

Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, Cross Heading: Staff transfer schemes. (See end of Document for details)

SCHEDULES

SCHEDULE 17 **E+W**

ABOLITION OF THE YPLA: TRANSFER SCHEMES

Staff transfer schemes

- 1 The Secretary of State may make a scheme (a “staff transfer scheme”) providing for designated employees of the YPLA—
- (a) to become members of staff of the Secretary of State (and accordingly to become employed in the civil service of the state), or
 - (b) to be transferred to a permitted transferee.

Commencement Information

II Sch. 17 para. 1 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 2 (1) This paragraph applies where a staff transfer scheme provides for an employee of the YPLA to become a member of staff of the Secretary of State.
- (2) The staff transfer scheme may provide—
- (a) so far as may be consistent with employment in the civil service of the state, for the terms and conditions of the employee's employment with the YPLA to have effect as if they were the conditions of service as a member of the Secretary of State's staff;
 - (b) for the transfer to the Secretary of State of the rights, powers, duties and liabilities of the YPLA under or in connection with the employee's contract of employment;
 - (c) for anything done (or having effect as if done) before that transfer by or in relation to the YPLA in respect of such a contract or the employee to be treated as having been done by or in relation to the Secretary of State.
- (3) The staff transfer scheme may provide for a period before the employee became a member of the Secretary of State's staff to count as a period during which the employee was a member of the Secretary of State's staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
- (4) The staff transfer scheme may provide for the employee not to become a member of the Secretary of State's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.
- (5) The staff transfer scheme may provide for a person who would be treated (by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.
- (6) The staff transfer scheme may provide for an employee of the YPLA to become a member of the Secretary of State's staff despite any provision, of whatever nature,

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which would otherwise prevent the person from being employed in the civil service of the state.

Commencement Information

I2 Sch. 17 para. 2 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 3 (1) This paragraph applies where a staff transfer scheme provides for the transfer of an employee of the YPLA to a permitted transferee.
- (2) The staff transfer scheme may provide—
- (a) for the employee's contract of employment to have effect (subject to any necessary modifications)—
 - (i) as if originally made between the employee and the permitted transferee, or
 - (ii) as the conditions of service as a member of the permitted transferee's staff;
 - (b) for the transfer to the permitted transferee of the rights, powers, duties and liabilities of the YPLA under or in connection with the employee's contract of employment;
 - (c) for anything done (or having effect as if done) before that transfer by or in relation to the YPLA in respect of such a contract or the employee to be treated as having been done by or in relation to the permitted transferee.
- (3) The staff transfer scheme may provide for a period before the employee became a member of the permitted transferee's staff to count as a period during which the employee was a member of the permitted transferee's staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
- (4) The staff transfer scheme may provide for the employee not to become a member of the permitted transferee's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.
- (5) The staff transfer scheme may provide for any person who would be treated (by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.
- (6) The staff transfer scheme may provide for the transfer of an employee of the YPLA to a permitted transferee despite any provision, of whatever nature, which would otherwise prevent the employee from being so transferred.

Commencement Information

I3 Sch. 17 para. 3 in force at 1.4.2012 by S.I. 2012/924, art. 2

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