



---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH  
STATUTORY INSTRUMENTS

---

**2009 Rhif 2159 (Cy.183)**

**2009 No. 2159 (W.183)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

Rheoliadau Gwerthuso Athrawon  
Ysgol (Diwygio) (Cymru)  
2009

The School Teacher Appraisal  
(Amendment) (Wales) Regulations  
2009

**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 yn diwygio Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002 (O.S. 2002 Rhif 1394 (Cy. 137)) ("Rheoliadau 2002").

These Regulations amend the School Teacher Appraisal (Wales) Regulations 2002 (S.I. 2002 No 1394 (W. 137)) ("the 2002 Regulations").

Mae'r Rheoliadau hyn yn dwyn o fewn cwmpas Rheoliadau 2002 werthuso perfformiad athrawon ysgol (gan gynnwys athrawon ysgolion meithrin) a gyflogir gan awdurdodau lleol am fwy nag un tymor ysgol ac athrawon a gyflogir gan awdurdodau lleol nad ydynt yn gysylltiedig ag ysgol benodol neu sy'n addysgu y tu allan i sefydliadau ysgol.

These Regulations bring within the scope of the 2002 Regulations the appraisal of the performance of school teachers (including nursery school teachers) who are employed by local authorities for more than one school term and teachers employed by local authorities who are not attached to one particular school or who teach outside school settings.

Bydd Rhan IV, sydd i'w mewnosod yn Rheoliadau 2002, yn darparu mai awdurdodau lleol fydd yn gyfrifol am werthuso perfformiad athrawon digyswllt. Caiff awdurdodau lleol ddirprwyo rhai o'u cyfrifoldebau i'r ysgol lle mae'r athro neu'r athrawes ddigyswllt yn treulio prif ran ei amser gwaith neu ei hamser gwaith, neu i berson arall addas. Caiff y rheini sy'n gyfrifol am werthuso athrawon digyswllt gael gwybodaeth o fannau eraill lle mae'r athro neu'r athrawes yn gweithio.

Part IV, to be inserted into the 2002 Regulations, will provide 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. Those responsible for appraising unattached teachers may obtain information from other places at which the teacher works.

Bydd yn ofynnol i awdurdodau lleol baratoi polisi rheoli perfformiad a pharhau i'w adolygu. Rhaid i amcanion ymwneud â datblygiad personol, a chynnydd disgyblion.

Local authorities will be required to prepare a performance management policy and keep it under review. Objectives must relate to personal development and pupil progress.

Y cylch gwerthuso ar gyfer athrawon a gyflogir ar gcontract cyfnod penodol o lai na blwyddyn fydd cyfnod y contract. Ar gyfer pob athro neu athrawes arall a ddygir o fewn cwmpas Rheoliadau 2002 y cylch gwerthuso fydd blwyddyn. Mae yna rai eithriadau ar gyfer y rheini sy'n dod i'r cylch gwerthuso am y tro cyntaf neu'r rheini sy'n newid swyddi yn ystod cylch gwerthuso.

The appraisal cycle for teachers employed under a fixed term contract of less than one year will be the length of the contract. For all other teachers brought within the scope of the 2002 Regulations, the appraisal cycle will be one year. There are some exceptions for those coming into the appraisal system for the first time or who change jobs during a cycle.

I bob athro neu athrawes ysgol sydd o fewn cwmpas Rheoliadau 2002, rhaid i'r adolygiad gwerthuso benderfynu a fu yna adolygiad llwyddiannus o berfformiad cyffredinol.

For all school teachers within the scope of the 2002 Regulations, the appraisal review must determine whether there has been a successful review of overall performance.

**2009 Rhif 2159 (Cy.183)**

**2009 No. 2159 (W.183)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Gwerthuso Athrawon  
Ysgol (Diwygio) (Cymru)  
2009**

**The School Teacher Appraisal  
(Amendment) (Wales) Regulations  
2009**

*Gwnaed* 4 Awst 2009  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 6 Awst 2009  
*Yn dod i rym* 1 Medi 2009

*Made* 4 August 2009  
*Laid before the National  
Assembly for Wales* 6 August 2009  
*Coming into force* 1 September 2009

Mae Gweinidogion Cymru drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 21(3), 131 a 210 o Ddeddf Addysg 2002(1) ac a freiniwyd bellach ynddynt hwy, yn gwneud y Rheoliadau canlynol.

The Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by sections 21(3), 131 and 210 of the Education Act 2002(1) and now vested in them make the following Regulations.

Yn unol ag adran 131(7) o'r Ddeddf honno mae Gweinidogion Cymru wedi ymgynghori â'r rhai o blith y canlynol a oedd yn ymddangos yn briodol yn eu tyb hwy: cymdeithasau o awdurdodau addysg lleol yng Nghymru; awdurdodau addysg lleol yng Nghymru; cyrff yn cynrychioli buddiannau cyrff llywodraethu yng Nghymru; a chyrff yn cynrychioli buddiannau athrawon yng Nghymru.

In accordance with section 131(7) of that Act the Welsh Ministers have consulted with such of the following as appeared to them to be appropriate: associations of local education authorities in Wales; local education authorities in Wales; bodies representing the interests of governing bodies in Wales; and bodies representing the interests of teachers in Wales.

**Enwi, Cychwyn a Chymhwyso**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwerthuso Athrawon Ysgol (Diwygio) (Cymru) 2009 a deuant i rym ar 1 Medi 2009.

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

**Title, Commencement and Application**

1.—(1) The title of these Regulations is the School Teacher Appraisal (Amendment) (Wales) Regulations 2009 and they come into force on 1 September 2009.

(2) These Regulations apply in relation to Wales.

---

(1) 2002 p.32; rhoddwyd i Gynulliad Cenedlaethol Cymru o dan Ddeddf Addysg 2002 a throsglwyddwyd 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).

## Dehongli

2.—(1) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall—

ystyr "Rheoliadau 2002" yw Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002(1).

(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 Rheoliadau 2002; a
- (b) at baragraff â rhif yn gyfeiriad at y paragraff sy'n dwyn y rhif hwnnw yn y rheoliad y mae'r gyfeiriad yn ymddangos ynddo.

## Diwygio Rheoliadau 2002

3. Diwygir Rheoliadau 2002 fel a ganlyn.

4.—(1) Yn rheoliad 3(1) mewnosoder y canlynol yn y manau priodol yn nhrefn yr wyddor—

"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 canlynol—

- (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;
- (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 ar gontract cyfnod byr;

ystyr "awdurdod" ("*authority*") mewn perthynas ag athro neu athrawes ddigyswllt yw'r awdurdod addysg 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;

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

ystyr "y dyddiad perthnasol" ("*relevant date*") yw 1 Medi 2009;

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

(2) Yn y diffiniad o "athro neu athrawes ysgol" ("*school teacher*") o linell 6 ymlaen, hepgorer "o dan gontract cyfnod penodol os yw'r cyfnod yn llai na blwyddyn" a mewnosoder "o dan gontract cyfnod byr".

## Interpretation

2.—(1) Except where the context otherwise requires, in these Regulations—

"2002 Regulations" means the School Teacher Appraisal (Wales) Regulations 2002(1).

(2) Any reference in these Regulations to—

- (a) a numbered regulation is a reference to the regulation bearing that number in the 2002 Regulations; and
- (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

## Amendment of the 2002 Regulations

3. The 2002 Regulations are amended as follows.

4.—(1) In regulation 3(1) insert the following at the appropriate places in alphabetical order—

""authority" ("*awdurdod*") in relation to an unattached teacher means the local education authority by which the teacher is employed and if employed by more than one authority then each such authority;

"relevant date" ("*y dyddiad perthnasol*") means 1 September 2009;

"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;

"short term contract" ("*contract cyfnod byr*") means a contract of employment for a fixed term of less than one school term;

"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;
- (b) a teacher employed to provide primary or secondary education otherwise than at a school;
- (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."

(2) In the definition of "school teacher" ("*athro neu athrawes ysgol*") from line 5 onwards omit "under a fixed term contract of employment the term of which is less than one year" and insert "under a short term contract".

5. Yn rheoliad 4 mewnosoder y canlynol ar ôl (2)—

"(3) Pan fo ysgol wedi'i phenodi yn werthuswr yn unol â rheoliad 36(2) mae'n ddyletswydd ar y corff llywodraethu a phennaeth yr ysgol honno i arfer eu swyddogaethau o dan y Rheoliadau hyn gyda golwg ar sicrhau bod perfformiad yr athro neu'r athrawes ddigyswllt dan sylw wrth gyflawni ei ddyletswyddau neu ei dyletswyddau yn yr ysgol ac mewn ysgolion eraill yn cael ei werthuso'n rheolaidd yn unol â'r Rheoliadau hyn.

