

Cessation as an approved institution

3. It having appeared to the Secretary of State that in consequence of the establishment of community homes in Planning Area No. 10 that the school is no longer required he hereby orders that it shall cease to be an approved institution as from the specified date.

Safeguarding of interests

4.—(1) A protected person shall, until he is served with a statement in writing referring to this order and specifying new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those he enjoyed immediately before the specified date.

(2) Any new terms and conditions of employment contained in such a statement as aforesaid shall be such that—

(a) so long as the person is engaged in duties reasonably comparable to those in which he was engaged immediately before the specified date, the scale of his salary or remuneration; and

(b) the other terms and conditions of his employment, shall not be less favourable than those he enjoyed immediately before the specified date.

(3) Any question whether duties are reasonably comparable or whether terms and conditions of employment are less favourable as mentioned in paragraph (2) of this article shall where necessary be determined by the tribunal.

(4) A written statement given in accordance with section 4(1) of the Contracts of Employment Act 1972(a) shall not be regarded as a statement of new terms and conditions of employment for the purposes of this article unless the statement so indicates; and such a statement for the purposes of this article shall draw the attention of the person concerned to his right to have any question as to comparability of duties or terms and conditions of employment determined in accordance with the preceding paragraph and give him the address to which the reference of any such questions for determination should be sent.

(5) For the purposes of this article any reference to terms and conditions of employment includes a reference to any restriction, arising under any Act or any instrument made under any Act, on the termination of the employment of any person.

(6) Any determination made by the tribunal as provided under paragraph (3) of this article shall be made in accordance with the Industrial Tribunals (Industrial Relations, etc.) Regulations 1972(b), and this order, and in respect of any hearing of the tribunal for purposes of any such determination a person or persons may be appointed to sit with the tribunal as assessor or assessors.

(7) Any determination of the tribunal as mentioned in paragraph (6) of this article shall, subject to any modification that may be required in consequence of any appeal from that determination on a point of law, be given effect to by the Council.

Superannuation

5. Where immediately before the specified date the Council are paying to

(a) 1972 c.53.

(b) S.I. 1972/38(1972 I, p. 91).

a person who ceased to be employed at or in connection with the school an allowance to supplement a pension payable to that person under the Home Office Superannuation Scheme the Council shall pay to that person such additional amounts as may from time to time be calculated in accordance with and by reference to increases under the Pensions (Increase) Act 1971(a) or any enactment repealed by it.

Signed by authority of the Secretary of State for Social Services.

M. G. Russell,
Assistant Secretary,
Department of Health and Social Security.

27th March 1973.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for the cessation as an approved institution of the Cotswold Community 1973 approved school and for the protection of the interests of the staff and certain pensioners of the school after the school becomes a community home.

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