

SCHEDULE 4

IMPLEMENTATION OF PROPOSALS TO CHANGE CATEGORY OF SCHOOL

PART 2

TRANSFER OF STAFF

Change to voluntary aided school

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- (1) This paragraph applies where a community or voluntary controlled school changes category to become a voluntary aided school.
 - (2) The contract of employment between P and the local authority has effect from the implementation date as if originally made between P and the governing body.
 - (3) All the local authority's rights, powers, duties and liabilities under or in connection with the contract of employment are transferred to the governing body on the implementation date.
 - (4) Anything done before that date by or in relation to the local authority in connection with that contract or P is to be treated from that date as having been done by or in relation to the governing body.
 - (5) In this paragraph, "P" is a person who—
 - (a) immediately before the implementation date is employed by the local authority to work solely at the school in question, or
 - (b) before the implementation date, is appointed by the local authority to work at the school as from the implementation date or a later date.
 - (6) But a reference to "P" does not include—
 - (a) a person whose contract of employment terminates on the day immediately preceding the implementation date, or
 - (b) a person employed by the local authority to work at the school solely in connection with the provision of meals.
 - (7) This paragraph does not affect any right of an employee to terminate the contract if (apart from the change of employer) a substantial change is made to the employee's detriment in the employee's working conditions.

Change to community or voluntary controlled school

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- (1) This paragraph applies where a foundation or voluntary aided school changes category to become a community or voluntary controlled school.
 - (2) The contract of employment between P and the governing body has effect from the implementation date as if originally made between P and the local authority.
 - (3) All the governing body's rights, powers, duties and liabilities under or in connection with the contract of employment are transferred to the local authority on the implementation date.

- (4) Anything done before that date by or in relation to the governing body in connection with that contract or P is to be treated from that date as having been done by or in relation to the local authority.
- (5) In this paragraph, “P” is a person who—
 - (a) immediately before the implementation date is employed by the governing body to work at the school in question, or
 - (b) before the implementation date, is appointed by the governing body to work at the school as from the implementation date or a later date.
- (6) But “P” does not include a person whose contract of employment terminates on the day immediately preceding the implementation date.
- (7) This paragraph does not affect any right of an employee to terminate the contract if (apart from the change of employer) a substantial change is made to the employee’s detriment in the employee’s working conditions.

Change to voluntary aided school with a religious character

- 5 (1) This paragraph applies where a voluntary controlled school or a foundation school with a religious character changes category to become a voluntary aided school with a religious character.
- (2) Sub-paragraph (3) applies if, immediately before the implementation date, a teacher at the voluntary controlled school or foundation school enjoys rights conferred by section 59(2) to (4) of the School Standards and Framework Act 1998 by virtue of section 60(2) of that Act.
- (3) That teacher is to continue to enjoy those rights while employed as a teacher at the voluntary aided school.