



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 2940 (Cy.316)

2011 No. 2940 (W.316)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Gwerthuso Athrawon
Ysgol (Cymru) 2011

The School Teacher Appraisal
(Wales) Regulations 2011

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 wedi'u gwneud o dan adrannau 21(3) (cyfrifoldeb cyffredinol dros redeg ysgol) a 131 (gwerthuso) o Ddeddf Addysg 2002 (2002 p.32) ac ar ôl ymgynghori'n briodol yn unol ag adran 131(7) o'r Ddeddf honno.

These Regulations are made under sections 21(3) (general responsibility for conduct of school) and 131 (appraisal) of the Education Act 2002 (2002 c.32) and after appropriate consultation in accordance with section 131(7) of that Act.

Mae'r Rheoliadau yn darparu ar gyfer gwerthuso perfformiad athrawon ysgol (gan gynnwys athrawon anghymwysedig ac athrawon ysgol feithrin) mewn ysgolion cymunedol, ysgolion gwirfoddol, ysgolion sefydledig, ysgolion arbennig cymunedol, ysgolion arbennig sefydledig neu ysgolion meithrin a gynhelir. Mae'r Rheoliadau hefyd yn darparu ar gyfer gwerthuso perfformiad athrawon a gyflogir gan yr awdurdodau lleol ac nad ydynt yn gysylltiedig ag un ysgol benodol neu sy'n addysgu y tu allan i leoliadau ysgol.

The Regulations provide for the appraisal of the performance of school teachers (including unqualified teachers and nursery school teachers) at community, voluntary, foundation, community special, foundation special or maintained nursery schools. The Regulations also provide for the appraisal of the performance of teachers employed by local authorities who are not attached to one particular school or who teach outside school settings.

Mae'r Rheoliadau hyn yn diddymu ac yn disodli Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002 (O.S. 2002/1394 (Cy. 137)), fel y'u diwygiwyd.

These Regulations revoke and replace the School Teacher Appraisal (Wales) Regulations 2002 (S.I. 2002/1394 (W. 137)), as amended.

Mae Rhan I o'r Rheoliadau yn cynnwys darpariaethau rhagarweiniol, gan gynnwys dyletswydd y corff llywodraethu a'r pennaeth i sicrhau bod perfformiad yr holl athrawon ysgol mewn ysgol yn cael ei werthuso'n rheolaidd (rheoliad 4), y ddyletswydd sydd ar benaethiaid, y corff llywodraethu a'r awdurdod lleol i bennu polisi rheoli perfformiad ac i'r pennaeth gyflwyno adroddiad blynyddol ysgrifenedig ar effeithiolrwydd y gweithdrefnau gwerthuso i'r corff llywodraethu (rheoliad 5).

Part I of the Regulations contains introductory provisions, including the duty of the governing body and head teacher to secure that the performance of all school teachers at a school is appraised regularly (regulation 4), the duty on head teachers, the governing body and the local authority to determine a performance management policy and for the head teacher to make an annual written report on the effectiveness of appraisal procedures to the governing body (regulation 5).

Mae Rhan II o'r Rheoliadau yn ymdrin â gwerthuso penaeithiaid.

Part II of the Regulations deals with the appraisal of head teachers.

Mae rheoliad 7 yn darparu i'r corff llywodraethu benodi o leiaf ddau lywodraethwr yn werthuswyr ar

Regulation 7 provides for the governing body to appoint at least two governors as appraisers for a head

gyfer pennaeth ac i'r awdurdod lleol benodi un neu ddau o werthuswyr yn werthuswyr ar gyfer y pennaeth. Gwneir darpariaeth arbennig ynglŷn ag ysgolion sydd â chymeriad crefyddol.

Mae rheoliadau 8 a 9 yn gwneud darpariaeth ynglŷn â'r cylch gwerthuso. Fel rheol mae'r cylch gwerthuso yn para am flwyddyn, er y caiff yr awdurdod lleol a'r corff llywodraethu benderfynu ar hyd gwahanol ar gyfer cylch gwerthuso cyntaf pennaeth. Ar ôl symud i swydd newydd fel pennaeth neu ar ôl dod yn bennaeth, mae'r cylch gwerthuso'n aildechrau.

Mae rheoliad 10 yn gosod dyletswydd ar y corff llywodraethu i sicrhau bod cylch gwerthuso cyntaf pennaeth yn dechrau erbyn 31 Ionawr 2012 fan bellaf. Mae rheoliad 11 yn darparu i'r awdurdod lleol benderfynu ar y gweithdrefnau ar gyfer gwerthuso.

Mae rheoliad 12 yn darparu ar gyfer cynnal cyfarfod rhwng y gwerthuswyr a'r pennaeth lle maent yn cynllunio'r gwerthusiad ac yn cytuno ar amcanion neu'n eu pennu. Mae hefyd yn darparu i'r pennaeth fynd ati yn ystod y cylch gwerthuso i gadw cofnod cyfoes y mae'n rhaid iddo gynnwys asesiad gan y pennaeth o berfformiad yn erbyn yr amcanion, manylion unrhyw hyfforddiant a gafwyd a manylion unrhyw ffactorau y mae'n credu y gallent fod yn effeithio ar ei berfformiad. Mae rheoliad 13 yn darparu y caniateir i'r amcanion hyn gael eu diwygio gan y gwerthuswyr. Mae rheoliad 14 yn ei gwneud yn ofynnol i'r gweithdrefnau ar gyfer monitro perfformiad gael eu pennu neu eu cytuno ac mae'n darparu ar gyfer y ffordd y dylai'r gwerthuswyr gael gwybodaeth.

Mae rheoliad 15 yn darparu bod rhaid cynnal adolygiad gwerthuso tua diwedd y cylch. Rhaid i'r pennaeth gyflwyno'r cofnod sy'n cynnwys asesiad y pennaeth ei hun o'i berfformiad, i gael ei ystyried yn yr adolygiad. Ar ôl yr adolygiad rhaid i'r gwerthuswyr baratoi datganiad ysgrifenedig.

Mae rheoliad 16 yn rhoi hawl i'r pennaeth apelio yn erbyn gwerthusiad ac yn nodi'r gweithdrefnau ar gyfer apêl.

Mae rheoliadau 17 a 18 yn darparu ar gyfer datgelu datganiadau gwerthuso, eu cadw a'u defnyddio. Rhaid i gopïau gael eu rhoi i bobl benodol. Rhaid cadw datganiadau am dair blynedd.

Mae rheoliad 19 yn cynnwys darpariaeth drosiannol.

Mae Rhan III o'r Rheoliadau yn ymdrin â gwerthuso athrawon ysgol heblaw penaethiaid.

Mae rheoliad 21 yn darparu i'r pennaeth benodi gwerthuswr i bob athro ac athrawes ysgol mewn ysgol. Caiff y pennaeth neu un o athrawon eraill yr ysgol fod yn werthuswr.

Mae rheoliadau 22 a 23 yn gwneud darpariaeth ynglŷn â'r cylch gwerthuso. Fel rheol mae'r cylch

teacher and for the local authority to appoint one or two appraisers as appraisers of the head teacher. Special provision is made for schools which have a religious character.

Regulations 8 and 9 make provision in relation to the appraisal cycle. The appraisal cycle normally lasts for one year, although the local authority and governing body can decide on a different length for a head teacher's first appraisal cycle. On moving to a new post as head teacher or on becoming a head teacher, the appraisal cycle begins again.

Regulation 10 imposes a duty on the governing body to ensure that a head teacher's first appraisal cycle begins no later than 31 January 2012. Regulation 11 provides for the local authority to decide on the procedures for appraisal.

Regulation 12 provides for a meeting to be held between the appraisers and the head teacher at which they plan the appraisal and objectives are agreed or set. It also provides for the head teacher to maintain during the appraisal cycle an up-to-date record which must include an assessment by the head teacher of performance against the objectives, details of any training undertaken and particulars of any factors they consider may be affecting their performance. Regulation 13 provides that these objectives may be revised by the appraisers. Regulation 14 requires the procedures for monitoring performance to be set or agreed and provides for the obtaining of information by the appraisers.

Regulation 15 provides that an appraisal review must be held towards the end of the cycle. The head teacher must submit the record which includes the head teacher's own assessment of performance, to be considered at the review. After the review the appraisers must prepare a written statement.

Regulation 16 gives the head teacher the right to appeal against an appraisal and sets out the procedures for appeal.

Regulations 17 and 18 provide for the disclosure, retention and use of appraisal statements. Copies must be given to certain people. Statements must be kept for three years.

Regulation 19 contains a transitional provision.

Part III of the Regulations deals with the appraisal of school teachers other than head teachers.

Regulation 21 provides for the head teacher to appoint an appraiser for each school teacher at a school. The appraiser can be the head teacher or another school teacher.

Regulations 22 and 23 make provision in relation to the appraisal cycle. The appraisal cycle normally lasts

gwerthuso yn para am flwyddyn, er y caiff y pennaeth benderfynu ar hyd gwahanol ar gyfer y cylch gwerthuso cyntaf, y caniateir iddo bara am hyd at 18 mis ond nid llai na naw mis. Ar ôl symud i swydd newydd mewn ysgol arall, mae'r cylch gwerthuso'n dechrau eto, ond ar ôl symud i swydd newydd yn yr un ysgol, mater i'r pennaeth yw penderfynu a yw'r cylch yn dechrau eto neu beidio.

Mae rheoliad 24 yn gosod dyletswydd ar y corff llywodraethu i sicrhau bod gwerthusiad cyntaf athro neu athrawes ysgol yn dechrau erbyn 31 Ionawr 2012.

Mae rheoliad 25 yn darparu bod rhaid i werthusiad athrawon ysgol mewn ysgol fod yn unol â'r polisi rheoli perfformiad.

Mae rheoliad 26 yn darparu ar gyfer cynnal cyfarfod rhwng y gwerthuswr a'r athro neu'r athrawes ysgol lle maent yn cynllunio'r gwerthusiad ac yn cytuno ar amcanion neu'n eu pennu. Mae hefyd yn darparu i'r athro neu'r athrawes ysgol fynd ati yn ystod y cylch gwerthuso i gadw cofnod cyfoes y mae'n rhaid iddo gynnwys asesiad gan yr athro neu'r athrawes ysgol o berfformiad yn erbyn yr amcanion, manylion unrhyw hyfforddiant a gafwyd a manylion unrhyw ffactorau y maent yn credu y gallent fod yn effeithio ar eu perfformiad. Mae rheoliad 27 yn darparu y caniateir i'r amcanion hyn gael eu diwygio. Mae rheoliad 28 yn ei gwneud yn ofynnol i'r gweithdrefnau ar gyfer monitro perfformiad gael eu pennu neu eu cytuno. Rhaid i'r gwerthuswr arsylwi unwaith o leiaf ar yr athro neu'r athrawes ysgol yn addysgu. Mae'n darparu hefyd ar gyfer y ffordd y dylai'r gwerthuswyr gael gwybodaeth.

Mae rheoliad 29 yn darparu bod rhaid cynnal adolygiad gwerthuso tua diwedd y cylch. Rhaid i'r athro neu'r athrawes ysgol gyflwyno'r cofnod sy'n cynnwys asesiad yr athro neu'r athrawes ysgol ei hun o berfformiad i gael ei ystyried yn yr adolygiad. Ar ôl yr adolygiad rhaid i'r gwerthuswr baratoi datganiad ysgrifenedig.

Mae rheoliad 30 yn rhoi hawl i'r athro neu'r athrawes ysgol apelio yn erbyn gwerthusiad ac yn nodi'r gweithdrefnau ar gyfer apêl.

Mae rheoliadau 31 a 32 yn darparu ar gyfer datgelu datganiadau gwerthuso, eu cadw a'u defnyddio. Rhaid i gopïau gael eu rhoi i bobl benodol. Rhaid cadw datganiadau am dair blynedd.

Mae rheoliad 33 yn cynnwys darpariaeth drosiannol.

Mae Rhan IV o'r Rheoliadau yn ymdrin â gwerthuso athrawon digyswllt. Caiff y rhai sy'n gyfrifol am werthuso athrawon digyswllt sicrhau gwybodaeth o fannau eraill lle mae'r athro neu'r athrawes yn gweithio.

Mae rheoliad 35 yn ei gwneud yn ofynnol i awdurdod lleol gael polisi rheoli perfformiad sy'n nodi sut y bydd yn gwerthuso athrawon digyswllt, a rhoi'r polisi hwnnw ar waith.

for one year, although the head teacher can decide on a different length for the first appraisal cycle which may last up to 18 months but not be less than nine months. On moving to a new post in another school, the appraisal cycle begins again, but on moving to a new post in the same school, it is for the head teacher to decide whether or not the cycle begins again.

Regulation 24 imposes a duty on the governing body to ensure that a school teacher's first appraisal begins by 31 January 2012.

Regulation 25 provides that the appraisal of school teachers at a school must be in accordance with the performance management policy.

Regulation 26 provides for a meeting to be held between the appraiser and the school teacher at which they plan the appraisal and objectives are agreed or set. It also provides for the school teacher to maintain during the appraisal cycle an up-to-date record which must include an assessment by the school teacher of performance against the objectives, details of any training undertaken and particulars of any factors they consider may be affecting their performance. Regulation 27 provides that these objectives may be revised. Regulation 28 requires the procedures for monitoring performance to be set or agreed. The appraiser must observe the school teacher teaching on at least one occasion. It also provides for the obtaining of information by the appraisers.

Regulation 29 provides that an appraisal review must be held towards the end of the cycle. The school teacher must submit the record which includes the school teacher's own assessment of performance to be considered at the review. After the review the appraiser must prepare a written statement.

Regulation 30 gives the school teacher the right to appeal against an appraisal and sets out the procedures for appeal.

Regulations 31 and 32 provide for the disclosure, retention and use of appraisal statements. Copies must be given to certain people. Statements must be kept for three years.

Regulation 33 contains a transitional provision.

Part IV of the Regulations deals with the appraisal of unattached teachers. Those responsible for appraising unattached teachers may obtain information from other places at which the teacher works.

Regulation 35 requires a local authority to have a performance management policy setting out how they will appraise unattached teachers, and to implement that policy.

Mae rheoliad 36 yn darparu mai'r awdurdodau lleol fydd yn gyfrifol am werthuso perfformiad athrawon digyswllt. Caiff yr awdurdodau lleol ddirprwyo rhai o'u cyfrifoldebau i'r ysgol lle mae'r athro neu'r athrawes ddigyswllt yn treulio'r brif ran o'u hamser gweithio neu i berson addas arall.

