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**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)

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## SCHEDULES

### SCHEDULE 9

#### ABOLITION OF THE QCDA: TRANSFER SCHEMES

##### *Staff transfer schemes*

- 1 (1) The Secretary of State may make a scheme (a “staff transfer scheme”) providing—
- (a) for a designated employee of the QCDA to become a member of staff of Ofqual or the Secretary of State (“the Crown employer”) (and accordingly to become employed in the civil service of the state);
  - (b) 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 QCDA to have effect as if they were the conditions of service as a member of the Crown employer's staff;
  - (c) for the transfer to the Crown employer of the rights, powers, duties and liabilities of the QCDA under or in connection with the employee's contract of employment;
  - (d) for anything done (or having effect as if done) before that transfer by or in relation to the QCDA in respect of such a contract or the employee to be treated as having been done by or in relation to the Crown employer.
- (2) A staff transfer scheme may provide for a period before the employee became a member of the Crown employer's staff to count as a period during which the employee was a member of the Crown employer's staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
- (3) A staff transfer scheme may provide for the employee not to become a member of the Crown employer's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.
- (4) A 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.
- (5) A staff transfer scheme may provide for an employee of the QCDA to become a member of the Crown employer's staff despite any provision, of whatever nature, which would otherwise prevent the person from being employed in the civil service of the state.

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#### **Commencement Information**

**II** Sch. 9 para. 1 in force at 1.4.2012 by S.I. 2012/924, art. 2 (with arts. 4, 5)

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