(4) Mae'n ddyletswydd ar yr awdurdod i 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."

6. Yn rheoliad 15(1) hepgorer "ac" o linell 3 o (b) a mewnosoder y canlynol ar ddiwedd llinell 3 o (c)—

"; ac

(ch) penderfynu a fu yna adolygiad llwyddiannus o berfformiad cyffredinol."

7.—(1) Diwygier rheoliad 22 fel a ganlyn.

(2) Yn (2) llinell 2 mewnosoder cyn "(3)", "(2A)" a mewnosoder ar ôl (2)—

"(2A) Yn achos athro neu athrawes ysgol a gyflogir o dan contract cyflogaeth am gyfnod penodol o lai na blwyddyn, hyd y cylch gwerthuso yw cyfnod y cyfnod penodol."

(3) Mewnosoder y canlynol ar ôl (4)—

"(4A) Yn achos athro neu athrawes mewn ysgol feithrin 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 gynharach na 30 Ebrill 2010 nac yn ddiweddarach na 30 Medi 2010.

(4B) Yn achos athro neu athrawes ysgol a gyflogir o dan contract cyflogaeth am gyfnod penodol o lai na blwyddyn sydd yn ei swydd ar y dyddiad perthnasol, rhaid i'w berfformiad neu ei pherfformiad gael ei reoli drwy gydol y cyfnod sy'n weddill o'r contract megis ar y dyddiad perthnasol ac fe'i hadolygir ar ddiwedd y cyfnod penodol."

8.—(1) Yn rheoliad 29(1) hepgorer "ac" o linell 3 o (b) ac yn (c) ar ôl "hynny" mewnosoder—

"; ac

(ch) penderfynu a fu yna adolygiad llwyddiannus o berfformiad cyffredinol."

9. Mewnosoder y canlynol fel Rhan IV ar ôl rheoliad 33—

5. In regulation 4 insert the following after (2)—

"(3) Where a school is appointed as appraiser in accordance with regulation 36(2) it is the duty of the governing body and head teacher of that school to exercise their functions under these Regulations with a view to securing that the performance of the unattached teacher concerned 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."

6. In regulation 15(1) omit "and" from line 3 of (b) and insert the following at the end of line 2 of (c)—

"; and

(d) determining whether there has been a successful review of overall performance."

7.—(1) Regulation 22 is amended as follows.

(2) In (2) line 1 insert before "(3)", "(2A)" and insert after (2)—

"(2A) 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."

(3) Insert the following after (4)—

"(4A) In the case of a school teacher at a 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 sooner than 30 April 2010 and later than 30 September 2010.

(4B) In the case of a school teacher employed under a contract of employment for a fixed term of less than one year in post on the relevant date, his or her performance must be managed throughout the unexpired period of the contract as at the relevant date and reviewed at the end of the fixed term."

8.—(1) In regulation 29(1) omit "and" from line 3 of (b) and in (c) after "needs" insert—

"; and

(d) determining whether there has been a successful review of overall performance."

9. Insert the following as Part IV after regulation 33—

**GWERTHUSO ATHRAWON DIGYSWLLT**

**APPRAISAL OF UNATTACHED TEACHERS**

**Cymhwyso Rhan IV**

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

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

**Y gofyniad ar yr awdurdod i gynhyrchu polisi rheoli perfformiad**

**35.**—(1) Rhaid i'r awdurdod, a hynny heb fod yn ddiweddarach na 1 Tachwedd 2009, sefydlu polisi ysgrifenedig ("y polisi rheoli perfformiad") sy'n gosod sut mae gwerthuso athrawon digyswllt i gael ei weithredu.

(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 gwêl yn dda, ddiwygio'r polisi rheoli perfformiad.

(4) Cyn sefydlu neu cyn diwygio'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.

(5) Rhaid i'r awdurdod weithredu'r polisi rheoli perfformiad.