Mae rheoliad 37 yn gwneud darpariaeth ynglŷn â'r cylch gwerthuso i athrawon digyswllt. Fel rheol mae'r cylch gwerthuso yn para am flwyddyn, er y caiff yr awdurdod lleol benderfynu ar hyd gwahanol. Yn achos athrawon a gyflogir o dan gontract cyfnod penodol o lai na blwyddyn, hyd y contract fydd y cylch gwerthuso. Os bydd athro neu athrawes ddigyswllt yn trosglwyddo i swydd newydd ran o'r ffordd drwy gylch gwerthuso, rhaid i'r awdurdod lleol benderfynu a yw'r cylch yn dechrau eto.

Mae rheoliad 38 yn darparu mai'r awdurdod lleol fydd yn pennu gweithdrefnau gwerthuso athrawon digyswllt, neu, o dan amgylchiadau penodol, corff llywodraethu'r ysgol lle mae'r athro neu'r athrawes ddigyswllt yn treulio'r brif ran o'u hamser gweithio.

Mae rheoliad 39 yn darparu ar gyfer cynnal cyfarfod rhwng y gwerthuswr a'r athro neu'r athrawes ddigyswllt lle maent yn cynllunio'r gwerthusiad ac yn cytuno ar amcanion neu'n eu pennu. Mae hefyd yn darparu i'r athro neu'r athrawes ddigyswllt fynd ati yn ystod y cylch gwerthuso i gadw cofnod cyfoes y mae'n rhaid iddo gynnwys asesiad gan yr athro neu'r athrawes ddigyswllt o berfformiad yn erbyn yr amcanion, manylion unrhyw hyfforddiant a gafwyd a manylion unrhyw ffactorau y maent yn credu y gallent fod yn effeithio ar eu perfformiad.

Mae rheoliad 40 yn darparu y caniateir i'r amcanion hyn gael eu diwygio. Mae rheoliad 41 yn ei gwneud yn ofynnol i'r gweithdrefnau ar gyfer monitro perfformiad gael eu pennu neu eu cytuno. Rhaid i'r gwerthuswr arsylwi unwaith o leiaf ar yr athro neu'r athrawes ysgol yn addysgu. Mae'n darparu hefyd ar gyfer y ffordd y dylai'r gwerthuswyr gael gwybodaeth.

Mae rheoliad 42 yn darparu bod rhaid cynnal adolygiad gwerthuso tua diwedd y cylch. Rhaid i'r athro neu'r athrawes ddigyswllt gyflwyno'r cofnod sy'n cynnwys asesiad yr athro neu'r athrawes ddigyswllt ei hun o berfformiad i gael ei ystyried yn yr adolygiad. Ar ôl yr adolygiad rhaid i'r gwerthuswr baratoi datganiad ysgrifenedig.

Mae rheoliad 43 yn rhoi hawl i'r athro neu'r athrawes ddigyswllt apelio yn erbyn gwerthusiad ac yn nodi'r gweithdrefnau ar gyfer apêl.

Mae rheoliadau 44 a 45 yn darparu ar gyfer datgelu datganiadau gwerthuso, eu cadw a'u defnyddio. Rhaid i gopïau gael eu rhoi i bobl benodol. Rhaid cadw datganiadau am dair blynedd.

Mae rheoliad 46 yn cynnwys darpariaeth drosiannol.

Mae rheoliad 47 yn diwygio Rheoliadau

Regulation 36 provides for local authorities to be responsible for appraising the performance of unattached teachers. Local authorities may delegate some of their responsibilities to the school where an unattached teacher spends the predominant part of their working time or to another suitable person.

Regulation 37 makes provision in relation to the appraisal cycle for unattached teachers. The appraisal cycle normally lasts for one year, although the local authority can decide on a different length. For teachers employed under a fixed term contract of less than one year, the appraisal cycle will be the length of the contract. Where an unattached teacher transfers to a new post part way through an appraisal cycle, the local authority must determine whether the cycle will begin again.

Regulation 38 provides that the local authority will determine the appraisal procedures for unattached teachers, or, in certain circumstances, the governing body of the school where the unattached teacher spends the predominant part of their working time.

Regulation 39 provides for a meeting to be held between the appraiser and the unattached teacher at which they plan the appraisal and objectives are agreed or set. It also provides for the unattached teacher to maintain during the appraisal cycle an up-to-date record which must include an assessment by the unattached teacher of performance against the objectives, details of any training undertaken and particulars of any factors they consider may be affecting performance.

Regulation 40 provides that these objectives may be revised. Regulation 41 requires the procedures for monitoring performance to be set or agreed. The appraiser must observe the school teacher teaching on at least one occasion. It also provides for the obtaining of information by the appraisers.

Regulation 42 provides that an appraisal review must be held towards the end of the cycle. The unattached teacher must submit the record which includes the unattached teacher's own assessment of performance to be considered at the review. After the review the appraiser must prepare a written statement.

Regulation 43 gives the unattached teacher the right to appeal against an appraisal and sets out the procedures for appeal.

Regulations 44 and 45 provide for the disclosure, retention and use of appraisal statements. Copies must be given to certain people. Statements must be kept for three years.

Regulation 46 contains a transitional provision.

Regulation 47 amends the School Government

Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000.

Yn yr Atodlen ceir arbedion a darpariaethau trosiannol cyffredinol. Mae paragraff 1 yn darparu ar gyfer sut y caiff penaethiaid, athrawon ysgol ac athrawon digyswllt sydd wedi cwblhau cylch gwerthuso o dan Reoliadau 2002 apelio yn erbyn y gwerthusiad. Mae paragraff 2 o'r Atodlen yn darparu yn achos y rhai sydd ran o'r ffordd drwy gylch gwerthuso pan ddaw'r Rheoliadau hyn i rym, fod rhaid barnu bod y cylch gwerthuso wedi dod i ben ac y bydd cylch newydd yn dechrau o dan y Rheoliadau hyn.

(Terms of Reference) (Wales) Regulations 2000.

The Schedule has savings and general transitional provisions. Paragraph 1 provides for how head teachers, school teachers and unattached teachers who have completed an appraisal cycle under the 2002 Regulations may appeal against the appraisal. Paragraph 2 of the Schedule provides that for those who are part-way through an appraisal cycle when these Regulations come into force, the appraisal cycle must be deemed to have come to an end and a new cycle will commence under these Regulations.

2011 Rhif 2940 (Cy.316)

2011 No. 2940 (W.316)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Gwerthuso Athrawon
Ysgol (Cymru) 2011**

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

Gwnaed 6 Rhagfyr 2011

Made 6 December 2011

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 8 Rhagfyr 2011

*Laid before the National
Assembly for Wales* 8 December 2011

Yn dod i rym 1 Ionawr 2012

Coming into force 1 January 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 21(3) a 131 o Ddeddf Addysg 2002(1) ac sydd bellach wedi'u breinio ynddynt hwy, ac ar ôl ymgynghori yn unol ag adran 131(7) o Ddeddf Addysg 2002 ag unrhyw gymdeithasau awdurdodau lleol yng Nghymru, awdurdodau lleol yng Nghymru, cyrff sy'n cynrychioli buddiannau cyrff llywodraethu yng Nghymru a chyrff sy'n cynrychioli buddiannau athrawon yng Nghymru y mae'n ymddangos iddynt eu bod yn briodol, yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 21(3) and 131 of the Education Act 2002(1) and now vested in them, and after consulting in accordance with section 131(7) of the Education Act 2002 such associations of local authorities in Wales, local authorities in Wales, bodies representing the interests of governing bodies in Wales and bodies representing the interests of teachers in Wales as appear to them to be appropriate, make the following Regulations:

RHAN I

PART I

Cyffredinol

Introduction

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) 2011 a deuant i rym ar 1 Ionawr 2012.

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) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

(1) 2002 p.32; a roddwyd i Gynulliad Cenedlaethol Cymru yn Neddf Addysg 2002 ac a drosglwyddwyd i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(1) 2002 c.32; conferred upon the National Assembly for Wales in the Education Act 2002 and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Diddymu, arbedion a darpariaethau trosiannol

2.—(1) Yn ddarostyngedig i baragraff (2), mae Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002(1) (fel y'u diwygiwyd), Rheoliadau Gwerthuso Athrawon Ysgol (Diwygio) (Cymru) 2009(2), Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) (Diwygiad Rhif 2) 2009(3) a Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Diwygio) (Cymru) 2002(4) wedi'u diddymu.

(2) Mae'r arbedion a'r darpariaethau trosiannol yn rheoliadau 19, 33 a 46 ac yn yr Atodlen yn effeithiol.

Dehongli

3.—(1) Ac eithrio lle mae'r cyd-destun yn mynnu fel arall, yn y Rheoliadau hyn—

ystyr "athro neu athrawes ddigyswllt" ("*unattached teacher*") yw athro neu athrawes a gyflogir gan yr awdurdod ac sy'n cwmpo o fewn un o'r categorïau a ganlyn—

- (a) athro neu athrawes nad yw'n gysylltiedig ag ysgol benodol;
- (b) athro neu athrawes a gyflogir i ddarparu addysg gynradd neu uwchradd heblaw mewn ysgol; neu
- (c) athro neu athrawes a gyflogir mewn uned cyfeirio disgyblion (gan gynnwys athro neu athrawes sydd â gofal uned);

ond nid yw'n cynnwys athro neu athrawes a gyflogir o dan contract cyfnod byr;

ystyr "athro neu athrawes ysgol" ("*school teacher*") yw athro neu athrawes a gyflogir gan awdurdod lleol neu gan gorff llywodraethu ysgol sefydledig, ysgol wirfoddol a gynorthwyr neu ysgol arbennig sefydledig, ond nid yw'n cynnwys athro neu athrawes a gyflogir o dan contract cyfnod byr;

ystyr "awdurdod" ("*authority*") mewn perthynas ag athro neu athrawes ddigyswllt yw'r awdurdod lleol sy'n cyflogi'r athro neu'r athrawes ac os yw ef neu hi yn gyflogedig gan fwy nag un awdurdod, yna pob awdurdod o'r fath;

(1) O.S. 2002/1394 (Cy.137). Cafodd Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002 eu diwygio gan Rheoliadau Staffio Ysgolion a Gynhelir (Diwygiadau Amrywiol) (Cymru) 2007 (O.S. 2007/944) (Cy.80), Rheoliadau Gwerthuso Athrawon Ysgol (Diwygio) (Cymru) 2009 (O.S. 2009/2159) (Cy. 183), Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) (Diwygiad Rhif 2) 2009 (O.S. 2009/2864) (Cy.251) a Gorchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) (Is-ddeddfwriaeth) (Cymru) 2010 (O.S. 2010/1142) (Cy. 101).

(2) O.S. 2009/2159 (Cy. 183).

(3) O.S. 2009/2864 (Cy. 251).

(4) O.S. 2002/1396 (Cy. 138).

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;

"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;

(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.

mae i "Awdurdod Esgobaeth" yr ystyr a roddir i "Diocesan Authority" yn adran 142(1) a (4) o Ddeddf Safonau a Fframwaith Ysgolion 1998(1);

ystyr "contract cyfnod byr" ("*short term contract*") yw contract cyflogaeth am gyfnod penodol o lai nag un tymor ysgol;

ystyr "corff llywodraethu" ("*governing body*") mewn perthynas ag ysgol yw corff llywodraethu'r ysgol, ac ystyr "llywodraethwr" ("*governor*") yw aelod o'r corff llywodraethu hwnnw;

ystyr "Cynllun Gwella'r Ysgol" ("*School Improvement Plan*") yw'r cynllun strategol sy'n nodi'r amcanion ar gyfer gwella darpariaeth a pherfformiad yr ysgol;

ystyr "datganiad amcanion" ("*statement of objectives*") yw'r datganiad ysgrifenedig o amcanion a gofnodir o dan reoliad 12(5), rheoliad 26(5) neu reoliad 39(5), yn ôl fel y digwydd;

mae i "datganiad gwerthuso" ("*appraisal statement*") yr ystyr a roddir iddo gan, yn ôl fel y digwydd, rheoliad 15(4), rheoliad 29(4) neu reoliad 42(4);

ystyr "diwrnod ysgol" ("*school day*") yw diwrnod pan fydd yr ysgol yn cyfarfod;

ystyr "y dyddiad perthnasol" ("*the relevant date*") yw 1 Medi 2012;

ystyr "y Ddogfen" ("*the Document*") yw'r ddogfen y cyfeirir ati mewn unrhyw orchymyn sydd mewn grym am y tro o dan adran 122 o Ddeddf Addysg 2002;

ystyr "Gwybodaeth am Berfformiad Disgyblion" ("*Pupil Performance Information*") yw gwybodaeth am berfformiad disgyblion mewn ysgolion yng Nghymru fel y'i pennir gan Weinidogion Cymru o dro i dro;

ystyr "Gwybodaeth am Berfformiad Ysgolion" ("*School Performance Information*") yw gwybodaeth am berfformiad ysgolion yng Nghymru fel y'i pennir gan Weinidogion Cymru o dro i dro

mae "pennaeth" ("*head teacher*") yn cynnwys pennaeth dros dro;

ystyr "Polisi Rheoli Perfformiad yr Ysgol" ("*School Performance Management Policy*") yw'r polisi ysgrifenedig sy'n nodi sut y bydd polisi gwerthuso staff yn yr ysgol yn cael ei roi ar waith;

ystyr "Prif Swyddog Addysg" ("*Chief Education Officer*") yw prif swyddog addysg yr awdurdod lleol (neu, yn achos athro neu athrawes ddigyswllt, prif swyddog addysg yr awdurdod);

"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;

ystyr "Rheoliadau 2002" ("*the 2002 Regulations*") yw Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002;

mae "tymor ysgol" ("*school term*") yn cynnwys (a) cyfnod o amser sydd heb fod yn fwy nag wythnos yn fyrrach na thymor ysgol llawn a (b) dau hanner tymor olynol;

ystyr "ysgol" ("*school*") yw ysgol gymunedol, ysgol wirfoddol, ysgol sefydledig, ysgol arbennig gymunedol neu ysgol arbennig sefydledig neu ysgol feithrin a gynhelir; ac

ystyr "ysgol sydd â chymeriad crefyddol" ("*school which has a religious character*") yw ysgol sefydledig neu ysgol wirfoddol sydd wedi'i dynodi fel ysgol â chymeriad o'r fath o dan adran 69(3) o Ddeddf Safonau a Fframwaith Ysgolion 1998.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn—

- (a) at reoliad â rhif yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn;
- (b) at baragraff â rhif yn gyfeiriad at y paragraff sy'n dwyn y rhif hwnnw yn y rheoliad y mae'r cyfeiriad yn ymddangos ynddo; ac
- (c) at yr Atodlen yn gyfeiriad at yr Atodlen i'r Rheoliadau hyn.

