

SCHEDULES

SCHEDULE 5

TRANSFER OF STAFF, PROPERTY ETC.

Transfer of staff

- 2 On the commencement date each relevant employee transfers to and becomes a member of the staff of the Ombudsman.
- 3 The contract of employment of a relevant employee transferred under paragraph 2—
 - (a) is not terminated by the transfer;
 - (b) has effect on and after the commencement date as if originally made between the employee and the Ombudsman.
- 4 Accordingly—
 - (a) all rights, powers, duties and liabilities of the relevant existing authority under or in connection with the contract of employment are transferred to the Ombudsman on the commencement date;
 - (b) anything done before that date by or in relation to the relevant existing authority in respect of that contract or the relevant employee is to be treated on and after that date as having been done by or in relation to the Ombudsman.
- 5 But if a relevant employee informs the relevant existing authority or the Ombudsman before the commencement date that he objects to the transfer—
 - (a) paragraphs 2 to 4 do not apply; and
 - (b) the contract of employment is terminated immediately before the commencement date but the relevant employee is not to be treated, for any purpose, as having been dismissed by the relevant existing authority.
- 6 Paragraph 5 does not affect any right of a relevant employee to terminate his contract of employment if (apart from the change of employer) a substantial change is made to his detriment in his working conditions.

Changes to legislation:

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Transfer of staff.