(6) Rhaid i'r awdurdod beri fod copi o'r polisi rheoli perfformiad ar gael i'w archwilio ar unrhyw adeg resymol gan:

- (a) unrhyw athro neu athrawes ddigyswllt;
- (b) unrhyw berson sy'n ymwneud ag arolygu gweithrediad y gyfundrefn o werthuso athrawon digyswllt;
- (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 o'r dyletswyddau a osodir ar werthuswr, neu'r cyfan ohonynt, i athro neu athrawes yn yr ysgol lle mae'r athro neu'r athrawes ddigyswllt yn treulio prif ran ei amser gwaith neu ei hamser gwaith, neu i berson arall

**Application of Part IV**

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

(2) In this Part IV "school" 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 no later than 1 November 2009 establish 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) 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 unattached teacher spends the predominant part of his or her working time or to such other person whom they consider best placed to

o'r fath ag y mae'r awdurdod yn ei ystyried sydd yn y sefyllfa orau i reoli ac adolygu perfformiad yr athro neu'r athrawes ddigyswllt.

(3) Caiff yr awdurdod benodi gwerthuswr newydd yn lle gwerthuswr presennol ar unrhyw adeg neu caiff wneud y 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 y cylch gwerthuso ar gyfer pob athro neu athrawes ddigyswllt a gyflogir ganddo.

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

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

(4) Yn achos cylch gwerthuso cyntaf athro neu athrawes ddigyswllt sydd heb fod yn ei swydd ar y dyddiad perthnasol o dan y Rheoliadau hyn, caiff yr awdurdod benderfynu bod 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 berfformiad yr athro hwnnw neu'r athrawes honno gael ei reoli drwy gyfnod y contract a chael ei adolygu ar ddiwedd y cyfnod hwnnw.

(6) Rhaid i'r awdurdod gymryd pob cam rhesymol i sicrhau fod y cylch gwerthuso cyntaf ar gyfer pob athro neu athrawes ddigyswllt sydd yn ei swydd ar y dyddiad perthnasol yn dechrau heb fod yn ddiweddarach na 31 Hydref 2010.

(7) Pan fyddant wedi dechrau, bydd y cylchoedd gwerthuso ar gyfer pob athro neu athrawes ddigyswllt yn barhaus.

(8) Ni fydd penodiad gwerthuswr newydd yn peri bod cylch gwerthuso athro neu athrawes ddigyswllt yn dechrau eto ac eithrio fel y dichon paragraff (9) ddarparu ar ei gyfer.

(9) Pan fydd athro neu athrawes ddigyswllt yn trosglwyddo i swydd newydd o fewn yr awdurdod wedi iddo ef neu hi fynd yn rhannol 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.

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, his or her performance must be managed throughout the term of the contract and reviewed at the end of that term.

(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 October 2010.

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

(8) The appointment of a new appraiser shall 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) Os yw rhai o ddyletswyddau'r awdurdod neu'r cyfan ohonynt mewn perthynas ag athro neu athrawes ddigyswllt wedi cael eu dirprwyo i athro neu athrawes yn yr ysgol yn unol â rheoliad 36(2) yna yn ddarostyngedig i reoliadau 39 i 41 caiff y gweithdrefnau ar gyfer gwerthuso'r athro neu'r athrawes ddigyswllt hwnnw neu 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 sy'n gorfod cynnwys amcanion ynghylch—

- (a) datblygu a gwella arferion proffesiynol yr athro neu'r athrawes ddigyswllt;
- (b) cynnydd y disgyblion.

(2) 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.

(3) 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 (2), a sylwadau ysgrifenedig yr athro neu'r athrawes ddigyswllt, gael eu cofnodi mewn datganiad amcanion ysgrifenedig.

(4) Rhaid i gopi o'r datganiad amcanion gael ei anfon i'r awdurdod (pan nad yr awdurdod yw'r gwerthuswr) ac i benaethiaid ysgolion lle mae'r athro neu'r athrawes ddigyswllt yn treulio rhan o'i amser gwaith neu ei hamser gwaith yn rheolaidd wrth gyflawni ei ddyletswyddau neu ei dyletswyddau.

### **Adolygu amcanion**

**40.**—(1) Caiff amcanion athro neu athrawes ddigyswllt gael eu hadolygu ar unrhyw adeg yn ystod y cylch gwerthuso os yw'r athro neu'r athrawes ddigyswllt a'r gwerthuswr yn cytuno.

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

- (a) rhaid diwygio'r datganiad amcanion i ddangos yr adolygiadau y cytunwyd arnynt;
- (b) darllener cyfeiriadau yn y Rheoliadau hyn at amcanion yr athro neu'r athrawes ddigyswllt fel cyfeiriadau at yr amcanion fel y'u hadolygyd; ac
- (c) darllener cyfeiriadau yn y Rheoliadau hyn at ddatganiad amcanion yr athro neu'r athrawes ddigyswllt fel cyfeiriadau at y datganiad amcanion fel y'i diwygiwyd.