Y ddyletswydd i werthuso

4.—(1) Mae'n ddyletswydd ar gorff llywodraethu a phennaeth ysgol i arfer eu swyddogaethau o dan y Rheoliadau hyn gyda golwg ar sicrhau bod perfformiad athrawon ysgol a phenaethiaid wrth gyflawni eu dyletswyddau yn yr ysgol yn cael ei werthuso'n rheolaidd yn unol â'r Rheoliadau hyn.

(2) Yn achos athro neu athrawes ysgol neu bennaeth a gyflogir mewn dwy neu fwy o ysgolion, rhaid i'w perfformiad ym mhob ysgol gael ei werthuso ac felly mae "ysgol" ym mharagraff (1) i gael ei ddarllen fel cyfeiriad at bob ysgol.

(3) Pan fo'r awdurdod wedi dirprwyo i athro neu athrawes ysgol rai neu'r cyfan o'r dyletswyddau a osodir ar werthuswr fel y'i caniateir gan reoliad 36(2), dyletswydd corff llywodraethu a phennaeth yr ysgol yw arfer eu swyddogaethau o dan y Rheoliadau hyn gyda golwg ar sicrhau bod perfformiad yr athro neu'r athrawes ddigyswllt wrth gyflawni eu dyletswyddau yn yr ysgol honno ac mewn ysgolion eraill yn cael ei werthuso'n rheolaidd yn unol â'r Rheoliadau hyn.

(4) Dyletswydd yr awdurdod yw arfer ei swyddogaethau o dan y Rheoliadau hyn gyda golwg ar sicrhau bod perfformiad athrawon digyswllt wrth gyflawni eu dyletswyddau tuag at yr awdurdod yn cael ei werthuso'n rheolaidd yn unol â'r Rheoliadau hyn.

(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.

Polisi Rheoli Perfformiad yr Ysgol

5.—(1) Cyn i'r cylch gwerthuso ddechrau rhaid i'r corff llywodraethu, yr awdurdod lleol a'r pennaeth sefydlu a chynnal Polisi Rheoli Perfformiad i'r Ysgol.

(2) Rhaid i'r corff llywodraethu, yr awdurdod lleol a'r pennaeth adolygu Polisi Rheoli Perfformiad yr Ysgol, ac os penderfynant wneud hynny, ei ddiwygio, a hynny'n flynyddol o leiaf.

(3) Caiff y corff llywodraethu a'r awdurdod lleol ddirprwyo'r gwaith o ffurfio drafft o Bolisi Rheoli Perfformiad yr Ysgol, neu ddrafft o ddiwygiadau iddo, i bennaeth yr ysgol, er mwyn iddynt gael eu hystyried.

(4) Os na ellir cytuno rhaid i'r awdurdod lleol bennu Polisi Rheoli Perfformiad yr Ysgol.

(5) Cyn sefydlu neu ddiwygio Polisi Rheoli Perfformiad yr Ysgol, rhaid i'r corff llywodraethu (neu, os y cyfarwyddir ef gan y corff llywodraethu, y pennaeth) ymgynghori ag athrawon yr ysgol yn yr ysgol ynglŷn â chynnwys Polisi Rheoli Perfformiad yr Ysgol, neu'r newidiadau a gynigir iddo.

(6) Rhaid i'r corff llywodraethu a'r pennaeth roi Polisi Rheoli Perfformiad yr Ysgol ar waith.

(7) O leiaf unwaith yn ystod pob blwyddyn ysgol rhaid i'r pennaeth gyflwyno adroddiad ysgrifenedig i'r corff llywodraethu ynghylch sut mae Polisi Rheoli Perfformiad yr Ysgol yn gweithredu o dan y Rheoliadau hyn, pa mor effeithiol yw gweithdrefnau gwerthuso'r ysgol, ac anghenion athrawon yr ysgol a'r pennaeth o ran hyfforddi a datblygu.

(8) Rhaid i'r corff llywodraethu sicrhau bod copi o Bolisi Rheoli Perfformiad yr Ysgol ar gael i'w archwilio yn yr ysgol ar ddiwrnodau ysgol.

RHAN II

Gwerthuso Penaethiaid

Cymhwyso Rhan II

6. Mae rheoliadau 7 i 19 yn gymwys i werthuso penaethiaid yn unig.

Penodi gwerthuswyr

7.—(1) Rhaid i gorff llywodraethu ysgol benodi yn werthuswyr pennaeth o leiaf ddau lywodraethwr, y mae'n rhaid i un ohonynt o leiaf fod yn llywodraethwr sefydledig i'r ysgol os yw'n ysgol sydd â chymeriad crefyddol neu'n ysgol wirfoddol a gynorthwyr sydd heb gymeriad crefyddol.

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.

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) Caiff y corff llywodraethu ar unrhyw adeg benodi gwerthuswr newydd yn lle unrhyw werthuswr presennol a benodwyd o dan baragraff (1).

(3) Ni chaniateir penodi llywodraethwr sy'n athro neu'n athrawes neu'n aelod arall o'r staff yn yr ysgol yn werthuswr i'r pennaeth.

(4) Caiff yr awdurdod lleol benodi un neu ddau o werthuswyr mewn perthynas â gwerthuso pennaeth.

(5) Caiff y corff llywodraethu wneud cais ar unrhyw adeg i'r awdurdod lleol am benodi gwerthuswr newydd yn lle gwerthuswr presennol a benodwyd gan yr awdurdod lleol ond rhaid i benodiad o'r fath fod yn ôl disgrisiwn yr awdurdod lleol a rhaid cael esboniad ysgrifenedig ar y rhesymau dros wrthodiad i gyd-fynd ag unrhyw wrthodiad.

(6) Os pennaeth ysgol sydd â chymeriad crefyddol sy'n cael ei werthuso, caiff yr Awdurdod Esgobaeth benodi gwerthuswr i'r pennaeth.

Y cylch gwerthuso

8.—(1) Yn ddarostyngedig i'r darpariaethau canlynol yn y rheoliad hwn, ac i reoliad 9, rhaid i'r corff llywodraethu benderfynu amseriad cylch gwerthuso pennaeth yr ysgol.

(2) Ac eithrio fel y darperir ar ei gyfer ym mharagraff (3) a rheoliad 9(3) blwyddyn fydd hyd cylch gwerthuso a bydd hwnnw'n dechrau ar ôl 1 Medi a chyn 31 Rhagfyr oni bai bod yr awdurdod lleol a'r corff llywodraethu'n cytuno fel arall.

(3) Yn achos cylch gwerthuso cyntaf pennaeth o dan y Rheoliadau hyn sydd yn ei swydd ar y dyddiad y daw'r Rheoliadau hyn i rym, caiff y corff llywodraethu benderfynu y bydd hyd y cylch gwerthuso hwnnw'n gyfnod heblaw blwyddyn ar yr amod nad yw'n dechrau yn gynharach na 1 Ionawr 2012 nac yn diweddu yn hwyrach na 31 Rhagfyr 2012.

(4) Pan fyddant wedi dechrau, bydd cylchoedd gwerthuso pob pennaeth yn barhaus.

(5) Ni fydd penodi gwerthuswr newydd yn peri bod cylch gwerthuso pennaeth yn dechrau eto.

Cylch gwerthuso newydd

9.—(1) Os bydd pennaeth yn symud i swydd pennaeth mewn ysgol arall, bydd y cylch gwerthuso yn dechrau eto.

(2) Pan ddaw athro neu athrawes ysgol (nad yw'n bennaeth) yn bennaeth (yn yr un ysgol ynteu mewn un arall) fel bod rheoliadau 7 i 19 yn gymwys i'r gwerthusiad, bydd amseriad y cylch gwerthuso yn cael ei benderfynu o'r newydd cyn gynted ag y bo'n ymarferol gan y corff llywodraethu o dan reoliad 8(1).

(3) Pan fydd cylch gwerthuso pennaeth yn dechrau

(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

eto o dan baragraff (1), neu'n cael ei benderfynu o'r newydd o dan baragraff (2), caiff y corff llywodraethu benderfynu y bydd hyd cylch gwerthuso cyntaf y pennaeth yn ei swydd newydd yn gyfnod o lai na blwyddyn.

Y cylch gwerthuso cyntaf

10. Rhaid i'r corff llywodraethu gymryd pob cam rhesymol i sicrhau nad yw cylch gwerthuso cyntaf pennaeth yr ysgol sydd yn ei swydd ar y dyddiad y daw'r Rheoliadau hyn i rym yn dechrau'n hwyrach na 31 Rhagfyr 2012.

Polisi Rheoli Perfformiad yr Ysgol

11. Rhaid i werthusiad y pennaeth fod yn unol â darpariaethau Polisi Rheoli Perfformiad yr Ysgol.

Cynllunio gwerthusiad a phennu amcanion

12.—(1) Cyn y cylch gwerthuso neu ar ddechrau'r cylch gwerthuso, rhaid i'r holl werthuswyr a'r pennaeth gyfarfod er mwyn cynllunio'r gwerthusiad a pharatoi ar ei gyfer a cheisio cytuno ar amcanion y pennaeth y mae'n rhaid iddynt gymryd i ystyriaeth unrhyw dystiolaeth berthnasol y bydd y gwerthuswyr a'r pennaeth yn cytuno arni (neu os na cheir cytundeb, unrhyw dystiolaeth berthnasol y penderfynir arni gan y gwerthuswyr) ond a fydd yn cynnwys yr Wybodaeth am Berfformiad Ysgolion, ac y mae'n rhaid iddynt ymwneud â'r canlynol—

- (a) arwain yr ysgol a'i rheoli;
- (b) disgrifiad swydd y pennaeth;
- (c) unrhyw feini prawf perthnasol ynghylch datblygiad cyflog;
- (ch) unrhyw amcanion perthnasol i'r ysgol gyfan neu i'r tîm a bennwyd yng Nghynllun Gwella'r Ysgol;
- (d) safonau proffesiynol penaethiaid fel y'u pennir gan Weinidogion Cymru o dro i dro; ac
- (dd) unrhyw flaenoriaethau cenedlaethol ar gyfer gwella ysgolion a bennir gan Weinidogion Cymru o dro i dro.

(2) Caniateir i amcanion y pennaeth a ddisgrifir ym mharagraff (1) gymryd i ystyriaeth hefyd ddyheadau proffesiynol y pennaeth.

(3) Bydd amcanion y pennaeth yn gyfryw ag i gyfrannu, o'u cyflawni, at wella cynnydd disgyblion yr ysgol.

(4) Os na chytunir ar amcanion o dan baragraff (1), rhaid i'r gwerthuswyr nodi'n ysgrifenedig yr amcanion hynny y maent yn credu eu bod yn briodol, a chaiff y pennaeth ychwanegu sylwadau ysgrifenedig.

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) Rhaid i'r amcanion y cytunir arnynt o dan baragraff (1), neu os nad oes amcanion wedi'u cytuno, yr amcanion sydd wedi'u nodi'n ysgrifenedig o dan baragraff (4), a sylwadau ysgrifenedig y pennaeth, gael eu cofnodi mewn datganiad amcanion ysgrifenedig.

(6) Pan fo'r amcanion wedi'u pennu, rhaid i'r gwerthuswyr a'r pennaeth geisio cytuno ar y cymorth y mae ar y pennaeth ei angen er mwyn bodloni'r amcanion. Os na ellir cytuno, yr awdurdod lleol fydd yn penderfynu ar y cymorth y mae ei angen.

(7) Yn ystod y cylch gwerthuso, rhaid i'r pennaeth gadw cofnod cyfoes o'r canlynol—

- (a) asesiad y pennaeth ei hun o berfformiad yn erbyn yr amcanion a gofnodwyd yn y datganiad amcanion;
- (b) manylion unrhyw weithgareddau datblygu proffesiynol yr ymgymerwyd â hwy neu gymorth arall a roddwyd a sut mae hynny'n cyfrannu at gyflawni'r amcanion; ac
- (c) manylion unrhyw ffactorau y mae'r pennaeth yn credu eu bod yn effeithio ar y perfformiad yn erbyn yr amcanion a gofnodwyd.

(8) Caiff Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru⁽¹⁾ wneud cais am gopi o ddatganiad amcanion y pennaeth, ac ar ôl cael cais o'r fath rhaid i gadeirydd y corff llywodraethu roi copi o'r datganiad i'r Arolygiaeth.

Diwygio amcanion

13.—(1) Caniateir i amcanion pennaeth gael eu diwygio gan y gwerthuswyr unrhyw bryd yn ystod y cylch gwerthuso.

(2) Os yw amcanion pennaeth yn cael eu diwygio o dan baragraff (1)—

- (a) rhaid newid y datganiad amcanion i ddangos yr amcan diwygiedig, dyddiad y diwygiad a'r rheswm dros y diwygiad;
- (b) caiff cyfeiriadau yn y Rheoliadau hyn at amcanion y pennaeth eu darllen fel cyfeiriadau at yr amcanion diwygiedig; ac
- (c) caiff cyfeiriadau yn y Rheoliadau hyn at ddatganiad amcanion y pennaeth eu darllen fel cyfeiriadau at y datganiad amcanion diwygiedig.

Monitro cynnydd

14.—(1) Rhaid i'r holl werthuswyr a'r pennaeth mewn cyfarfod a gynhelir o dan reoliad 12(1) geisio cytuno ar y gweithdrefnau ar gyfer monitro perfformiad y pennaeth yn erbyn yr amcanion y cytunir arnynt o dan reoliad 12(1) neu os nad oes amcanion wedi'u cytuno, yr amcanion sydd wedi'u nodi'n ysgrifenedig o dan reoliad 12(4).

(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).

(1) A elwir yn gyffredin "Estyn".

(1) Commonly known as "Estyn".

(2) Os na chytunir ar weithdrefnau o dan baragraff (1), rhaid i'r gwerthuswyr nodi'n ysgrifenedig unrhyw weithdrefnau ar gyfer monitro perfformiad y pennaeth y maent yn credu eu bod yn briodol.

(3) Yn ddarostyngedig i baragraff (4), ni chaniateir i werthuswr gael gwybodaeth, yn ysgrifenedig ynteu ar lafar, sy'n berthnasol i berfformiad y pennaeth gan neb arall oni bai bod y pennaeth yn cydsynio neu fod yr wybodaeth wedi'i chael yn unol â'r gweithdrefnau y cytunir arnynt o dan baragraff (1) neu os nad oes gweithdrefnau wedi'u cytuno, y gweithdrefnau sydd wedi'u nodi'n ysgrifenedig o dan baragraff (2).

