacher at the school or the head teacher.

(2) The head teacher may appoint a new appraiser in place of an existing appraiser at any time.

**The appraisal cycle**

**22.**—(1) Subject to the following provisions of this regulation, and to regulation 23, the head teacher must determine the timing of the appraisal cycle for every school teacher at the school.

(2) Except as provided for in paragraphs (3), (4) and (5) and regulation 23(3), the length of an appraisal cycle will be one year.

(3) In the case of a school teacher employed under a contract of employment for a fixed term of less than one year the length of the appraisal cycle is the period of the fixed term.

(4) In the case of the first appraisal cycle under these Regulations of a school teacher in post on the date on which these Regulations come into force, the head teacher may determine that the length of the appraisal cycle will be a period other than one year provided that it ends no later than 31 December 2012 .

(5) In the case of the first appraisal cycle under these Regulations of a school teacher not in post on the date which these Regulations come into force, the head teacher may determine that the length of the cycle will be a period of less than one year.

(6) In the case of a school teacher at a maintained nursery school in post on the relevant date, the head teacher may determine that the length of the first appraisal cycle is a period other than one year provided that it ends no later than 31 December 2012.

(7) In the case of a school teacher employed under a contract of employment for a fixed term of less than one year (but not being a short term contract) in post on the relevant date, performance must be appraised throughout the unexpired period of the contract as at the relevant date and reviewed at the end of the fixed term.

(8) Once begun, appraisal cycles for every school teacher will be continuous.

(9) The appointment of a new appraiser will not cause a school teacher's appraisal cycle to begin again.

### **New appraisal cycle**

23.—(1) If a school teacher moves to a post as a school teacher in another school, the appraisal cycle will begin again.

(2) If a school teacher moves to a new post as a school teacher in the same school, the head teacher may determine that the appraisal cycle will begin again.

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

### **First appraisal cycle**

24. The governing body must take all reasonable steps to secure that the first appraisal cycle for every school teacher at 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**

25. The appraisal of school teachers at a school must be in accordance with the provisions of the School Performance Management Policy.

### **Planning of appraisal and setting of objectives**

26.—(1) Before or at the start of the appraisal cycle, the appraiser and the school teacher must meet to plan and prepare for the appraisal and to seek to agree the school teacher's objectives which must take account of such relevant evidence as the appraiser and the school teacher agree (or, in the absence of agreement, such relevant evidence as the appraiser decides) but which will include the Pupil Performance Information and must relate to—

- (a) developing and improving the school teacher's professional practice;
- (b) the school teacher's job description;
- (c) any relevant pay progression criteria;
- (d) any relevant whole-school or team objectives specified in the School Improvement Plan; and
- (e) the professional standards for school teachers as specified by the Welsh Ministers from time to time.

(2) The school teacher's objectives described in paragraph (1) may also take into account—

- (a) the school teacher's professional aspirations; and
- (b) any national priorities for school improvement set by the Welsh Ministers from time to time.

(3) The school teacher's objectives will be such that, if they are achieved, they will contribute to improving the progress of pupils at the school.

(4) If objectives are not agreed under paragraph (1), the appraiser must set out in writing such objectives as the appraiser considers appropriate, and the school teacher may add comments in writing.

(5) The objectives agreed under paragraph (1), or where objectives have not been agreed the objectives set out in writing under paragraph (4), and the school teacher's written comments, must be recorded in a written statement of objectives.

(6) When the objectives are set, the appraiser and the school teacher must seek to agree on the support that will be required for the school teacher to meet the objectives. If agreement cannot be reached the appraiser will determine the support that is required.

(7) The school teacher must during the course of the appraisal cycle keep an up-to-date record of—

- (a) the school teacher's own assessment of performance against the objectives recorded in the statement of objectives;
- (b) particulars of any professional development activities undertaken or other support provided and how this is contributing to achievement of the objectives; and
- (c) particulars of any factors which the school teacher considers are affecting performance against the recorded objectives.

### **Revising objectives**

**27.**—(1) A school teacher's objectives may be revised by the appraiser at any time during the appraisal cycle.

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

- (a) the statement of objectives must be amended to show the revised objective, the date of the revision and the reason for the revision;
- (b) references in these Regulations to the school teacher's objectives will be read as references to the revised objectives; and
- (c) references in these Regulations to the school teacher's statement of objectives will be read as references to the amended statement of objectives.

### **Monitoring progress**

**28.**—(1) The appraiser and the school teacher must seek to agree at a meeting held under regulation 26(1) on the procedures for monitoring the school teacher's performance against the objectives agreed under regulation 26(1) or where objectives have not been agreed the objectives set out in writing under regulation 26(5).

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

(3) The procedures agreed under paragraph (1) or where procedures have not been agreed the procedures set out in writing under paragraph (2) must include a requirement for the appraiser in appraising a school teacher to observe the school teacher teaching on at least one occasion during the appraisal cycle.

(4) Subject to paragraph (5), an appraiser may not obtain from any other person information, whether written or oral, relevant to the school teacher's performance unless the school 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).