(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 41 the procedures for the appraisal of that unattached teacher may 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 objectives which must include objectives relating to—

- (a) developing and improving the unattached teacher's professional practice;
- (b) pupil progress.

(2) 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.

(3) The objectives agreed under paragraph (1), or where objectives have not been agreed the objectives set out in writing under paragraph (2) and the unattached teacher's written comments, must be recorded in a written statement of objectives.

(4) A copy of the statement of objectives must be sent to the authority (where the appraiser is not the authority) and to the head teachers of schools at which the unattached teacher regularly spends part of their working time in the discharge of their duties.

### **Revising objectives**

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

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

- (a) the statement of objectives must be amended to show the agreed revisions;
- (b) references in these Regulations to the unattached teacher's objectives shall be read as references to the revised objectives; and
- (c) references in these Regulations to the unattached teacher's statement of objectives shall be read as references to the amended statement of objectives.



## 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(2).

(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 sydd naill ai wedi'u cytuno dan baragraff (1) neu 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 unwaith o leiaf yn ystod y cylch gwerthuso ar yr athro neu'r athrawes ddigyswllt wrth i'r athro neu'r athrawes ddigyswllt addysgu.
- (b) gofyniad bod y gwerthuswr yn ceisio gwybodaeth oddi wrth y rheini sydd â gwybodaeth broffesiynol berthnasol ynghylch 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 wrth gyflawni ei ddyletswyddau neu ei dyletswyddau.

(4) Yn ddarostyngedig i baragraffau (3) a (5) ni chaiff gwerthuswr gael gwybodaeth, p'un ai yn ysgrifenedig neu ar lafar, sy'n berthnasol i berfformiad yr athro neu'r athrawes ddigyswllt oddi wrth unrhyw berson arall oni bai bod yr athro neu'r athrawes ddigyswllt yn cytuno neu bod 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'w ddiwedd rhaid i'r gwerthuswr a'r athro neu'r athrawes ddigyswllt gynnal adolygiad gwerthuso, gyda'r bwriad—

- (a) o adolygu perfformiad yr athro neu'r athrawes ddigyswllt a nodi ei gyraeddiadau neu ei chyraeddiadau ac unrhyw agweddau lle byddai cynnydd pellach yn ddymunol;
- (b) o asesu i ba raddau y mae'r athro neu'r athrawes ddigyswllt wedi bodloni'r amcanion a gofnodwyd yn y datganiad amcanion;

## 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(2).

(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 in the discharge of his or her duties.

(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) reviewing the unattached teacher's performance and identifying his or her achievements and any aspects in which further progress would be desirable;
- (b) assessing the extent to which the unattached teacher has met the objectives recorded in the statement of objectives;

(c) o nodi unrhyw anghenion o ran hyfforddi a datblygu a ffyrdd o ddiwallu'r anghenion hynny; ac

(ch) o benderfynu a fu yna adolygiad llwyddiannus o berfformiad cyffredinol.

(2) Rhaid i'r dyddiad y mae adolygiad gwerthuso i gael ei gynnal arno gael ei benderfynu gan y gwerthuswr, ond rhaid rhoi o leiaf 10 niwrnod ysgol o rybudd (ysgrifenedig) i'r athro neu'r athrawes ddigyswllt am y dyddiad hwnnw.

(3) O leiaf bum niwrnod ysgol cyn yr adolygiad gwerthuso, caiff yr athro neu'r athrawes ddigyswllt, gyflwyno i'r gwerthuswr—

(a) asesiad yr athro neu'r athrawes ddigyswllt ei hunan o'i berfformiad neu o'i pherfformiad yn erbyn yr amcanion a gofnodwyd yn y datganiad amcanion;

(b) manylion unrhyw hyfforddiant y mae'r athro neu'r athrawes ddigyswllt yn credu y byddai'n ddymunol ei gael o ystyried yr asesiad hwnnw; ac

(c) manylion unrhyw ffactorau y mae'r athro neu'r athrawes ddigyswllt yn credu eu bod wedi effeithio ar ei berfformiad neu ei pherfformiad yn erbyn yr amcanion a gofnodwyd;

a rhaid i unrhyw asesiad o'r fath a gwybodaeth arall a gyflwynir i'r gwerthuswr o dan y paragraff hwn gael eu hystyried yn yr adolygiad gwerthuso.