(4) Nid yw paragraff (3) yn gymwys i unrhyw wybodaeth y mae gan werthuswr hawl i'w chael o dan unrhyw ddarpariaeth arall yn y Rheoliadau hyn.

Yr adolygiad gwerthuso a'r datganiad gwerthuso

15.—(1) Ar ddiwedd y cylch gwerthuso neu yn agos i ddiwedd y cylch gwerthuso rhaid i'r holl werthuswyr a'r pennaeth gynnal adolygiad gwerthuso, er mwyn—

- (a) penderfynu a oes perfformiad cyffredinol llwyddiannus wedi bod o'i ystyried yn erbyn safonau proffesiynol penaethiaid a bennir gan Weinidogion Cymru o dro i dro;
- (b) asesu i ba raddau y mae'r pennaeth wedi bodloni'r amcanion a gofnodwyd yn y datganiad amcanion fel y'i nodir yn rheoliad 12(1), gan gymryd i ystyriaeth dystiolaeth berthnasol a gasglwyd drwy'r broses fonitro a nodir yn rheoliad 14 a'r cofnod a gadwyd gan y pennaeth yn unol â rheoliad 12(7); ac
- (c) nodi'r angen am gymorth, hyfforddiant neu ddatblygiad ychwanegol a sut y gallai'r anghenion hynny gael eu diwallu, gan gymryd i ystyriaeth y cofnod a ddisgrifir yn rheoliad 12(7).

(2) Rhaid i'r dyddiad y mae adolygiad gwerthuso i gael ei gynnal gael ei benderfynu gan y gwerthuswyr, ond rhaid rhoi o leiaf 10 diwrnod ysgol o rybudd (mewn ysgrifen) i'r pennaeth am y dyddiad hwnnw.

(3) O leiaf pum diwrnod ysgol cyn yr adolygiad gwerthuso, rhaid i'r pennaeth gyflwyno i'r gwerthuswyr y cofnod a gadwyd o dan reoliad 12(7) a rhaid i'r cofnod gael ei ystyried yn yr adolygiad gwerthuso.

(4) Cyn pen 10 diwrnod ysgol ar ôl pob adolygiad gwerthuso rhaid i'r holl werthuswyr baratoi datganiad ysgrifenedig yn cofnodi'r prif bwyntiau a wnaed gan y gwerthuswyr a'r pennaeth yn yr adolygiad a'r casgliadau y daethpwyd iddynt, a rhaid cofnodi mewn atodiad i'r datganiad (sef atodiad a fydd yn rhan o'r datganiad) yr anghenion hyfforddi a datblygu a fferdd o ddiwallu'r anghenion hynny a nodwyd yn yr adolygiad.

(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 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) Caniateir i adolygiad gwerthuso o dan baragraff (1) gael ei gyfuno â chyfarfod o dan reoliad 12 mewn perthynas â'r cylch gwerthuso canlynol.

(6) Rhaid i'r gwerthuswyr roi copi o'r datganiad a baratoir o dan baragraff (4) i'r pennaeth cyn pen 10 diwrnod ysgol ar ôl yr adolygiad gwerthuso.

(7) Caiff y pennaeth, cyn pen 10 diwrnod ysgol ar ôl cael copi o'r datganiad hwnnw, ychwanegu sylwadau ysgrifenedig ato, a bydd y sylwadau hynny yn rhan o'r datganiad a baratoir o dan y paragraff hwnnw.

Apelio

16.—(1) Mae gan bennaeth hawl i apelio yn erbyn gwerthusiad o dan y Rheoliadau hyn cyn pen 10 diwrnod ysgol ar ôl cael copi o ddatganiad gwerthuso o dan reoliad 15(6).

(2) Rhaid i apêl gael ei gwneud yn ysgrifenedig i'r corff llywodraethu.

(3) O ran ysgol ac eithrio un sydd â chymeriad crefyddol, cadeirydd y corff llywodraethu fydd un o'r swyddogion apêl mewn perthynas ag apêl o'r fath, ond os yw cadeirydd y corff llywodraethu wedi cymryd rhan yn y gwerthusiad sy'n destun yr apêl, bydd y corff llywodraethu'n penodi llywodraethwr nad yw wedi cymryd rhan yn y gwerthusiad hwnnw yn swyddog apêl mewn perthynas ag apêl o'r fath yn lle cadeirydd y corff llywodraethu. Bydd y corff llywodraethu hefyd yn penodi llywodraethwr arall na chymerodd ran yn y gwerthusiad hwnnw yn swyddog apêl mewn perthynas ag apêl o'r fath.

(4) Ni chaniateir penodi llywodraethwr sy'n athro neu'n athrawes neu'n aelod arall o staff yr ysgol yn swyddog apêl ar gyfer pennaeth yr ysgol.

(5) O ran ysgol ac eithrio un sydd â chymeriad crefyddol, bydd yr awdurdod lleol yn penodi dau o bobl, nad ydynt wedi cymryd rhan yn y gwerthusiad sy'n destun yr apêl, yn swyddogion apêl mewn perthynas ag apêl o'r fath.

(6) Yn achos ysgol sydd â chymeriad crefyddol, bydd y corff llywodraethu'n penodi un llywodraethwr yn swyddog apêl mewn perthynas ag apêl o'r fath, a'r llywodraethwr hwnnw fydd cadeirydd y corff llywodraethu, ond os yw cadeirydd y corff llywodraethu wedi cymryd rhan yn y gwerthusiad sy'n destun yr apêl, bydd y corff llywodraethu'n penodi llywodraethwr nad yw wedi cymryd rhan yn y gwerthusiad hwnnw yn swyddog apêl mewn perthynas ag apêl o'r fath yn lle cadeirydd y corff llywodraethu. Bydd yr awdurdod lleol yn penodi dau swyddog apêl a'r Awdurdod Esgobaeth yn penodi un swyddog apêl, ac ni chaiff yr un o'r swyddogion apêl hynny fod wedi cymryd rhan yn y gwerthusiad sy'n destun yr apêl.

(7) Rhaid i'r swyddogion apêl gynnal a chwblhau adolygiad o'r gwerthusiad cyn pen 10 diwrnod ysgol ar ôl cael y datganiad gwerthuso o dan reoliad 17(3), ac

(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,

wrth wneud hynny rhaid iddynt gymryd unrhyw sylwadau a wneir gan y pennaeth i ystyriaeth.

(8) Caiff y swyddogion apêl—

- (a) gorchymyn bod y datganiad gwerthuso yn sefyll gyda sylwadau'r swyddogion apêl neu hebddynt; neu
- (b) diwygio'r datganiad gwerthuso gyda chytundeb yr holl werthuswyr; neu
- (c) gorchymyn bod y datganiad gwerthuso yn cael ei ddileu a gorchymyn gwerthusiad newydd.

(9) Pan fydd gwerthusiad newydd yn cael ei orchymyn o dan baragraff (8)(c) rhaid i'r holl werthuswyr gael eu disodli gan werthuswyr newydd a benodir yn unol â rheoliad 7 a rhaid i'r swyddogion apêl benderfynu pa weithdrefnau gwerthuso y mae'n rhaid eu hailadrodd.

(10) Rhaid cwblhau pob gweithdrefn werthuso y penderfynir ei hailadrodd o dan baragraff (9) cyn pen 15 diwrnod ysgol ar ôl dyddiad gorchymyn y swyddogion apêl o dan baragraff (8)(c).

(11) Ni chaniateir i swyddogion apêl—

- (a) penderfynu bod amcanion newydd i gael eu cytuno neu eu pennu yn unol â rheoliad 12; na
- (b) penderfynu bod yr amcanion y cytunwyd arnynt neu a bennwyd o dan reoliad 12 i gael eu diwygio.

(12) Mae'r cyfeiriadau yn y rheoliad hwn ac yn rheoliadau 17 ac 18 at ddatganiad gwerthuso yn gyfeiriadau at ddatganiad a baratoir o dan reoliad 15(4), gan gynnwys, yn achos rheoliadau 17 ac 18, unrhyw sylwadau a ychwanegir gan y swyddogion apêl o dan baragraff (8)(a).

Darparu datganiadau gwerthuso a'u cadw

17.—(1) Rhaid i'r gwerthuswyr roi copi o'r datganiad gwerthuso i'r canlynol—

- (a) y pennaeth;
- (b) cadeirydd y corff llywodraethu;
- (c) y Prif Swyddog Addysg;
- (ch) unrhyw lywodraethwyr sy'n gyfrifol am gynghori ynghylch dyrchafu, disgyblu neu ddiswyddo athrawon ysgol neu ynghylch arfer unrhyw ddisgresiwn mewn perthynas â thâl neu am wneud penderfyniadau mewn perthynas â hynny, os gwneir cais gan y llywodraethwyr hynny; a
- (d) yn achos pennaeth ysgol nad oes ganddi gyllideb ddirprwyedig (o fewn ystyr Pennod IV o Ran II o Ddeddf Safonau a Fframwaith Ysgolion 1998), unrhyw swyddog neu gynghorydd a ddynodir yn benodol gan y Prif Swyddog Addysg i fod yn gyfrifol am gynghori ynghylch arfer unrhyw ddisgresiwn mewn perthynas â thâl neu am wneud

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

penderfyniadau mewn perthynas â hynny, os gwneir cais gan y swyddog neu'r cynghorydd hwnnw.

(2) Rhaid i gadeirydd y corff llywodraethu roi copi o'r datganiad gwerthuso i unrhyw swyddog neu gynghorydd a ddynodir yn benodol gan y Prif Swyddog Addysg i fod yn gyfrifol am gynghori am berfformiad penaethiaid yn unol â rheoliad 6 o Reoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006(1), neu am wneud penderfyniadau mewn perthynas â hynny, ar ôl cael cais gan y swyddog neu'r cynghorydd hwnnw.

(3) Rhaid i gadeirydd y corff llywodraethu roi copi o'r datganiad gwerthuso a'r datganiad amcanion i unrhyw swyddog apêl cyn pen pum diwrnod ysgol ar ôl i'r corff llywodraethu gael hysbysiad apêl o dan reoliad 16(2).

(4) Pan fydd gwerthuswr newydd yn cael ei benodi heblaw ar ddechrau cylch gwerthuso, rhaid i gadeirydd y corff llywodraethu roi copi o unrhyw ddatganiad amcanion cyfredol i'r person hwnnw.

(5) Rhaid i gadeirydd y corff llywodraethu roi copi o'r atodiad i'r datganiad gwerthuso y cyfeirir ato yn rheoliad 15(4) i'r person neu'r personau sy'n gyfrifol am gynllunio hyfforddiant a datblygiad y pennaeth yn yr ysgol.

(6) Rhaid i bennaeth gadw copi o ddatganiad gwerthuso am o leiaf dair blynedd ar ôl i'r datganiad gwerthuso nesaf gael ei gwblhau.

(7) Rhaid i'r corff llywodraethu gadw copi o ddatganiad gwerthuso'r pennaeth am o leiaf dair blynedd ar ôl i'r datganiad gwerthuso nesaf gael ei gwblhau.

Gwybodaeth o ddatganiadau gwerthuso

18.—(1) Caniateir i wybodaeth berthnasol o ddatganiadau gwerthuso gael ei chymryd i ystyriaeth gan gyrff llywodraethu ysgolion (gan gynnwys pwyllgorau cyrff llywodraethu), Prif Swyddogion Addysg neu unrhyw swyddogion neu gynghorwyr a ddynodir yn benodol gan Brif Swyddog Addysg o dan reoliad 17(1)(d) neu (2) wrth iddynt wneud penderfyniadau, ac wrth iddynt gynghori'r rhai sy'n gyfrifol am wneud penderfyniadau, ynghylch dyrchafu, diswyddo neu ddisgyblu penaethiaid neu ynghylch arfer unrhyw ddisgresiwn mewn perthynas â thâl.

(2) Ni fydd gweithdrefnau gwerthuso mewn perthynas â phennaeth fel y'u disgrifir yn y Rheoliadau hyn yn ffurfio unrhyw gamau y mae'n rhaid eu cymryd mewn gweithdrefnau disgyblu neu ddiswyddo a ddygir yn erbyn pennaeth.

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(1), 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.

(1) O.S. 2006/873 (Cy. 81).

(1) S.I. 2006/873 (W. 81).

Darpariaeth drosiannol

19. Mae rheoliadau 17 ac 18 yn gymwys mewn perthynas â chofnodion gwerthuso a gafodd eu cynhyrchu a'u cadw o dan Reoliadau Addysg (Gwerthuso Athrawon Ysgol) (Cymru) 1999(1) neu o dan Reoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002 fel y maent yn gymwys mewn perthynas â datganiadau gwerthuso.

RHAN III

Gwerthuso Athrawon Ysgol heblaw Penaethiaid

Cymhwyso Rhan III

20. Mae rheoliadau 21 i 33 yn gymwys i werthuso athrawon ysgol heblaw penaethiaid.

Penodi gwerthuswyr ar gyfer athrawon ysgol

21.—(1) Yn ddarostyngedig i reoliad 30(8) rhaid i'r pennaeth benodi yn werthuswr ar gyfer pob athro ac athrawes ysgol yn yr ysgol, athro neu athrawes ysgol yn yr ysgol neu'r pennaeth.

(2) Caiff y pennaeth benodi gwerthuswr newydd yn lle gwerthuswr presennol ar unrhyw adeg.

Y cylch gwerthuso

22.—(1) Yn ddarostyngedig i'r darpariaethau canlynol yn y rheoliad hwn, ac i reoliad 23, rhaid i'r pennaeth benderfynu amseriad cylch gwerthuso pob athro ac athrawes ysgol yn yr ysgol.

(2) Ac eithrio fel y darperir ar ei gyfer ym mharagraffau (3), (4) a (5) a rheoliad 23(3), blwyddyn fydd hyd cylch gwerthuso.

(3) Yn achos athro neu athrawes ysgol a gyflogir o dan contract cyflogaeth am gyfnod penodol o lai na blwyddyn, hyd y cyfnod penodol yw hyd y cylch gwerthuso.

(4) Yn achos cylch gwerthuso cyntaf athro neu athrawes ysgol o dan y Rheoliadau hyn sydd yn ei swydd ar y dyddiad y daw'r Rheoliadau hyn i rym, caiff y pennaeth benderfynu y bydd hyd y cylch gwerthuso yn gyfnod heblaw blwyddyn ar yr amod nad yw'n dod i ben yn hwyrach na 31 Rhagfyr 2012.

