

SCHEDULE 7

TRANSFER OF STAFF, PROPERTY AND LIABILITIES AND UNDETERMINED COMPLAINTS

Transfer of staff of existing Commissioners and Scottish Homes

- 2 (1) On the date on which this schedule comes into force, each person who was, immediately before that date—
- (a) employed as an officer or member of staff of an existing Commissioner, or
 - (b) an employee of Scottish Homes assigned to assist the HAOS in the exercise of the functions of the HAOS,
- transfers to and becomes a member of the staff of the Ombudsman.
- (2) The contract of employment of such a person—
- (a) is not terminated by the transfer, and
 - (b) has effect from the date of transfer as if originally made between that person and the Ombudsman.
- (3) Without prejudice to sub-paragraph (2), where a person becomes a member of the staff of the Ombudsman under sub-paragraph (1)—
- (a) all the rights, powers, duties and liabilities of the transferor under or in connection with that person’s contract of employment are by virtue of this sub-paragraph transferred to the Ombudsman on the date on which this schedule comes into force, and
 - (b) anything done before that date by or in relation to the transferor in respect of that contract of employment or that person is to be treated from that date as having been done by, or in relation to, the Ombudsman.
- (4) This paragraph does not prejudice any right of any person to terminate that person’s contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but such a change is not to be taken to have occurred by reason only that the identity of that person’s employer changes by virtue of this paragraph.
- (5) In this paragraph, “transferor” in relation to a person who is transferred to the Ombudsman by virtue of sub-paragraph (1), means (as the case may be)—
- (a) the existing Commissioner from whom that person is so transferred, or
 - (b) Scottish Homes, where that person is so transferred from Scottish Homes.