
WELSH STATUTORY INSTRUMENTS

2011 No. 2940

The School Teacher Appraisal (Wales) Regulations 2011

PART II

Appraisal of Head Teachers

Application of Part II

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

Appointment of appraisers

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

(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 local authority may appoint one or two appraisers in relation to the appraisal of a head teacher.

(5) The governing body may make a request at any time to the local authority for the appointment of a new appraiser in place of an existing appraiser appointed by the local authority but such appointment must be at the local authority's discretion and any refusal must be accompanied by a written explanation of the reasons for the refusal.

(6) Where the appraisal is of a head teacher of a school which has a religious character, the Diocesan Authority may appoint an appraiser of the head teacher.

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 will be one year and will begin after 1 September and before 31 December unless the local authority and the governing body agree otherwise.

(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 determine that the length of that appraisal cycle is a period other than one year provided that it begins no earlier than 1 January 2012 and ends no later than 31 December 2012.

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

(5) The appointment of a new appraiser does 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 begins 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 the appraisal, the timing of the appraisal cycle will 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 the new post will 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 31 December 2012.

School performance management policy

11. The appraisal of the head teacher must be in accordance with the provisions of the School Performance Management Policy.

Planning of appraisal and setting of objectives

12.—(1) Before or at the start of the appraisal cycle, all the appraisers and the head teacher must meet to plan and prepare for the appraisal and to seek to agree the head teacher's objectives which must take account of such relevant evidence as the appraisers and the head teacher agree (or, in the absence of agreement, such relevant evidence as the appraisers decide) but which will include the School Performance Information, and must relate to—

- (a) school leadership and management;
- (b) the head teacher's job description;
- (c) any relevant pay progression criteria;
- (d) any relevant whole-school or team objectives specified in the School Improvement Plan;
- (e) the professional standards for head teachers as specified by the Welsh Ministers from time to time; and
- (f) any national priorities for school improvement set by the Welsh Ministers from time to time.

(2) The head teacher's objectives described in paragraph (1) may also take into account the head teacher's professional aspirations.

(3) The head 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 appraisers must set out in writing such objectives as they consider appropriate, and the head 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 head teacher's written comments, must be recorded in a written statement of objectives.

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

- (7) The head teacher must during the course of the appraisal cycle keep an up-to-date record of—
- (a) the head 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 head teacher considers are affecting performance against the recorded objectives.

(8) Her Majesty’s Inspectorate for Education and Training in Wales⁽¹⁾ may request, and upon receipt of such request the chair of the governing body must provide it with, a copy of the head teacher’s statement of objectives.

Revising objectives

13.—(1) A head teacher’s objectives may be revised by the appraisers at any time during the appraisal cycle.

- (2) Where a head 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 head teacher’s objectives will be read as references to the revised objectives; and
 - (c) references in these Regulations to the head teacher’s statement of objectives will 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(4).

(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 and the head teacher must hold an appraisal review, with the object of—

- (a) determining whether there has been successful overall performance as considered against the professional standards for head teachers as specified by the Welsh Ministers from time to time;
- (b) assessing the extent to which the head teacher has met the objectives recorded in the statement of objectives as set out in regulation 12(1), taking into account relevant evidence

(1) Commonly known as “Estyn”.

gathered through the monitoring process set out at regulation 14 and the record kept by the head teacher in accordance with regulation 12(7); and

(c) identifying the need for additional support, training or development and how such needs may be met, taking account the record described in regulation 12(7).

(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 must, at least five school days before the appraisal review, submit to the appraisers the record maintained under regulation 12(7) and the record 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 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 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 comments in writing, and such comments will form part of the statement prepared under that paragraph.

Appeals

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

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

(3) In relation to a school other than one which has a religious character, the chair of the governing body will be one of the appeals officers in relation to such an appeal, but where the chair of the governing body has participated in the appraisal which is the subject of the appeal, the governing body will appoint a governor who has not participated in that appraisal as an appeals officer in relation to such an appeal in place of the chair of the governing body. The governing body will also appoint another governor who has not participated in that appraisal as an appeals officer in relation to such an appeal.

