CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2002 Rhif 1396 (Cy.138)

ADDYSG, CYMRU

Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Diwygio) (Cymru) 2002

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000, sy'n nodi nifer o egwyddorion sydd i weithredu fel cylch gwaith ar gyfer cyrff llywodraethu ac sydd hefyd yn darparu ar gyfer rôlau a chyfrifoldebau priodol cyrff llywodraethu a phenaethiaid ysgolion.

Mae'r diwygiadau'n gosod dyletswyddau penodol ar gorff llywodraethu ac ar bennaeth mewn perthynas â sefydlu polisi rheoli perfformiad ar gyfer yr ysgol. Dogfen bolisi ar gyfer yr ysgol yw hon, sy'n nodi sut y caiff y gwaith o werthuso athrawon yn yr ysgol ei gyflawni. Mae'n cydategu'r fframwaith statudol ar gyfer gwerthuso athrawon ysgol.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2002 No. 1396 (W.138)

EDUCATION, WALES

The School Government (Terms of Reference)(Amendment) (Wales) Regulations 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the School Government (Terms of Reference) (Wales) Regulations 2000, which lay down a number of principles which are to serve as terms of reference for governing bodies and also provide for the respective roles and responsibilities of governing bodies and head teachers.

The amendments confer particular duties on a governing body and head teacher in respect of the establishment of a performance management policy for a school. This is a policy document for a school which sets out how school teacher appraisal at the school is to be implemented. It complements the statutory framework for the appraisal of school teachers.

OFFERYNNAU STATUDOL

2002 Rhif 1396 (Cy.138)

ADDYSG, CYMRU

Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Diwygio) (Cymru) 2002

Wedi'u gwneud *21 Mai 2002*

Yn dod i rym *30 Medi 2002*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 38(3) a 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998(**a**) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(**b**).

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Diwygio) (Cymru) 2002 a deuant i rym ar 30 Medi 2002.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â Chymru yn unig.

2.-(1) Mae Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000(**c**) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) cyn y diffiniad o "blwyddyn ysgol" mewnosodwch y canlynol -

> ystyr "athro ysgol" (*"school teacher"*) yw athro neu athrawes a gyflogir mewn dim mwy na dwy ysgol, gan awdurdod addysg lleol neu gan gorff llywodraethu ysgol sefydledig, ysgol wirfoddol a gynorthwyir neu ysgol arbennig sefydledig, ond nid yw'n cynnwys athro neu athrawes a gyflogir o dan gontract cyfnod penodol os yw'r cyfnod yn llai na blwyddyn;".

(3) Ar ôl rheoliad 9 mewnosodir y rheoliad canlynol-

(a) 1998 p.31; i gael ystyr "regulations" *gweler* adran 142(1).

(b) Cafodd swyddogaethau'r Ysgrifennydd Gwladol eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) O.S. 2000/ 3027 (Cy.195).

STATUTORY INSTRUMENTS

2002 No. 1396 (W.138)

EDUCATION, WALES

The School Government (Terms of Reference) (Amendment) (Wales) Regulations 2002

Made *21st May 2002*

Coming into force *30th September 2002*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 38(3) and 138(7) and (8) of the School Standards and Framework Act 1998(**a**) and now vested in the National Assembly for Wales(**b**).

1. -(1) These Regulations may be cited as the School Government (Terms of Reference) (Amendment) (Wales) Regulations 2002 and shall come into force on 30th September 2002.

(2) These Regulations apply only in relation to Wales.

2.-(1) The School Government (Terms of Reference) (Wales) Regulations 2000(**c**) are amended as follows.

(2) In regulation 2(1) before the definition of "school year" insert the following -

> " "school teacher" (*"athro ysgol"*) means a teacher employed at no more than two schools, by a local education authority or by the governing body of a foundation, voluntary aided or foundation special school, but does not include a teacher employed under a fixed term contract of employment the term of which is less than one year;".

(3) After regulation 9 there shall be inserted the following regulation-

(a) 1998 c.31; for the meaning of "regulations" *see* section 142(1).

(b) The functions of the Secretary of State were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) S.I. 2000/ 3027 (W.195).

"Y Polisi Rheoli Perfformiad

10.-(1) Erbyn 30 Tachwedd 2002, rhaid i'r corff llywodraethu sefydlu polisi ysgrifenedig ("y Polisi Rheoli Perfformiad") yn nodi sut mae gwerthuso athrawon ysgol i gael ei roi ar waith yn yr ysgol.