(4) Cyn pen 10 niwrnod 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) Gall 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 niwrnod ysgol ar ôl yr adolygiad gwerthuso.

(7) Caiff yr athro neu'r athrawes ddigyswllt, cyn pen 10 niwrnod ysgol ar ôl cael copi o'r datganiad hwnnw, ychwanegu ei sylwadau ysgrifenedig ato, a rhaid i'r sylwadau hynny fod 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 i 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 wrth gyflawni ei ddyletswyddau neu ei dyletswyddau.

(c) identifying any training and developmental needs and ways of meeting such needs; and

(d) determining whether there has been a successful review of overall performance.

(2) The date on which an appraisal review is to be held must 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 may, at least five school days before the appraisal review, submit to the appraiser—

(a) the unattached teacher's own assessment of his or her performance against the objectives recorded in the statement of objectives;

(b) particulars of any training which the unattached teacher considers it would be desirable to receive having regard to that assessment; and

(c) particulars of any factors which the unattached teacher considers affected his or her performance against the recorded objectives;

and any such assessment and other information submitted to the appraiser under this paragraph 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 shall 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 his or her comments in writing, and such comments shall 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 his or her working time in the discharge of his or her duties.

(9) Os mai'r awdurdod yw'r gwerthuswr, rhaid i'r awdurdod anfon copi o'r datganiad gwerthuso i 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 wrth gyflawni ei ddyletswyddau neu ei dyletswyddau.

## Apelau

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

(2) Pan fydd y gwerthuswr yn athro neu'n athrawes yn yr ysgol bydd darpariaethau rheoliad 30(2) i (12) yn gymwys, ond y bydd cyfeirio yn y paragraffau hynny at ddatganiad gwerthuso yn gyfeiriadau at ddatganiad baratowyd o dan reoliad 42(4) gan gynnwys at ddibenion rheoliadau 31 a 32 unrhyw sylwadau a ychwanegwyd gan swyddog apelau o dan baragraff (6)(a) o reoliad 30.

(3) Os mai'r awdurdod yw'r gwerthuswr gwneuer unrhyw apêl yn ysgrifenedig i'r awdurdod yn unol â'r gweithdrefnau apêl sy'n gymwys i'r holl staff ac eithrio fel a ddichon fod yn anghyson â'r rheoliad hwn.

(4) Rhaid i'r swyddog apêl gynnal a chwblhau adolygiad o'r gwerthusiad cyn pen 10 niwrnod ysgol ar ôl cael y datganiad gwerthuso o dan reoliad 44(2)(b) a rhaid iddo gymryd unrhyw sylwadau a gyflwynwyd 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 i werthuswr newydd gael ei benodi 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 adolygu perfformiad yr athro neu'r athrawes ddigyswllt.

(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 his or her working time in the discharge of his or her duties.

## Appeals

**43.**—(1) An unattached teacher is entitled to appeal against his or her 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) shall apply, save that reference in those paragraphs to an appraisal statement shall 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 shall 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 his or her 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) Rhaid cwblhau pob gweithdrefn werthuso y penderfynir ei hailadrodd o dan baragraff (7) cyn pen 15 niwrnod ysgol ar ôl dyddiad gorchymyn y swyddog apêl o dan baragraff (5)(c).

(9) Ni chaiff y swyddog apêl—

- (a) penderfynu bod amcanion newydd i gael eu cytuno neu eu pennu; na
- (b) penderfynu bod yr amcanion y cytunwyd arnynt neu a bennwyd o dan reoliad 39 i gael eu hadolygu.

(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 wrth gyflawni ei ddyletswyddau neu ei dyletswyddau;
- (b) i'r awdurdod.

(2) Rhaid i'r awdurdod drefnu bod y datganiad gwerthuso ar gael os gwneir cais amdano:

- (a) i'r gwerthuswr;
- (b) i unrhyw swyddog apêl ac unrhyw gynghorydd allanol sy'n rhoi cymorth i'r swyddog apêl cyn pen pum niwrnod ysgol ar ôl i'r awdurdod gael hysbysiad apêl o dan reoliad 43, ac mae'n rhaid rhoi iddynt hefyd gopi o'r datganiad amcanion;
- (c) i'r 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) Rhaid i'r awdurdod ddarparu 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 hyfforddi a datblygu 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 wrth gyflawni ei ddyletswyddau neu ei dyletswyddau.