(5) Yn achos cylch gwerthuso cyntaf athro neu athrawes ysgol o dan y Rheoliadau hyn nad yw yn ei swydd ar y dyddiad y daw'r Rheoliadau hyn i rym, caiff y pennaeth benderfynu y bydd hyd y cylch yn gyfnod o lai na blwyddyn.

(1) O.S. 1999/2888 (Cy. 25).

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(1) or under the School Teacher Appraisal (Wales) Regulations 2002 as they apply in relation to appraisal statements.

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.

(1) S.I. 1999/2888 (W. 25).

(6) Yn achos athro neu athrawes ysgol mewn ysgol feithrin a gynhelir sydd yn ei swydd ar y dyddiad perthnasol, caiff y pennaeth benderfynu bod hyd y cylch gwerthuso cyntaf yn gyfnod heblaw blwyddyn ar yr amod nad yw'n dod i ben yn hwyrach na 31 Rhagfyr 2012.

(7) Yn achos athro neu athrawes ysgol a gyflogir o dan contract cyflogaeth am gyfnod penodol o lai na blwyddyn (ond nad yw'n contract cyfnod byr) sydd yn ei swydd ar y dyddiad perthnasol, rhaid i'r perfformiad gael ei werthuso drwy gydol y cyfnod o'r contract sydd heb ddod i ben fel y mae ar y dyddiad perthnasol a'i adolygu ar ddiwedd y cyfnod penodol.

(8) Pan fyddant wedi dechrau, bydd cylchoedd gwerthuso pob athro ac athrawes ysgol yn barhaus.

(9) Ni fydd penodi gwerthuswr newydd yn peri bod cylch gwerthuso athro neu athrawes ysgol yn dechrau eto.

Cylch gwerthuso newydd

23.—(1) Os bydd athro neu athrawes ysgol yn symud i swydd athro neu athrawes ysgol mewn ysgol arall, bydd y cylch gwerthuso yn dechrau eto.

(2) Os bydd athro neu athrawes ysgol yn symud i swydd newydd fel athro neu athrawes ysgol yn yr un ysgol, caiff y pennaeth benderfynu y bydd y cylch gwerthuso yn dechrau eto.

(3) Pan fydd cylch gwerthuso athro neu athrawes ysgol yn dechrau eto o dan baragraff (1) neu (2), caiff y pennaeth benderfynu y bydd hyd cylch gwerthuso cyntaf yr athro neu'r athrawes ysgol yn y swydd newydd yn gyfnod o lai na blwyddyn.

Y cylch gwerthuso cyntaf

24. Rhaid i'r corff llywodraethu gymryd pob cam rhesymol i sicrhau bod cylch gwerthuso cyntaf pob athro ac athrawes ysgol yn yr ysgol sydd yn ei swydd ar y dyddiad y daw'r Rheoliadau hyn i rym yn dechrau erbyn 31 Rhagfyr 2012 fan bellaf.

Polisi Rheoli Perfformiad yr Ysgol

25. Rhaid i werthusiad athrawon ysgol mewn ysgol fod yn unol â darpariaethau Polisi Rheoli Perfformiad yr Ysgol.

Cynllunio gwerthusiad a phennu amcanion

26.—(1) Cyn y cylch gwerthuso neu ar ddechrau'r cylch gwerthuso, rhaid i'r gwerthuswr a'r athro neu'r athrawes ysgol gyfarfod er mwyn cynllunio'r gwerthusiad a pharatoi ar ei gyfer a cheisio cytuno ar amcanion yr athro neu'r athrawes ysgol y mae'n rhaid iddynt gymryd i ystyriaeth unrhyw dystiolaeth berthnasol y bydd y gwerthuswr a'r athro neu'r athrawes ysgol yn cytuno arni (neu os na cheir

(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

cytundeb, unrhyw dystiolaeth berthnasol y penderfynir arni gan y gwerthuswr) ond a fydd yn cynnwys yr Wybodaeth am Berfformiad Disgyblion, ac y mae'n rhaid iddynt ymwneud â'r canlynol—

- (a) datblygu a gwella arferion proffesiynol yr athro neu'r athrawes ysgol;
- (b) disgrifiad swydd yr athro neu'r athrawes ysgol;
- (c) unrhyw feini prawf perthnasol ynghylch datblygiad cyflog;
- (ch) unrhyw amcanion perthnasol i'r ysgol gyfan neu i'r tîm a bennwyd yng Nghynllun Gwella'r Ysgol; a
- (d) safonau proffesiynol athrawon ysgol fel y'u pennir gan Weinidogion Cymru o dro i dro.

(2) Caniateir i amcanion yr athro neu'r athrawes ysgol a ddisgrifir ym mharagraff (1) gymryd i ystyriaeth hefyd—

- (a) dyheadau proffesiynol yr athro neu'r athrawes ysgol; a
- (b) unrhyw flaenoriaethau cenedlaethol ar gyfer gwella ysgolion a bennir gan Weinidogion Cymru o dro i dro.

(3) Bydd amcanion yr athro neu'r athrawes ysgol yn gyfryw ag i gyfrannu, o'u cyflawni, at wella cynnydd disgyblion yr ysgol.

(4) Os na chytunir ar amcanion o dan baragraff (1), rhaid i'r gwerthuswr nodi'n ysgrifenedig yr amcanion hynny y mae'n credu eu bod yn briodol, a chaiff yr athro neu'r athrawes ysgol ychwanegu sylwadau ysgrifenedig.

(5) Rhaid i'r amcanion y cytunir arnynt o dan baragraff (1), neu os nad oes amcanion wedi'u cytuno, yr amcanion sydd wedi'u nodi'n ysgrifenedig o dan baragraff (4), a sylwadau ysgrifenedig yr athro neu'r athrawes ysgol, gael eu cofnodi mewn datganiad amcanion ysgrifenedig.

(6) Pan fo'r amcanion wedi'u pennu, rhaid i'r gwerthuswr a'r athro neu'r athrawes ysgol geisio cytuno ar y cymorth y mae ar yr athro neu'r athrawes ysgol ei angen er mwyn bodloni'r amcanion. Os na ellir cytuno, y gwerthuswr fydd yn penderfynu ar y cymorth y mae ei angen.

(7) Yn ystod y cylch gwerthuso, rhaid i'r athro neu'r athrawes ysgol gadw cofnod cyfoes o'r canlynol—

- (a) asesiad yr athro neu'r athrawes ysgol ei hun o berfformiad yn erbyn yr amcanion a gofnodwyd yn y datganiad amcanion;
- (b) manylion unrhyw weithgareddau datblygu proffesiynol yr ymgymerwyd â hwy neu gymorth arall a roddwyd a sut mae hynny'n cyfrannu at gyflawni'r amcanion; ac
- (c) manylion unrhyw ffactorau y mae'r athro neu'r athrawes ysgol yn credu eu bod yn effeithio ar y perfformiad yn erbyn yr amcanion a gofnodwyd.

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.

Diwygio amcanion

27.—(1) Caniateir i amcanion athro neu athrawes ysgol gael eu diwygio gan y gwerthuswr unrhyw bryd yn ystod y cylch gwerthuso.

(2) Os yw amcanion athro neu athrawes ysgol yn cael eu diwygio o dan baragraff (1)—

- (a) rhaid newid y datganiad amcanion i ddangos yr amcan diwygiedig, dyddiad y diwygiad a'r rheswm dros y diwygiad;
- (b) caiff cyfeiriadau yn y Rheoliadau hyn at amcanion yr athro neu'r athrawes ysgol eu darllen fel cyfeiriadau at yr amcanion diwygiedig; ac
- (c) caiff cyfeiriadau yn y Rheoliadau hyn at ddatganiad amcanion yr athro neu'r athrawes ysgol eu darllen fel cyfeiriadau at y datganiad amcanion diwygiedig.

Monitro cynnydd

28.—(1) Rhaid i'r gwerthuswr a'r athro neu'r athrawes ysgol mewn cyfarfod a gynhelir o dan reoliad 26(1) geisio cytuno ar y gweithdrefnau ar gyfer monitro perfformiad yr athro neu'r athrawes ysgol yn erbyn yr amcanion y cytunir arnynt o dan reoliad 26(1) neu os nad oes amcanion wedi'u cytuno, yr amcanion sydd wedi'u nodi'n ysgrifenedig o dan reoliad 26(5).

(2) Os na chytunir ar weithdrefnau o dan baragraff (1), rhaid i'r gwerthuswr nodi'n ysgrifenedig unrhyw weithdrefnau ar gyfer monitro perfformiad yr athro neu'r athrawes ysgol y mae'n credu eu bod yn briodol.

(3) Rhaid i'r gweithdrefnau y cytunir arnynt o dan baragraff (1), neu lle nad oes gweithdrefnau wedi'u cytuno, y gweithdrefnau a nodwyd yn ysgrifenedig o dan baragraff (2) gynnwys gofyniad bod rhaid i'r gwerthuswr wrth iddo werthuso athro neu athrawes ysgol arsylwi ar yr athro neu'r athrawes ysgol yn addysgu o leiaf unwaith yn ystod y cylch gwerthuso.

(4) Yn ddarostyngedig i baragraff (5), ni chaniateir i werthuswr gael gwybodaeth, yn ysgrifenedig ynteu ar lafar, sy'n berthnasol i berfformiad yr athro neu'r athrawes ysgol gan neb arall oni bai bod yr athro neu'r athrawes ysgol yn cydsynio neu fod yr wybodaeth wedi'i chael yn unol â'r gweithdrefnau y cytunir arnynt o dan baragraff (1) neu os nad oes gweithdrefnau wedi'u cytuno, y gweithdrefnau sydd wedi'u nodi'n ysgrifenedig o dan baragraff (2).

(5) Nid yw paragraff (4) yn gymwys i unrhyw wybodaeth y mae gan werthuswr hawl i'w chael o dan unrhyw ddarpariaeth arall yn y Rheoliadau hyn.

Yr adolygiad gwerthuso a'r datganiad gwerthuso

29.—(1) Ar ddiwedd y cylch gwerthuso neu yn agos i ddiwedd y cylch gwerthuso rhaid i'r gwerthuswr a'r athro neu'r athrawes ysgol gynnal adolygiad gwerthuso, er mwyn—

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) asesu i ba raddau y mae'r athro neu'r athrawes ysgol wedi bodloni'r amcanion a gofnodwyd yn y datganiad amcanion fel y'i nodir yn rheoliad 26(1), gan gymryd i ystyriaeth y cofnod y mae'n rhaid i'r athro neu'r athrawes ysgol ei gadw yn unol â rheoliad 26(7);
- (b) penderfynu a oes perfformiad cyffredinol llwyddiannus wedi bod o'i ystyried yn erbyn safonau proffesiynol athrawon ysgol a bennir gan Weinidogion Cymru o dro i dro; ac
- (c) nodi'r angen am gymorth, hyfforddiant neu ddatblygiad ychwanegol a ffyrdd o ddiwallu'r anghenion hynny, gan gymryd i ystyriaeth hefyd y cofnod a ddisgrifir yn rheoliad 26(7).

(2) Bydd y dyddiad y mae adolygiad gwerthuso i gael ei gynnal yn cael ei benderfynu gan y gwerthuswr, ond rhaid rhoi o leiaf 10 diwrnod ysgol o rybudd (mewn ysgrifen) i'r athro neu'r athrawes ysgol am y dyddiad hwnnw.

(3) O leiaf pum diwrnod ysgol cyn yr adolygiad gwerthuso, rhaid i'r athro neu'r athrawes ysgol gyflwyno i'r gwerthuswr y cofnod a gadwyd o dan reoliad 26(7) a rhaid i'r cofnod gael ei ystyried yn yr adolygiad gwerthuso.

(4) Cyn pen 10 diwrnod ysgol ar ôl pob adolygiad gwerthuso rhaid i'r gwerthuswr baratoi datganiad ysgrifenedig yn cofnodi'r prif bwyntiau a wnaed gan y gwerthuswr a'r athro neu'r athrawes ysgol yn yr adolygiad a'r casgliadau y daethpwyd iddynt, a rhaid cofnodi mewn atodiad i'r datganiad (sef atodiad a fydd yn rhan o'r datganiad) yr anghenion hyfforddi a datblygu a ffyrdd o ddiwallu'r anghenion hynny a nodwyd yn yr adolygiad.

(5) Caniateir i'r adolygiad gwerthuso o dan baragraff (1) gael ei gyfuno â chyfarfod o dan reoliad 26 mewn perthynas â'r cylch gwerthuso canlynol.

(6) Rhaid i'r gwerthuswr roi copi o'r datganiad a baratoir o dan baragraff (4) i'r athro neu'r athrawes ysgol cyn pen 10 diwrnod ysgol ar ôl yr adolygiad gwerthuso.

(7) Caiff yr athro neu'r athrawes ysgol, cyn pen 10 diwrnod ysgol ar ôl cael copi o'r datganiad hwnnw, ychwanegu sylwadau ysgrifenedig ato, a bydd y sylwadau hynny yn rhan o'r datganiad a baratoir o dan y paragraff hwnnw.

Apelio

30.—(1) Mae gan athro neu athrawes ysgol hawl i apelio yn erbyn gwerthusiad o dan y Rheoliadau hyn cyn pen 10 diwrnod ysgol ar ôl cael copi o ddatganiad gwerthuso o dan reoliad 29(6).

(2) Rhaid i apêl gael ei gwneud yn ysgrifenedig i'r corff llywodraethu.

- (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) Y pennaeth fydd y swyddog apêl mewn perthynas ag apêl o'r fath, ac eithrio os y pennaeth yw'r gwerthuswr, a'r pryd hynny cadeirydd y corff llywodraethu fydd y swyddog apêl.

(4) Os cadeirydd y corff llywodraethu yw'r swyddog apêl, rhaid i'r awdurdod lleol benodi cynrychiolydd i gynorthwyo'r swyddog apêl.

(5) Rhaid i'r swyddog apêl gynnal a chwblhau adolygiad o'r gwerthusiad cyn pen 10 diwrnod ysgol ar ôl cael y datganiad gwerthuso o dan reoliad 31(2)(b), a rhaid iddo gymryd unrhyw sylwadau a wneir gan yr athro neu'r athrawes ysgol i ystyriaeth.

(6) Caiff y swyddog apêl—

- (a) gorchymyn bod y datganiad gwerthuso yn sefyll gyda sylwadau'r swyddog apêl 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) Pan fydd gwerthusiad newydd yn cael ei orchymyn o dan baragraff (6)(c) rhaid penodi gwerthuswr newydd yn unol â rheoliad 21 a rhaid i'r swyddog apêl benderfynu pa weithdrefnau gwerthuso y mae'n rhaid eu hailadrodd.