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

(5) In relation to a school other than one which has a religious character, the local authority will appoint two people as appeals officers in relation to such appeal who have not participated in the appraisal which is the subject of the appeal.

(6) In the case of a school which has a religious character, the governing body will appoint one governor as an appeals officer in relation to such appeal, who will be the chair of the governing body, but where the chair of the governing body has participated in the appraisal which is the subject of the appeal, the governing body will appoint a governor who has not participated in that appraisal as an appeals officer in relation to such an appeal in place of the chair of the governing body. The local authority will appoint two appeals officers and the Diocesan Authority will appoint one appeals officer, none of whom may have participated in the appraisal which is the subject of the appeal.

(7) The appeals officers must within 10 school days of receiving the appraisal statement under regulation 17(3) conduct and conclude a review of the appraisal, and in so doing must take account of any representations made by the head teacher.

(8) The appeals officers may—

- (a) order the appraisal statement to stand with or without observations of the appeals officers; or
- (b) with the agreement of all the appraisers amend the appraisal statement; or
- (c) order that the appraisal statement be expunged and order a new appraisal.

(9) Where a new appraisal is ordered under paragraph (8)(c) all the appraisers must be replaced by new appraisers appointed in accordance with regulation 7 and the appeals officers must determine which appraisal procedures must be repeated.

(10) All appraisal procedures determined to be repeated under paragraph (9) must be completed within 15 school days from the date of the order of the appeals officers under paragraph (8)(c).

(11) Appeals officers may not—

- (a) determine that new objectives be agreed or set in accordance with regulation 12; or
- (b) determine that the objectives agreed or set under regulation 12 be revised.

(12) References in this regulation and regulations 17 and 18 to an appraisal statement are references to a statement prepared under regulation 15(4), including, in the case of regulations 17 and 18, any observations added by the appeals officers under paragraph (8)(a).

Provision and retention of appraisal statements

17.—(1) The appraisers must provide a copy of the appraisal statement to—

- (a) the head teacher;
- (b) the chair of the governing body;
- (c) the Chief Education Officer;
- (d) any governors responsible for advising about, or taking decisions in relation to, the promotion, discipline or dismissal of school teachers or the use of any discretion in relation to pay, upon request by those governors; and
- (e) in the case of the head teacher of 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) any officer or adviser specifically designated by the Chief Education Officer to be responsible for advising about, or taking decisions in relation to, the use of any discretion in relation to pay, upon request by such officer or adviser.

(2) The chair of the governing body must provide a copy of the appraisal statement to any officer or adviser specifically designated by the Chief Education Officer to be responsible for advising about, or taking decisions in relation to, the performance of head teachers pursuant to regulation 6 of the Staffing of Maintained Schools (Wales) Regulations 2006(2), upon receipt of a request by such officer or adviser.

(3) The chair of the governing body must provide any appeals officer with a copy of the appraisal statement and the statement of objectives within five school days of the governing body receiving notice of an appeal under regulation 16(2).

(4) Where a new appraiser is appointed otherwise than at the beginning of an appraisal cycle, the chair of the governing body must provide that person with a copy of any current statement of objectives.

(5) The chair of the governing body must provide a copy of the annex to the appraisal statement referred to in regulation 15(4) to the person or persons responsible for planning the training and development of the head teacher in the school.

(6) A head teacher must keep a copy of an appraisal statement until at least three years after the next appraisal statement has been finalised.

(7) The governing body must keep a copy of the head teacher's appraisal statement until at least three years after the next appraisal statement has been finalised.

Information from appraisal statements

18.—(1) Relevant information from appraisal statements may be taken into account by 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 17(1)(e) or (2) in taking decisions, and in advising those responsible for taking decisions, about the promotion, dismissal or discipline of head teachers or the use of any discretion in relation to pay.

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

Transitional provision

19. Regulations 17 and 18 apply in relation to appraisal records produced and maintained under the Education (School Teacher Appraisal) (Wales) Regulations 1999⁽³⁾ or under the School Teacher Appraisal (Wales) Regulations 2002 as they apply in relation to appraisal statements.