(2) Yn y rheoliad hwn, ystyr "gwerthuso athrawon ysgol" yw'r system o werthuso penaethiaid ac athrawon ysgol eraill a lywodraethir gan reoliadau a wneir o dan adran 49 o Ddeddf Addysg (Rhif 2) 1986(**a**) ("y Rheoliadau Gwerthuso").

(3) Os caiff ei gyfarwyddo gan y corff llywodraethu, rhaid i'r pennaeth lunio Polisi Rheoli Perfformiad.

(4) Rhaid i'r corff llywodraethu ystyried a mabwysiadu, gydag addasiadau neu hebddynt, neu wrthod, Polisi Rheoli Perfformiad a lunnir gan y pennaeth yn unol â pharagraff (3).

(5) Rhaid i'r corff llywodraethu adolygu'r Polisi Rheoli Perfformiad bob blwyddyn ysgol.

(6) Yn dilyn adolygiad o'r fath, os gwelant yn dda, bydd y corff llywodraethu'n diwygio'r Polisi Rheoli Perfformiad.

(7) Cyn sefydlu'r Polisi Rheoli Perfformiad yn unol â pharagraff (1), neu ei ddiwygio yn unol â pharagraff (6), rhaid i'r corff llywodraethu sicrhau yr ymgynghorir â phob athro ysgol yn yr ysgol.

(8) Os caiff ei gyfarwyddo gan y corff llywodraethu, rhaid i'r pennaeth ymgynghori â phob athro ysgol arall yn yr ysgol ynghylch llunio Polisi Rheoli Perfformiad neu ddiwygio Polisi Rheoli Perfformiad.

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

(10) Rhaid i'r corff llywodraethu drefnu bod copi o'r Polisi Rheoli Perfformiad ar gael i'w archwilio yn yr ysgol ar unrhyw adeg resymol -

(a) gan unrhyw athro ysgol a gyflogir yn yr ysgol;

(b) gan unrhyw berson sy'n ymwneud ag arolygu gweithredu'r system gwerthuso athrawon ysgol;

"The Performance Management Policy

10.-(1) The governing body shall, no later than 30th November 2002 establish a written policy ("the Performance Management Policy") setting out how school teacher appraisal at the school is to be implemented.

(2) In this regulation "school teacher appraisal" means the system of appraisal of head teachers and other school teachers governed by regulations made under section 49 of the Education (No.2) Act 1986(**a**) ("the Appraisal Regulations").

(3) If directed to do so by the governing body, the head teacher shall formulate a Performance Management Policy.

(4) The governing body shall consider and adopt, with or without modifications, or reject, a Performance Management Policy formulated by the head teacher in pursuance of paragraph (3).

(5) The governing body shall review the Performance Management Policy every school year.

(6) Following such review, the governing body shall, if they see fit, amend the Performance Management Policy.

(7) Before establishing the Performance Management Policy in accordance with paragraph (1), or amending it in accordance with paragraph (6), the governing body shall secure that all school teachers at the school are consulted.

(8) If directed to do so by the governing body, the head teacher shall consult all other school teachers at the school about the formulation of a Performance Management Policy or the amendment of the Performance Management Policy.

(9) The head teacher and the governing body shall implement the Performance Management Policy.

(10) The governing body shall make a copy of the Performance Management Policy available for inspection at the school at any reasonable time by-

(a) any school teacher employed at the school;

(b) any person involved in the inspection of the operation of the school teacher appraisal system;

(a) 1986 p.61. Diwygiwyd adran 49 gan baragraffau 36 a 101 o Atodlen 12 i Deddf Diwygio Addysg 1988 (p.40), gan baragraff 23 o Atodlen 8 i Ddeddf Addysg Bellach ac Uwch 1992 (p.13) a chan baragraff 14 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31). Rheoliadau Addysg (Gwerthuso Athrawon Ysgol) (Cymru) 1999, O.S.1999/2888 (Cy.25) oedd y rheoliadau a oedd mewn grym o dan adran 49 adeg gwneud y Rheoliadau hyn.

(a) 1986. c.61. Section 49 is amended by paragraphs 36 and 101 of Schedule 12 to the Education Reform Act 1988 (c.40), by paragraph 23 of Schedule 8 to the Further and Higher Education Act 1992 (c.13) and by paragraph 14 of Schedule 30 to the School Standards and Framework Act 1998 (c.31). The regulations in force under section 49 at the time of making these Regulations were the Education (School Teacher Appraisal) (Wales) Regulations 1999, S.I.1999/2888 (W.25).

(c) gan unrhyw werthuswr a benodir yn unol â'r Rheoliadau Gwerthuso.".

(c) any appraiser appointed in accordance with the Appraisal Regulations.".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**)

21 Mai 2002

21st May 2002

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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