(8) Os yw'n ymddangos i'r swyddog apêl nad oes gwerthuswr addas newydd a all gael ei benodi i'r athro neu'r athrawes ysgol o dan reoliad 21, rhaid i'r swyddog apêl benodi aelod o gorff llywodraethu'r ysgol yn werthuswr newydd i'r athro neu'r athrawes ysgol.

(9) Ni chaniateir penodi llywodraethwr sy'n athro neu'n athrawes neu'n aelod arall o staff yr ysgol yn werthuswr i athro neu athrawes ysgol o dan baragraff (8).

(10) Rhaid cwblhau pob gweithdrefn werthuso y penderfynir ei hailadrodd o dan baragraff (7) cyn pen 15 diwrnod ysgol ar ôl dyddiad gorchymyn y swyddog apêl o dan baragraff (6)(c).

(11) Ni chaniateir i'r swyddog apêl—

- (a) penderfynu bod amcanion newydd i gael eu cytuno neu eu pennu yn unol â rheoliad 26; na
- (b) penderfynu bod yr amcanion y cytunwyd arnynt neu a bennwyd o dan reoliad 26 i gael eu diwygio.

(12) Mae'r cyfeiriadau yn y rheoliad hwn ac yn rheoliadau 31 a 32 at ddatganiad gwerthuso yn gyfeiriadau at ddatganiad a baratoir o dan reoliad 29(4), gan gynnwys, yn achos rheoliadau 31 a 32, unrhyw sylwadau a ychwanegir gan swyddog apêl o dan baragraff (6)(a).

(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).

Darparu datganiadau gwerthuso a'u cadw

31.—(1) Rhaid i'r gwerthuswr roi copi o'r datganiad gwerthuso i'r pennaeth.

(2) Caiff y personau canlynol wneud cais am gopi o'r datganiad gwerthuso a rhaid i'r pennaeth, os gwneir cais o'r fath, drefnu bod copi o'r datganiad gwerthuso ar gael i'r person hwnnw—

- (a) y gwerthuswr;
- (b) unrhyw swyddog apêl cyn pen pum diwrnod ysgol ar ôl i'r corff llywodraethu gael hysbysiad ynglŷn ag apêl o dan reoliad 30(2), y mae'n rhaid rhoi copi iddo hefyd o'r datganiad amcanion;
- (c) unrhyw lywodraethwyr sy'n gyfrifol am gynghori ynghylch dyrchafu athrawon ysgol neu ynghylch arfer unrhyw ddisgresiwn mewn perthynas â thâl neu am wneud penderfyniadau mewn perthynas â hynny; ac
- (ch) yn achos athro neu athrawes ysgol a gyflogir mewn ysgol nad oes ganddi gyllideb ddirprwyedig (o fewn ystyr Pennod IV o Ran II o Ddeddf Safonau a Fframwaith Ysgolion 1998) y Prif Swyddog Addysg neu unrhyw swyddog neu gynghorydd a ddynodir yn benodol gan y Prif Swyddog Addysg i fod yn gyfrifol am gynghori ynghylch dyrchafu athrawon ysgol neu ynghylch arfer unrhyw ddisgresiwn mewn perthynas â thâl neu am wneud penderfyniadau mewn perthynas â hynny.

(3) Os yw'r athro neu'r athrawes ysgol yn gymwys ar gyfer datblygiad cyflog o dan y Ddogfen, rhaid i'r gwerthuswr roi argymhelliad ynghylch datblygiad cyflog i'r pennaeth, gan roi sylw i ddatganiad gwerthuso'r athro neu'r athrawes ysgol.

(4) Rhaid i'r pennaeth roi copi o'r atodiad i'r datganiad gwerthuso y cyfeirir ato yn rheoliad 29(4) i'r person neu'r personau sy'n gyfrifol am gynllunio hyfforddiant a datblygiad yr athrawon ysgol yn yr ysgol.

(5) Rhaid i'r pennaeth drefnu bod copi o ddatganiad amcanion cyfredol athro neu athrawes ysgol ar gael i werthuswr newydd a benodir heblaw ar ddechrau cylch gwerthuso.

(6) Rhaid i ddatganiad gwerthuso athro neu athrawes ysgol gael ei gadw gan y pennaeth am o leiaf dair blynedd ar ôl i'r datganiad gwerthuso nesaf gael ei gwblhau.

Gwybodaeth o ddatganiadau gwerthuso

32.—(1) Caniateir i wybodaeth berthnasol o ddatganiadau gwerthuso gael ei chymryd i ystyriaeth gan benaethiaid, cyrff llywodraethu ysgolion (gan gynnwys pwyllgorau cyrff llywodraethu), Prif Swyddogion Addysg neu unrhyw swyddogion neu

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

gynghorwyr a ddynodir yn benodol gan Brif Swyddog Addysg o dan reoliad 31(2)(ch) wrth iddynt wneud penderfyniadau, ac wrth iddynt gynghori'r rhai sy'n gyfrifol am wneud penderfyniadau, ynghylch dyrchafu, diswyddo neu ddisgyblu athrawon ysgol neu ynghylch arfer unrhyw ddisgresiwn mewn perthynas â thâl.

(2) Ni fydd gweithdrefnau gwerthuso mewn perthynas ag athro neu athrawes ysgol fel y'u disgrifir yn y Rheoliadau hyn yn ffurfio unrhyw gamau y mae'n rhaid eu cymryd mewn gweithdrefnau disgyblu neu ddiswyddo a ddygir yn erbyn yr athro neu'r athrawes ysgol.

Darpariaeth drosiannol

33. Mae rheoliadau 31 a 32 yn gymwys mewn perthynas â chofnodion gwerthuso a gafodd eu cynhyrchu a'u cadw o dan Reoliadau Addysg (Gwerthuso Athrawon Ysgol) (Cymru) 1999 neu o dan Reoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002 fel y maent yn gymwys mewn perthynas â datganiadau gwerthuso.

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.

(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.

RHAN IV

Gwerthuso Athrawon Digyswllt

Cymhwyso Rhan IV

34.—(1) Mae rheoliadau 35 i 45 yn gymwys i werthuso athrawon digyswllt.

(2) Yn y Rhan IV hon mae "ysgol" ("*school*") yn cynnwys uned cyfeirio disgyblion ac mae cyfeiriadau at bennaeth yn cynnwys cyfeiriad at athro neu athrawes sydd â gofal uned cyfeirio disgyblion.

Y gofyniad ar yr awdurdod i gynhyrchu polisi rheoli perfformiad

35.—(1) Rhaid i'r awdurdod gael polisi ysgrifenedig ("y polisi rheoli perfformiad") sy'n nodi sut y mae gwerthuso athrawon digyswllt i gael ei roi ar waith.

(2) Rhaid i'r awdurdod adolygu'r polisi rheoli perfformiad bob blwyddyn ysgol.

(3) Yn sgil adolygiad o'r fath rhaid i'r awdurdod, os yw'n gweld yn dda, ddiwygio'r polisi rheoli perfformiad.

(4) Cyn sefydlu neu ddiwygio'r polisi rheoli perfformiad rhaid i'r awdurdod ymgynghori â phob un o'i athrawon digyswllt ynghylch ffurfio'r polisi rheoli perfformiad neu ei ddiwygio.

PART IV

Appraisal of Unattached Teachers

Application of Part IV

34.—(1) Regulations 35 to 45 apply to the appraisal of unattached teachers.

(2) In this Part IV "school" ("*ysgol*") includes a pupil referral unit and references to a head teacher include reference to a teacher in charge of a pupil referral unit.

Requirement on authority to produce a performance management policy

35.—(1) The authority must have a written policy ("the performance management policy") setting out how the appraisal of unattached teachers is to be implemented.

(2) The authority must review the performance management policy every school year.

(3) Following such review the authority must if it sees fit amend the performance management policy.

(4) Before establishing or amending the performance management policy the authority must consult all their unattached teachers about the formulation of the performance management policy or its amendment.

(5) Rhaid i'r awdurdod roi'r polisi rheoli perfformiad ar waith.

(6) Rhaid i'r awdurdod drefnu bod copi o'r polisi rheoli perfformiad ar gael i'w archwilio ar unrhyw adeg resymol gan y canlynol:

- (a) unrhyw athro neu athrawes ddigyswllt;
- (b) unrhyw berson sy'n ymwneud ag arolygu sut y mae'r system gwerthuso athrawon digyswllt yn gweithio;
- (c) unrhyw werthuswr a benodir yn unol â'r Rheoliadau hyn.

Penodi gwerthuswyr ar gyfer athrawon digyswllt

36.—(1) Yn ddarostyngedig i'r paragraffau canlynol yr awdurdod yw'r gwerthuswr ar gyfer pob athro neu athrawes ddigyswllt.

(2) Caiff yr awdurdod ddirprwyo rhai neu'r cyfan o'r dyletswyddau a osodir ar werthuswr i athro neu athrawes ysgol yn yr ysgol lle mae'r athro neu'r athrawes ddigyswllt yn treulio prif ran ei amser gwaith neu ei hamser gwaith, neu i unrhyw berson arall y mae'r awdurdod yn credu ei fod yn y sefyllfa orau i reoli ac i adolygu perfformiad yr athro neu'r athrawes ddigyswllt.

(3) Caiff yr awdurdod benodi gwerthuswr newydd yn lle gwerthuswr presennol ar unrhyw adeg neu caiff gyflawni'r dyletswyddau hynny ei hun.

Y cylch gwerthuso

37.—(1) Yn ddarostyngedig i'r darpariaethau canlynol yn y rheoliad hwn, rhaid i'r awdurdod benderfynu amseriad cylch gwerthuso pob athro ac athrawes ddigyswllt a gyflogir ganddo.

(2) Ac eithrio fel y darperir ar ei gyfer ym mharagraffau (3), (4) a (5) blwyddyn fydd hyd cylch gwerthuso.

(3) Yn achos cylch gwerthuso cyntaf athro neu athrawes ddigyswllt o dan y Rheoliadau hyn sydd yn ei swydd ar y dyddiad perthnasol, caiff yr awdurdod benderfynu y bydd hyd y cylch gwerthuso yn gyfnod heblaw blwyddyn.

(4) Yn achos cylch gwerthuso cyntaf athro neu athrawes ddigyswllt o dan y Rheoliadau hyn sydd heb fod yn ei swydd ar y dyddiad perthnasol, caiff yr awdurdod benderfynu y bydd hyd y cylch gwerthuso cyntaf yn gyfnod o lai na blwyddyn.

(5) Yn achos athro neu athrawes ddigyswllt a gyflogir o dan gontract cyflogaeth am gyfnod penodol o lai na blwyddyn, rhaid i'r perfformiad gael ei reoli drwy gydol cyfnod y contract a chael ei adolygu ar ddiwedd y cyfnod hwnnw.

(5) The authority must implement the performance management policy.

(6) The authority must make a copy of the performance management policy available for inspection at any reasonable time by:

- (a) any unattached teacher;
- (b) any person involved in the inspection of the operation of the unattached teacher appraisal system;
- (c) any appraiser appointed in accordance with these Regulations.

Appointment of appraisers for unattached teachers

36.—(1) Subject to the following paragraphs the authority is the appraiser for every unattached teacher.

(2) The authority may delegate some or all of the duties imposed on an appraiser to a school teacher at a school where the predominant part of the working time of the unattached teacher is spent, or to such other person whom they consider best placed to manage and review the unattached teacher's performance.

(3) The authority may appoint a new appraiser in place of an existing appraiser at any time or they may perform those duties themselves.

The appraisal cycle

37.—(1) Subject to the following provisions of this regulation the authority must determine the timing of the appraisal cycle for every unattached teacher employed by it.

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

(3) In the case of the first appraisal cycle under these Regulations of an unattached teacher in post on the relevant date, the authority may determine that the length of the appraisal cycle is a period other than one year.

(4) In the case of the first appraisal cycle under these Regulations of an unattached teacher not in post on the relevant date, the authority may determine that the length of the first appraisal cycle is a period of less than one year.

(5) In the case of an unattached teacher employed under a contract of employment for a fixed term of less than one year, performance must be managed throughout the term of the contract and reviewed at the end of that term.

(6) Rhaid i'r awdurdod gymryd pob cam rhesymol i sicrhau bod cylch gwerthuso cyntaf pob athro ac athrawes ddigyswllt sydd yn ei swydd ar y dyddiad perthnasol yn dechrau erbyn 31 Rhagfyr 2012 fan bellaf.

(7) Pan fyddant wedi dechrau, bydd cylchoedd gwerthuso pob athro ac athrawes ddigyswllt yn barhaus.

(8) Ni fydd penodi gwerthuswr newydd yn peri bod cylch gwerthuso athro neu athrawes ddigyswllt yn dechrau eto ac eithrio fel y darperir ar ei gyfer ym mharagraff (9).

(9) Pan fydd athro neu athrawes ddigyswllt yn trosglwyddo i swydd newydd yn yr awdurdod ran o'r ffordd drwy gylch gwerthuso, rhaid i'r awdurdod benderfynu a fydd y cylch yn dechrau eto ac os felly a ddylid penodi gwerthuswr newydd.

Gweithdrefnau gwerthuso

38.—(1) Yn ddarostyngedig i baragraff (2) ac i reoliadau 39 i 43 rhaid i'r awdurdod benderfynu ar y gweithdrefnau ar gyfer gwerthuso athrawon digyswllt.

(2) Os yw rhai o ddyletswyddau'r awdurdod neu'r cyfan ohonynt mewn perthynas ag athro neu athrawes ddigyswllt wedi'u dirprwyo i athro neu athrawes yn yr ysgol yn unol â rheoliad 36(2) yna yn ddarostyngedig i reoliadau 39 i 43, rhaid i'r gweithdrefnau ar gyfer gwerthuso'r athro digyswllt hwnnw neu'r athrawes ddigyswllt honno fod yn rhai a benderfynir gan gorff llywodraethu'r ysgol yn unol â rheoliad 25.

Cynllunio gwerthusiad a phennu amcanion

39.—(1) Cyn y cylch gwerthuso neu ar ddechrau'r cylch gwerthuso, rhaid i'r gwerthuswr a'r athro neu'r athrawes ddigyswllt gyfarfod er mwyn cynllunio'r gwerthusiad a pharatoi ar ei gyfer a cheisio cytuno ar amcanion yr athro neu'r athrawes ddigyswllt y mae'n rhaid iddynt gymryd i ystyriaeth unrhyw dystiolaeth berthnasol y bydd y gwerthuswr a'r athro neu'r athrawes ddigyswllt yn cytuno arni (neu os na cheir cytundeb, unrhyw dystiolaeth berthnasol y penderfynir arni gan y gwerthuswr) ond a fydd yn cynnwys yr Wybodaeth am Berfformiad Disgyblion ac y mae'n rhaid iddynt ymwneud â'r canlynol—

- (a) datblygu a gwella arferion proffesiynol yr athro neu'r athrawes ddigyswllt;
- (b) disgrifiad swydd yr athro neu'r athrawes ddigyswllt;
- (c) unrhyw feini prawf perthnasol ynghylch datblygiad cyflog;
- (ch) unrhyw amcanion perthnasol i'r ysgol gyfan neu i'r tîm a bennwyd yng Nghynllun Gwella'r Ysgol; a
- (d) safonau proffesiynol athrawon ysgol fel y'u pennir gan Weinidogion Cymru o dro i dro.