(4) 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.

(5) Rhaid i ddatganiad gwerthuso athro neu athrawes ddigyswllt gael ei gadw gan yr awdurdod am o leiaf

(8) 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 (5)(c).

(9) The appeals officer may not—

- (a) determine that new objectives be agreed or set; or
- (b) determine that the objectives agreed or set under regulation 39 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 the appraisal statement to:

- (a) the head teacher at every school at which the unattached teacher regularly spends part of his or her working time in the discharge of his or her duties;
- (b) the authority.

(2) The authority must make the appraisal statement available upon request to:

- (a) the appraiser;
- (b) any appeals officer and any external adviser assisting the 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;
- (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) 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 his or her working time in the discharge of his or her duties.

(4) 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.

(5) An unattached teacher's appraisal statement must be kept by the authority until at least three years after

dair blynedd ar ôl i'r datganiad gwerthuso nesaf gael ei gwblhau.

### Gwybodaeth a ddaw o ddatganiadau gwerthuso

45.—(1) Gall gwybodaeth berthnasol a ddaw 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 chyflog.

(2) Rhaid i weithdrefnau gwerthuso beidio â bod yn rhan o unrhyw weithdrefnau disgyblu neu ddiswyddo."

### Diwygiadau i Reoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000

11.—(1) Diwygir Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000(1) fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) yn y diffiniad o "athro neu athrawes ysgol" yn lle "dim mwy na dwy ysgol" rhodder "un ysgol"; yn lle "gontract cyfnod penodol os yw'r cyfnod yn llai na blwyddyn" rhodder "gontract cyfnod byr";

(b) yn y man priodol yn nhrefn yr wyddor mewnosoder—

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

(c) yn y man priodol yn nhrefn yr wyddor mewnosoder—

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

(3) Yn rheoliad 2(2) yn (a) hepgorer "a" ac ar ôl "ysgol feithrin a gynhelir" yn (b) mewnosoder—

"; ac

(c) bydd athrawon ysgol yn rheoliad 10 yn cynnwys cyfeiriadau at unrhyw athrawon digyswllt fel y'u diffinnir yn Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002 y mae'r pennaeth neu athro neu athrawes ysgol arall yn yr ysgol honno am y tro yn werthuswr ar eu cyfer yn unol â rheoliad 36 o'r Rheoliadau hynny."

(4) Dileer paragraff (11) o reoliad 10.

the next appraisal statement has been finalised.

### 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 must not form part of any disciplinary or dismissal procedures."

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

11.—(1) The School Government (Terms of Reference) (Wales) Regulations 2000(1) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of "school teacher" delete "no more than two schools" and substitute "one school"; delete "fixed term contract of employment the term of which is less than one year" and substitute "short term contract";

(b) after the definition of "school teacher" insert—

""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;"

(c) after the definition of "school year" insert—

""short term contract" ("*contract cyfnod byr*") means a contract of employment for a fixed term of less than one school term;"

(3) In regulation 2(2)(a) omit "and" and after "a maintained nursery school" in (b) insert—

"; and

(c) school teachers in regulation 10 shall include references to any unattached teachers as defined in the School Teacher Appraisal (Wales) Regulations 2002 for which the head teacher or other school teacher at that school is for the time being the appraiser in accordance with regulation 36 of those Regulations."

(4) Delete paragraph (11) from regulation 10.

(1) O.S. 2000/3027 (Cy. 195) fel y'i diwygiwyd.

(1) S.I. 2000/3027 (W. 195) as amended.

*Jane Hutt*

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

4 Awst 2009

4 August 2009

---

©© Hawlfraint y Goron 2009

---

© Crown copyright 2009

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

---

OFFERYNNAU STATUDOL  
CYMRU

---

**2009 Rhif 2159 (Cy.183)**

**ADDYSG, CYMRU**

Rheoliadau Gwerthuso Athrawon  
Ysgol (Diwygio) (Cymru)  
2009

---

WELSH  
STATUTORY INSTRUMENTS

---

**2009 No. 2159 (W.183)**

**EDUCATION, WALES**

The School Teacher Appraisal  
(Amendment) (Wales) Regulations  
2009