

SCHEDULES

SCHEDULE 6

Section 116

REPEAL OF REQUIREMENT TO APPOINT CHILDREN’S RIGHTS DIRECTOR: TRANSFER SCHEMES

Staff transfer schemes

- 1 (1) The Secretary of State may make a scheme (a “staff transfer scheme”) providing for designated members of staff of the Office for Standards in Education, Children’s Services and Skills (“the Office”) to become members of the Children’s Commissioner’s staff.
- (2) A staff transfer scheme may provide—
 - (a) for the terms and conditions of service of a member of staff of the Office to have effect (subject to any necessary modifications) as the terms and conditions of service as a member of the Children’s Commissioner’s staff;
 - (b) for the transfer to the Children’s Commissioner of the rights, powers, duties and liabilities of the Office under or in connection with the contract of employment of the member of staff;
 - (c) for anything done (or having effect as if done) before that transfer by or in relation to the Office in respect of such a contract or the member of staff to be treated as having been done by or in relation to the Children’s Commissioner.
- (3) A staff transfer scheme may provide for a period before a person became a member of the Children’s Commissioner’s staff to count as a period during which he or she was a member of the Commissioner’s staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
- (4) A staff transfer scheme may provide for a person who would be treated (by an Act or otherwise) as being dismissed by the operation of the scheme not to be so treated.
- (5) A staff transfer scheme may provide for a person who is a member of staff of the Office not to become a member of the Children’s Commissioner’s staff if the person gives notice objecting to the operation of the scheme in relation to him or her.

Property transfer schemes

- 2 (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer to the Children’s Commissioner of designated property, rights or liabilities of the Office.
- (2) A property transfer scheme may—
 - (a) create rights, or impose liabilities, in relation to property or rights transferred by virtue of the scheme;
 - (b) provide for anything done by or in relation to the Office in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the Children’s Commissioner;

- (c) apportion property, rights and liabilities;
 - (d) make provision about the continuation of legal proceedings.
- (3) The things that may be transferred by a property transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.

The Chief Inspector

- 3 In the following provisions of this Schedule, a reference to the Office includes a reference to the Chief Inspector—
- (a) paragraph 1(2)(b) (to the extent that the Chief Inspector has rights, powers, duties or liabilities under or in connection with the contract of employment of a member of staff of the Office);
 - (b) paragraph 1(2)(c) (to the extent that anything has been done (or has effect as if done) by or in relation to the Chief Inspector in respect of such a contract or member of staff before a transfer);
 - (c) paragraph 2(1) (to the extent that the Chief Inspector has property, rights or liabilities);
 - (d) paragraph 2(2)(b) (to the extent that anything has been done by or in relation to the Chief Inspector in respect of any property, rights or liabilities transferred by a property transfer scheme).

Continuity

- 4 A transfer by virtue of a staff transfer scheme or a property transfer scheme does not affect the validity of anything done by or in relation to the Office or the Chief Inspector before the transfer takes effect.

Supplementary provisions

- 5 A staff transfer scheme or a property transfer scheme may include supplementary, incidental, transitional and consequential provision.

Interpretation

- 6 In this Schedule—
- “the Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
 - “designated”, in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;
 - “the Office” has the meaning given in paragraph 1(1).