(5) Paragraph (4) 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**

**29.**—(1) At or near the end of the appraisal cycle the appraiser and the school teacher must hold an appraisal review, with the object of—

- (a) assessing the extent to which the school teacher has met the objectives recorded in the statement of objectives as set out in regulation 26(1), taking account of the record that the school teacher must keep in accordance with regulation 26(7);
  - (b) determining whether there has been successful overall performance as considered against the professional standards for school teachers as specified by the Welsh Ministers from time to time; and
  - (c) identifying the need for additional support, training or development and ways of meeting such needs also taking account of the record described in regulation 26(7).
- (2) The date on which an appraisal review is to be held will be determined by the appraiser, but at least 10 school days notice (in writing) must be given to the school teacher of that date.
- (3) The school teacher must, at least five school days before the appraisal review, submit to the appraiser the record maintained under regulation 26(7) and the record must be considered at the appraisal review.
- (4) Within 10 school days after each appraisal review, the appraiser must prepare a written statement recording the main points made by the appraiser and the school teacher at the review and the conclusions reached, and there must be recorded in an annex to the statement (which will 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 26 in relation to the following appraisal cycle.
- (6) The appraiser must give the school teacher a copy of the statement prepared under paragraph (4) within 10 school days after the appraisal review.
- (7) The school teacher may, within 10 school days of receiving a copy of that statement add to it comments in writing, and such comments will form part of the statement prepared under that paragraph.

## **Appeals**

- 30.**—(1) A school teacher is entitled to appeal against an appraisal under these Regulations within 10 school days of receiving a copy of the appraisal statement under regulation 29(6).
- (2) An appeal must be made in writing to the governing body.
  - (3) The appeals officer in relation to such an appeal must be the head teacher, except where the appraiser is the head teacher, when the appeals officer must be the chair of the governing body.
  - (4) Where the appeals officer is the chair of the governing body, the local authority must appoint a representative to assist the appeals officer.
  - (5) The appeals officer must within 10 school days of receiving the appraisal statement under regulation 31(2)(b) conduct and conclude a review of the appraisal and must take account of any representations made by the school teacher.
  - (6) The appeals officer may—
    - (a) order the appraisal statement to stand with or without observations of the appeals officer; 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 (6)(c), a new appraiser must be appointed in accordance with regulation 21 and the appeals officer must determine which appraisal procedures must be repeated.

(8) Where it appears to the appeals officer that there is no suitable new appraiser who can be appointed for the school teacher under regulation 21, the appeals officer must appoint as a new appraiser for the school teacher a member of the school's governing body.

(9) No governor who is a teacher or other member of staff at the school may be appointed as an appraiser of a school teacher under paragraph (8).

(10) All appraisal procedures determined to be repeated under paragraph (7) must be completed within 15 school days from the date of the appeals officer's order under paragraph (6)(c).

(11) The appeals officer may not—

- (a) determine that new objectives be agreed or set in accordance with regulation 26; or
- (b) determine that the objectives agreed or set under regulation 26 be revised.

(12) References in this regulation and in regulations 31 and 32 to an appraisal statement are references to a statement prepared under regulation 29(4), including, in the case of regulations 31 and 32, any observations added by an appeals officer under paragraph (6)(a).

### **Provision and retention of appraisal statements**

**31.**—(1) The appraiser must give a copy of the appraisal statement to the head teacher.

(2) The following persons may request a copy of the appraisal statement and the head teacher must upon such request make a copy of the appraisal statement available to that person—

- (a) the appraiser;
- (b) any appeals officer within five school days of the governing body receiving notice of an appeal under regulation 30(2), who must also be given a copy of the statement of objectives;
- (c) any governors responsible for advising about, or taking decisions in relation to, the promotion of school teachers or the use of any discretion in relation to pay; and
- (d) in the case of a school teacher employed at a school which does not have a delegated budget (within the meaning of Chapter IV of Part II of the School Standards and Framework Act 1998) the Chief Education Officer or any officer or adviser specifically designated by the Chief Education Officer to be responsible for advising about, or taking decisions in relation to, the promotion of school teachers or the use of any discretion in relation to pay.

(3) Where the school teacher is eligible for pay progression under the Document, the appraiser must provide to the head teacher a recommendation on pay progression, having regard to the school teacher's appraisal statement.

(4) The head teacher must provide a copy of the annex to the appraisal statement referred to in regulation 29(4) to the person or persons responsible for planning the training and development of school teachers at the school.

(5) The head teacher must make a school teacher's current statement of objectives available to a new appraiser appointed otherwise than at the beginning of an appraisal cycle.

(6) A school teacher's appraisal statement must be kept by the head teacher until at least three years after the next appraisal statement has been finalised.

### **Information from appraisal statements**

**32.**—(1) Relevant information from appraisal statements may be taken into account by head teachers, school governing bodies (including committees of governing bodies), Chief Education Officers or any officers or advisers specifically designated by a Chief Education Officer under regulation 31(2)(d) in taking decisions, and in advising those responsible for taking decisions, about the promotion, dismissal or discipline of school teachers or the use of any discretion in relation to pay.

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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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(2) Appraisal procedures in respect of a school teacher as described in these Regulations will not constitute any steps that must be taken in disciplinary or dismissal procedures brought against the school teacher.

**Transitional provision**

**33.** Regulations 31 and 32 apply in relation to appraisal records produced and maintained under the Education (School Teacher Appraisal) (Wales) Regulations 1999 or under the School Teacher Appraisal (Wales) Regulations 2002 as they apply in relation to appraisal statements.