

SCHEDULE 4

IMPLEMENTATION OF PROPOSALS TO CHANGE CATEGORY OF SCHOOL

PART 2

TRANSFER OF STAFF

Change to voluntary aided school

- 3 (1) This paragraph applies where a community or voluntary controlled school changes category to become a voluntary aided school.
- (2) The contract of employment between P and the local authority has effect from the implementation date as if originally made between P and the governing body.
- (3) All the local authority's rights, powers, duties and liabilities under or in connection with the contract of employment are transferred to the governing body on the implementation date.
- (4) Anything done before that date by or in relation to the local authority in connection with that contract or P is to be treated from that date as having been done by or in relation to the governing body.
- (5) In this paragraph, "P" is a person who—
- (a) immediately before the implementation date is employed by the local authority to work solely at the school in question, or
 - (b) before the implementation date, is appointed by the local authority to work at the school as from the implementation date or a later date.
- (6) But a reference to "P" does not include—
- (a) a person whose contract of employment terminates on the day immediately preceding the implementation date, or
 - (b) a person employed by the local authority to work at the school solely in connection with the provision of meals.
- (7) This paragraph does not affect any right of an employee to terminate the contract if (apart from the change of employer) a substantial change is made to the employee's detriment in the employee's working conditions.