
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART VI

INTEGRATED EDUCATION

CHAPTER III

CONTROLLED INTEGRATED SCHOOLS

Transfer of property and staff

Transfer of staff

96.—(1) Subject to paragraph (2), this Article applies to any person who immediately before the proposed date of implementation in relation to a controlled integrated school which is then a voluntary school,—

- (a) is employed by the Board of Governors of the school; or
- (b) is employed by the Council for Catholic Maintained Schools to work solely at the school.

(2) This Article does not apply to—

- (a) any person employed as mentioned in paragraph (1)(a) or (b) whose contract of employment terminates on the day immediately preceding the proposed date of implementation;
- (b) any person employed as mentioned in paragraph (1)(b) who before that date has been—
 - (i) appointed or assigned by the Council for Catholic Maintained Schools to work solely at another school as from that date; or
 - (ii) withdrawn from work at the school with effect as from that date.

(3) A person who before the proposed date of implementation has been appointed or assigned by the Council for Catholic Maintained Schools to work at the school as from that date shall be treated for the purposes of this Article as if he had been employed by the Council immediately before that date to do such work at the school as he would have been required to do on or after that date under his contract of employment with the Council.

(4) References below in this Article to the former employer are references—

- (a) in relation to a person to whom this Article applies by virtue of paragraph (1)(a), to the Board of Governors of the school immediately before the proposed date of implementation; and
- (b) in relation to a person to whom this Article applies by virtue of paragraph (1)(b), to the Council for Catholic Maintained Schools.

(5) The contract of employment between a person to whom this Article applies and the former employer shall have effect from the proposed date of implementation as if originally made between him and the relevant board.

(6) Without prejudice to paragraph (5)—

- (a) all the former employer's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of this Article be transferred to the relevant board on the proposed date of implementation; and
- (b) anything done before that date by or in relation to the former employer in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to that board.

(7) Paragraphs (5) and (6) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this Article.