



Standards in Scotland's Schools etc. Act 2000

2000 asp 6

Ending of self-governing status of schools

19 Transfer of staff of self-governing school

- (1) This subsection and subsections (2) to (4) below apply to any person who, immediately before the date specified in an order under section 17 of this Act as respects a self-governing school, is employed by the board of management of the school.
- (2) The contract of employment between the person and the board shall have effect from that date as if originally made between the person and the education authority which is to manage the school.
- (3) Without prejudice to subsection (2) above—
 - (a) all the board's rights, powers, duties and liabilities under or in connection with the contract shall by virtue of this paragraph transfer to the authority on that date; and
 - (b) anything done before that date by or in relation to the board in respect of that contract or of the employee shall be deemed as from that date to have been done by or in relation to the authority.
- (4) Subsections (2) and (3) above are without prejudice to any right of the person to terminate the contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but such change shall not be taken to have occurred by reason only of the fact that the employer is changed by virtue of section 17(3)(b) of this Act.
- (5) Where a person—
 - (a) has, prior to the date so specified, entered into a contract of employment with the board of management of the school and that contract is to come into effect on or after that date; and
 - (b) would, if the contract had come into effect before that date, have been a person to whom subsections (1) to (4) above apply,the person shall be treated as one to whom those subsections do apply.