(6) The authority must take all reasonable steps to secure that the first appraisal cycle for every unattached teacher in post on the relevant date begins no later than 31 December 2012.

(7) Once begun, appraisal cycles for every unattached teacher will be continuous.

(8) The appointment of a new appraiser will not cause an unattached teacher's appraisal cycle to begin again save as may be provided for in paragraph (9).

(9) Where an unattached teacher transfers to a new post within the authority part way through an appraisal cycle, the authority must determine whether the cycle is to begin again and if so whether to appoint a new appraiser.

Appraisal procedures

38.—(1) Subject to paragraph (2) and to regulations 39 to 43 the authority must determine the procedures for the appraisal of unattached teachers.

(2) If some or all of the authority's duties in respect of an unattached teacher have been delegated to a teacher at a school in accordance with regulation 36(2) then subject to regulations 39 to 43 the procedures for the appraisal of that unattached teacher must be those determined by the school's governing body pursuant to regulation 25.

Planning of appraisal and setting of objectives

39.—(1) Before or at the start of the appraisal cycle, the appraiser and the unattached teacher must meet to plan and prepare for the appraisal and to seek to agree the unattached teacher's objectives which must take account of such relevant evidence as the appraiser and the unattached 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 unattached teacher's professional practice;
- (b) the unattached 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) Caniateir i amcanion yr athro neu'r athrawes ddigyswllt a ddisgrifir ym mharagraff (1) gymryd i ystyriaeth hefyd—

- (a) dyheadau proffesiynol yr athro neu'r athrawes ddigyswllt; a
- (b) unrhyw flaenoriaethau cenedlaethol ar gyfer gwella ysgolion a bennir gan Weinidogion Cymru o dro i dro.

(3) Bydd amcanion yr athro neu'r athrawes ddigyswllt yn gyfryw ag i gyfrannu, o'u cyflawni, at wella cynnydd disgyblion yr ysgolion lle mae'r athro neu'r athrawes ddigyswllt yn gweithio.

(4) Os na chytunir ar amcanion o dan baragraff (1), rhaid i'r gwerthuswr nodi'n ysgrifenedig yr amcanion hynny y mae'n credu eu bod yn briodol, a chaiff yr athro neu'r athrawes ddigyswllt ychwanegu sylwadau ysgrifenedig.

(5) Rhaid i'r amcanion y cytunir arnynt o dan baragraff (1), neu os nad oes amcanion wedi'u cytuno, yr amcanion sydd wedi'u nodi'n ysgrifenedig o dan baragraff (4), a sylwadau ysgrifenedig yr athro neu'r athrawes ddigyswllt, gael eu cofnodi mewn datganiad amcanion ysgrifenedig.

(6) Pan fo'r amcanion wedi'u pennu, rhaid i'r gwerthuswr a'r athro neu'r athrawes ddigyswllt geisio cytuno ar y cymorth y mae ar yr athro neu'r athrawes ddigyswllt ei angen er mwyn bodloni'r amcanion. Os na ellir cytuno, y gwerthuswr fydd yn penderfynu ar y cymorth y mae ei angen.

(7) Yn ystod y cylch gwerthuso, rhaid i'r athro neu'r athrawes ddigyswllt gadw cofnod cyfoes o'r canlynol—

- (a) asesiad yr athro neu'r athrawes ddigyswllt ei hun o berfformiad yn erbyn yr amcanion a gofnodwyd yn y datganiad amcanion;
- (b) manylion unrhyw weithgareddau datblygu proffesiynol yr ymgymerwyd â hwy neu gymorth arall a roddwyd a sut y mae hynny'n cyfrannu at gyflawni'r amcanion; ac
- (c) manylion unrhyw ffactorau y mae'r athro neu'r athrawes ddigyswllt yn credu eu bod yn effeithio ar y perfformiad yn erbyn yr amcanion a gofnodwyd.

Diwygio amcanion

40.—(1) Caniateir i amcanion athro neu athrawes ddigyswllt gael eu diwygio gan y gwerthuswr ar unrhyw adeg yn ystod y cylch gwerthuso.

(2) Os yw amcanion athro neu athrawes ddigyswllt yn cael eu diwygio o dan baragraff (1)—

- (a) rhaid newid y datganiad amcanion i ddangos y diwygiadau;
- (b) caiff cyfeiriadau yn y Rheoliadau hyn at amcanion yr athro neu'r athrawes ddigyswllt

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

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

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

(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 unattached 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 unattached teacher's written comments, must be recorded in a written statement of objectives.

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

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

- (a) the unattached 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 unattached teacher considers are affecting performance against the recorded objectives.

Revising objectives

40.—(1) An unattached teacher's objectives may be revised by the appraiser at any time during the appraisal cycle.

(2) Where an unattached teacher's objectives are revised under paragraph (1)—

- (a) the statement of objectives must be amended to show the revisions;
- (b) references in these Regulations to the unattached teacher's objectives will be read as

eu darllen fel cyfeiriadau at yr amcanion diwygiedig; ac

- (c) caiff cyfeiriadau yn y Rheoliadau hyn at ddatganiad amcanion yr athro neu'r athrawes ddigyswllt eu darllen fel cyfeiriadau at y datganiad amcanion diwygiedig.

Monitro cynnydd

41.—(1) Rhaid i'r gwerthuswr a'r athro neu'r athrawes ddigyswllt mewn cyfarfod a gynhelir o dan reoliad 39 geisio cytuno ar y gweithdrefnau ar gyfer monitro perfformiad yr athro neu'r athrawes ddigyswllt yn erbyn yr amcanion y cytunir arnynt o dan reoliad 39(1) neu os nad oes amcanion wedi'u cytuno, yr amcanion sydd wedi'u nodi'n ysgrifenedig o dan reoliad 39(4).

(2) Os na chytunir ar weithdrefnau o dan baragraff (1), rhaid i'r gwerthuswr nodi'n ysgrifenedig y gweithdrefnau hynny ar gyfer monitro perfformiad yr athro neu'r athrawes ddigyswllt y mae'n credu eu bod yn briodol.

(3) Rhaid i'r gweithdrefnau p'un a ydynt wedi'u cytuno o dan baragraff (1) ynteu wedi'u nodi'n ysgrifenedig o dan baragraff (2) gynnwys:

- (a) gofyniad bod y gwerthuswr wrth werthuso'r athro neu'r athrawes ddigyswllt yn arsylwi ar yr athro neu'r athrawes ddigyswllt yn addysgu o leiaf unwaith yn ystod y cylch gwerthuso;
- (b) gofyniad bod y gwerthuswr yn ceisio gwybodaeth gan y rhai sydd â gwybodaeth broffesiynol berthnasol am yr athro neu'r athrawes ddigyswllt mewn mannau eraill lle mae'r athro neu'r athrawes ddigyswllt yn treulio rhan o'i amser gwaith neu ei hamser gwaith yn rheolaidd.

(4) Yn ddarostyngedig i baragraffau (3) a (5) ni chaiff gwerthuswr gael gwybodaeth, yn ysgrifenedig ynteu ar lafar, sy'n berthnasol i berfformiad yr athro neu'r athrawes ddigyswllt gan neb arall oni bai bod yr athro neu'r athrawes ddigyswllt yn cydsynio neu fod yr wybodaeth wedi'i chael yn unol â'r gweithdrefnau y cytunir arnynt o dan baragraff (1), neu os nad oes gweithdrefnau wedi'u cytuno, y gweithdrefnau sydd wedi'u nodi'n ysgrifenedig o dan baragraff (2).

(5) Nid yw paragraff (4) yn gymwys i unrhyw wybodaeth y mae gan werthuswr hawl i'w chael o dan unrhyw ddarpariaeth arall yn y Rheoliadau hyn.

Yr adolygiad gwerthuso a'r datganiad gwerthuso

42.—(1) Ar ddiwedd y cylch gwerthuso neu yn agos i ddiwedd y cylch gwerthuso rhaid i'r gwerthuswr a'r athro neu'r athrawes ddigyswllt gynnal adolygiad gwerthuso, er mwyn—

- (a) asesu i ba raddau y mae'r athro neu'r athrawes ddigyswllt wedi bodloni'r amcanion a

references to the revised objectives; and

- (c) references in these Regulations to the unattached teacher's statement of objectives will be read as references to the amended statement of objectives.

Monitoring progress

41.—(1) The appraiser and the unattached teacher must seek to agree at a meeting held under regulation 39 on the procedures for monitoring the unattached teacher's performance against the objectives agreed under regulation 39(1) or where objectives have not been agreed, the objectives set out in writing under regulation 39(4).

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

(3) Procedures whether agreed under paragraph (1) or set out in writing under paragraph (2) must include:

- (a) a requirement for the appraiser in appraising the unattached teacher to observe the unattached teacher teaching on at least one occasion during the appraisal cycle;
- (b) a requirement for the appraiser to seek information from those with relevant professional knowledge of the unattached teacher at other places at which the unattached teacher regularly spends part of their working time.

(4) Subject to paragraphs (3) and (5) an appraiser may not obtain from any other person information, whether written or oral, relevant to the unattached teacher's performance unless the unattached teacher consents or the information is obtained in accordance with 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 the appraiser is entitled to receive under any other provision of these Regulations.

The appraisal review and the appraisal statement

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

- (a) assessing the extent to which the unattached teacher has met the objectives recorded in the

gofnodwyd yn y datganiad amcanion fel y'i nodir yn rheoliad 39(1), gan gymryd i ystyriaeth y cofnod y mae'n rhaid i'r athro neu'r athrawes ddigyswllt ei gadw yn unol â rheoliad 39(7);

- (b) penderfynu a oes perfformiad cyffredinol llwyddiannus wedi bod o'i ystyried yn erbyn safonau proffesiynol athrawon ysgol a bennir gan Weinidogion Cymru o dro i dro; ac
- (c) nodi'r angen am gymorth, hyfforddiant neu ddatblygiad ychwanegol a ffyrdd o ddiwallu'r anghenion hynny, gan gymryd i ystyriaeth hefyd y cofnod a ddisgrifir yn rheoliad 39(7).

(2) Bydd y dyddiad y mae adolygiad gwerthuso i gael ei gynnal yn cael ei benderfynu gan y gwerthuswr, ond rhaid rhoi o leiaf 10 diwrnod ysgol o rybudd (mewn ysgrifen) i'r athro neu'r athrawes ddigyswllt am y dyddiad hwnnw.

(3) O leiaf pum diwrnod ysgol cyn yr adolygiad gwerthuso, rhaid i'r athro neu'r athrawes ddigyswllt gyflwyno i'r gwerthuswr y cofnod a gadwyd o dan reoliad 39(7) a rhaid i'r cofnod gael ei ystyried yn yr adolygiad gwerthuso.

(4) Cyn pen 10 diwrnod ysgol ar ôl pob adolygiad gwerthuso, rhaid i'r gwerthuswr baratoi datganiad ysgrifenedig yn cofnodi'r prif bwyntiau a wnaed gan y gwerthuswr a'r athro neu'r athrawes ddigyswllt yn yr adolygiad a'r casgliadau y daethpwyd iddynt, a rhaid cofnodi mewn atodiad i'r datganiad (sef atodiad a fydd yn rhan o'r datganiad) yr anghenion hyfforddi a datblygu a ffyrdd o ddiwallu'r anghenion hynny a nodwyd yn yr adolygiad.

(5) Caniateir i adolygiad gwerthuso o dan baragraff (1) gael ei gyfuno â chyfarfod o dan reoliad 39 mewn perthynas â'r cylch gwerthuso canlynol.

(6) Rhaid i'r gwerthuswr roi copi o'r datganiad a baratoir o dan baragraff (4) i'r athro neu'r athrawes ddigyswllt cyn pen 10 diwrnod ysgol ar ôl yr adolygiad gwerthuso.

(7) Caiff yr athro neu'r athrawes ddigyswllt, cyn pen 10 diwrnod ysgol ar ôl cael copi o'r datganiad hwnnw, ychwanegu sylwadau ysgrifenedig ato, a bydd y sylwadau hynny yn rhan o'r datganiad gwerthuso.

(8) Os nad yr awdurdod yw'r gwerthuswr, rhaid i'r gwerthuswr anfon copi o'r datganiad gwerthuso i'r awdurdod ac at bennaeth unrhyw ysgol lle mae'r athro neu'r athrawes ddigyswllt yn treulio rhan o'i amser gwaith neu o'i hamser gwaith yn rheolaidd.

(9) Os yr awdurdod yw'r gwerthuswr, rhaid i'r awdurdod anfon copi o'r datganiad gwerthuso at bennaeth unrhyw ysgol lle mae'r athro neu'r athrawes ddigyswllt yn treulio rhan o'i amser gwaith neu o'i hamser gwaith yn rheolaidd.

statement of objectives as set out in regulation 39(1), taking account of the record that the unattached teacher must keep in accordance with regulation 39(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 39(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 unattached teacher of that date.

(3) The unattached teacher must, at least five school days before the appraisal review, submit to the appraiser the record maintained under regulation 39(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 unattached 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 39 in relation to the following appraisal cycle.

(6) The appraiser must give the unattached teacher a copy of the statement prepared under paragraph (4) within 10 school days after the appraisal review.

(7) The unattached 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 appraisal statement.

(8) Where the appraiser is not the authority, the appraiser must send a copy of the appraisal statement to the authority and to the head teacher of any school at which the unattached teacher regularly spends part of their working time.

(9) Where the authority is the appraiser, the authority must send a copy of the appraisal statement to the head teacher of any school at which the unattached teacher regularly spends part of their working time.

Apelio

43.—(1) Mae gan athro neu athrawes ddigyswllt hawl i apelio yn erbyn gwerthusiad o dan y Rheoliadau hyn cyn pen 10 diwrnod ysgol ar ôl cael copi o'r datganiad gwerthuso o dan reoliad 42(6).

