

*These notes refer to the Care Standards Act 2000
(c.14) which received Royal Assent on 20 July 2000*

CARE STANDARDS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part IX and Schedules 4, 5 and 6: General and Supplemental

Chapter I: General

Section 115 Effect of schemes

279. This section provides that all staff transfers made under the Act will reflect the [Transfer of Undertakings \(Protection of Employment\) Regulations 1981 \(SI 1981 No 1794\)](#) (TUPE) principle, that staff transferred will do so on their existing terms and conditions. In addition, the new bodies may make provision for occupational pensions and compensation for loss of employment. It is intended that staff who transfer will continue to have pension provision through their existing schemes.
280. *Subsection (1)* provides that under a scheme an employee's existing contract of employment would not be terminated, but would transfer to the new employer and be treated as having effect from the date it was originally made.
281. *Subsections (3) and (4)* provide that an employee may object to transferring to a new employer, and that their contract of employment can be terminated before the date of transfer. This would not be treated as a dismissal.
282. *Subsection (5)* provides that these arrangements will not affect the right of an employee to terminate his or her contract if their working conditions were to suffer a significant change which was to their detriment.