(2) Os athro neu athrawes mewn ysgol yw'r gwerthuswr bydd darpariaethau rheoliad 30(2) i (12) yn gymwys, ac eithrio y bydd cyfeiriadau yn y paragraffau hynny at ddatganiad gwerthuso yn gyfeiriadau at ddatganiad a baratoir o dan reoliad 42(4) gan gynnwys at ddibenion rheoliadau 31 a 32 unrhyw sylwadau a ychwanegwyd gan swyddog apêl o dan baragraff (6)(a) o reoliad 30.

(3) Os yr awdurdod yw'r gwerthuswr gwneir unrhyw apêl yn ysgrifenedig i'r awdurdod yn unol â'r gweithdrefnau apelio sy'n gymwys i'r holl staff ac eithrio fel y gall fod yn anghyson â'r rheoliad hwn.

(4) Rhaid i'r swyddog apêl gynnal a chwblhau adolygiad o'r gwerthusiad cyn pen 10 diwrnod ysgol ar ôl cael y datganiad gwerthuso o dan reoliad 44(2)(b) a rhaid iddo gymryd unrhyw sylwadau a wneir gan yr athro neu'r athrawes ddigyswllt i ystyriaeth.

(5) Caiff y swyddog apêl—

- (a) gorchymyn bod y datganiad gwerthuso yn sefyll gyda sylwadau'r swyddog apêl 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.

(6) Pan fydd gwerthusiad newydd yn cael ei orchymyn o dan baragraff (5)(c) rhaid penodi gwerthuswr newydd yn unol â rheoliad 36 a rhaid i'r swyddog apêl benderfynu pa weithdrefnau gwerthuso y mae'n rhaid eu hailadrodd.

(7) Os yw'n ymddangos i'r swyddog apêl nad oes athro neu athrawes ysgol mewn ysgol lle mae'r athro neu'r athrawes ddigyswllt yn treulio prif ran ei amser gwaith neu ei hamser gwaith sy'n addas i fod yn werthuswr newydd y gellir ei benodi ar gyfer yr athro neu'r athrawes ddigyswllt, rhaid i'r swyddog apêl benodi fel gwerthuswr newydd ar gyfer yr athro neu'r athrawes ddigyswllt aelod o gorff llywodraethu'r ysgol honno (heblaw llywodraethwr sy'n athro neu'n athrawes neu'n aelod arall o staff) neu unrhyw berson arall sy'n addas i reoli ac i adolygu perfformiad yr athro neu'r athrawes ddigyswllt.

(8) Rhaid cwblhau pob gweithdrefn werthuso y penderfynir ei hailadrodd o dan baragraff (6) cyn pen 15 diwrnod ysgol ar ôl dyddiad gorchymyn y swyddog apêl o dan baragraff (5)(c).

(9) Ni chaniateir i'r swyddog apêl—

- (a) penderfynu bod amcanion newydd i gael eu cytuno neu eu pennu; na

Appeals

43.—(1) An unattached 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 42(6).

(2) Where the appraiser is a teacher at a school the provisions of regulation 30(2) to (12) will apply, save that reference in those paragraphs to an appraisal statement will be references to a statement prepared under regulation 42(4) including for the purposes of regulations 31 and 32 any observations added by an appeals officer under paragraph (6)(a) of regulation 30.

(3) Where the authority is the appraiser any appeal will be made in writing to the authority in accordance with their appeals procedures applicable to all staff save as may be inconsistent with this regulation.

(4) The appeals officer must within 10 school days of receiving the appraisal statement under regulation 44(2)(b) conduct and conclude a review of the appraisal and must take account of any representations made by the unattached teacher.

(5) 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.

(6) Where a new appraisal is ordered under paragraph (5)(c), a new appraiser must be appointed in accordance with regulation 36 and the appeals officer must determine which appraisal procedures must be repeated.

(7) Where it appears to the appeals officer that there is no suitable school teacher at a school where the unattached teacher spends the predominant part of their working time to be a new appraiser who can be appointed for the unattached teacher, the appeals officer must appoint as a new appraiser for the unattached teacher a member of that school's governing body (other than a governor who is a teacher or other member of staff) or any other person suitable to manage and review the unattached teacher's performance.

(8) All appraisal procedures determined to be repeated under paragraph (6) must be completed within 15 school days from the date of the appeals officer's order under paragraph (5)(c).

(9) The appeals officer may not—

- (a) determine that new objectives be agreed or set; or

- (b) penderfynu bod yr amcanion y cytunwyd arnynt neu a bennwyd o dan reoliad 39(1) i gael eu diwygio.

(10) Mae'r cyfeiriadau yn y rheoliad hwn ac yn rheoliadau 44 a 45 at ddatganiad gwerthuso yn gyfeiriadau at ddatganiad a baratoir o dan reoliad 42(4), gan gynnwys, yn achos rheoliadau 44 a 45, unrhyw sylwadau a ychwanegir gan swyddog apêl o dan baragraff (5)(a).

Darparu datganiadau gwerthuso a'u cadw

44.—(1) Rhaid i'r gwerthuswr roi copi o'r datganiad gwerthuso—

- (a) i'r pennaeth ymhob ysgol lle mae'r athro neu'r athrawes ddigyswllt yn treulio rhan o'i amser gwaith neu o'i hamser gwaith yn rheolaidd; a
- (b) i'r awdurdod.

(2) Caiff y personau canlynol wneud cais am gopi o'r datganiad gwerthuso a rhaid i'r awdurdod, os gwneir cais o'r fath, drefnu bod copi o'r datganiad gwerthuso ar gael i'r person hwnnw—

- (a) y gwerthuswr;
- (b) unrhyw swyddog apêl cyn pen pum diwrnod ysgol ar ôl i'r awdurdod gael hysbysiad apêl o dan reoliad 43, y mae'n rhaid rhoi copi iddo hefyd o'r datganiad amcanion; ac
- (c) y Prif Swyddog Addysg neu unrhyw swyddog neu gynghorydd a ddynodir yn benodol gan y Prif Swyddog Addysg i fod yn gyfrifol am gynghori am ddirchafiad athrawon digyswllt, neu am ddefnyddio unrhyw ddisgresiwn ynghylch cyflog, neu am wneud penderfyniadau mewn perthynas â hynny.

(3) Os yw'r athro neu'r athrawes ddigyswllt yn gymwys ar gyfer datblygiad cyflog o dan y Ddogfen, rhaid i'r gwerthuswr roi argymhelliad ynghylch datblygiad cyflog i'r awdurdod, gan roi sylw i ddatganiad gwerthuso'r athro neu'r athrawes ddigyswllt.

(4) Rhaid i'r awdurdod roi copi o'r atodiad i'r datganiad gwerthuso y cyfeirir ato yn rheoliad 42(4) i'r person neu'r personau sy'n gyfrifol am gynllunio hyfforddiant a datblygiad athrawon ysgol yn unrhyw ysgol lle mae'r athro neu'r athrawes ddigyswllt yn treulio rhan o'i amser gwaith neu o'i hamser gwaith yn rheolaidd.

(5) Rhaid i'r awdurdod drefnu bod datganiad amcanion cyfredol athro neu athrawes ddigyswllt ar gael i werthuswr newydd a benodir heblaw ar ddechrau cylch gwerthuso.

(6) Rhaid i ddatganiad gwerthuso athro neu athrawes ddigyswllt gael ei gadw gan yr awdurdod am o leiaf dair blynedd ar ôl i'r datganiad gwerthuso nesaf gael ei gwblhau.

- (b) determine that the objectives agreed or set under regulation 39(1) be revised.

(10) References in this regulation and in regulations 44 and 45 to an appraisal statement are references to a statement prepared under regulation 42(4), including, in the case of regulations 44 and 45, any observations added by an appeals officer under paragraph (5)(a).

Provision and retention of appraisal statements

44.—(1) The appraiser must give a copy of the appraisal statement to—

- (a) the head teacher at every school at which the unattached teacher regularly spends part of their working time; and
- (b) the authority.

(2) The following persons may make a request for a copy of the appraisal statement and the authority 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 authority receiving notice of an appeal under regulation 43 who must also be given a copy of the statement of objectives; and
- (c) 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 unattached teachers or the use of any discretion in relation to pay.

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

(4) The authority must provide a copy of the annex to the appraisal statement referred to in regulation 42(4) to the person or persons responsible for planning the training and development of school teachers at any school at which the unattached teacher regularly spends part of their working time.

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

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

Gwybodaeth o ddatganiadau gwerthuso

45.—(1) Caniateir i wybodaeth berthnasol o ddatganiadau gwerthuso gael ei chymryd i ystyriaeth gan awdurdod, Prif Swyddogion Addysg neu unrhyw swyddogion neu gynghorwyr a ddynodir yn benodol gan Brif Swyddog Addysg o dan reoliad 44(2)(c) wrth iddynt wneud penderfyniadau, ac wrth iddynt gynghori'r rhai sy'n gyfrifol am wneud penderfyniadau, ynghylch dyrchafu, diswyddo neu ddisgyblu athrawon digyswllt neu ynghylch arfer unrhyw ddisgresiwn mewn perthynas â thâl.

(2) Ni fydd gweithdrefnau gwerthuso mewn perthynas ag athro neu athrawes ddigyswllt fel y'u nodir yn y Rheoliadau hyn yn ffurfio unrhyw gamau y mae'n rhaid eu cymryd mewn gweithdrefnau disgyblu neu ddiswyddo a ddygir yn erbyn athro neu athrawes ddigyswllt.

Darpariaeth drosiannol

46. Mae rheoliadau 44 a 45 yn gymwys mewn perthynas â chofnodion gwerthuso a gafodd eu cynhyrchu a'u cadw o dan Reoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002 fel y maent yn gymwys mewn perthynas â datganiadau gwerthuso.

Diwygio Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000

47.—(1) Yn rheoliad 2(1) hepgorer y diffiniadau o "athro ysgol", "tymor ysgol" a "contract cyfnod byr".

(2) Ar ddiwedd rheoliad 2(2)(a) mewnosoder "a" ac yn rheoliad 2(2)(b) hepgorer "ac".

(3) Dileer rheoliad 2(2)(c).

(4) Dileer rheoliad 10.

Information from appraisal statements

45.—(1) Relevant information from appraisal statements may be taken into account by an authority, Chief Education Officers or any officers or advisers specifically designated by a Chief Education Officer under regulation 44(2)(c) in taking decisions, and in advising those responsible for taking decisions, about the promotion, dismissal or discipline of unattached teachers or the use of any discretion in relation to pay.

(2) Appraisal procedures in respect of an unattached teacher as set out in these Regulations will not constitute any steps that must be taken in disciplinary or dismissal procedures brought against an unattached teacher.

Transitional provision

46. Regulations 44 and 45 apply in relation to appraisal records produced and maintained under the School Teacher Appraisal (Wales) Regulations 2002 as they apply in relation to appraisal statements.

Amendment to the School Government (Terms of Reference) (Wales) Regulations 2000

47.—(1) In regulation 2(1) omit the definitions of "school teacher", "school term" and "short term contract".

(2) At the end of regulation 2(2)(a) insert "and" and in regulation 2(2)(b) omit "and".

(3) Delete regulation 2(2)(c).

(4) Delete regulation 10.

Leighton Andrews

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

6 Rhagfyr 2011

Minister for Education and Skills, one of the Welsh Ministers

6 December 2011

Arbedion a Darpariaethau Trosiannol Cyffredinol

Savings and General Transitional Provisions

Y Cylch Gwerthuso

1. Os oes pennaeth, athro neu athrawes ysgol neu athro neu athrawes ddigyswllt wedi cwblhau cylch gwerthuso o dan ddarpariaethau Rheoliadau 2002, yna rhaid i unrhyw apêl yn erbyn y gwerthusiad gael ei gwneud yn unol â'r gweithdrefnau apêl a nodwyd yn Rheoliadau 2002.

2. Os oes pennaeth, athro neu athrawes ysgol neu athro neu athrawes ddigyswllt wedi mynd rhan o'r ffordd drwy gylch gwerthuso o dan Reoliadau 2002 ar y dyddiad y daw'r Rheoliadau hyn i rym, yna (yn ddarostyngedig i baragraff 3) rhaid i'r cylch gwerthuso hwnnw barhau o dan ddarpariaethau Rheoliadau 2002 hyd nes y bydd cylch gwerthuso newydd yn dechrau o dan y Rheoliadau hyn.

3. Os oes pennaeth, athro neu athrawes ysgol neu athro neu athrawes ddigyswllt wedi cwblhau cylch gwerthuso neu wedi mynd rhan o'r ffordd drwy gylch gwerthuso o dan ddarpariaethau Rheoliadau 2002, caniateir i unrhyw gyfarfod adolygu gwerthusiad mewn perthynas â'r cylch gwerthuso hwnnw sydd i'w gynnal o dan ddarpariaethau Rheoliadau 2002 ar ôl y dyddiad y daw'r Rheoliadau hyn i rym gael ei gynnal gan y gwerthuswr neu'r gwerthuswyr (fel y bo'n briodol) a benodwyd ar gyfer y pennaeth, yr athro neu'r athrawes ysgol neu'r athro neu'r athrawes ddigyswllt o dan ddarpariaethau'r Rheoliadau hyn ("y gwerthuswyr newydd"), os bydd y gwerthuswyr newydd yn dewis gwneud hynny. Caniateir i'r cyfarfod adolygu gwerthusiad hwnnw fod yn ddarostyngedig i ddarpariaethau rheoliadau 15(5), 29(5) a 42(5) (fel y bo'n briodol) yn ôl disgrisiwn y gwerthuswyr newydd.

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The Appraisal Cycle

1. Where a head teacher, school teacher or unattached teacher has completed an appraisal cycle under the provisions of the 2002 Regulations, then any appeal against the appraisal must be made in accordance with the appeals procedures set out in the 2002 Regulations.

2. Where a head teacher, school teacher or unattached teacher is part-way through an appraisal cycle under the 2002 Regulations on the date upon which these Regulations come into force, then (subject to paragraph 3) that appraisal cycle must continue under the provisions of the 2002 Regulations until such time as a new appraisal cycle begins under these Regulations.

3. Where a head teacher, school teacher or unattached teacher has completed or is part-way through an appraisal cycle under the provisions of the 2002 Regulations, any appraisal review meeting in respect of that appraisal cycle that is due under the provisions of the 2002 Regulations after the date that these Regulations come into force, may be conducted by the appraiser or appraisers (as appropriate) appointed in respect of that head teacher, school teacher or unattached teacher under the provisions of these Regulations ("the new appraisers"), if the new appraisers elect to do so. Such appraisal review meeting may be subject to the provisions of regulations 15(5), 29(5) and 42(5) (as appropriate) at the discretion of the new appraisers.

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