



# Children Act 2004

## 2004 CHAPTER 31

### PART 4

#### ADVISORY AND SUPPORT SERVICES FOR FAMILY PROCEEDINGS

##### *Transfers*

#### **43 Transfer of staff from CAFCASS to Assembly**

- (1) For the purpose of the exercise of functions conferred on the Assembly by or under this Part, the Assembly and the Secretary of State may jointly by order make one or more schemes for the transfer of employees of CAFCASS to the Assembly.
- (2) A scheme under this section may apply—
  - (a) to any description of employees of CAFCASS;
  - (b) to any individual employee of CAFCASS.
- (3) A contract of employment of an employee transferred under a scheme under this section—
  - (a) is not terminated by the transfer; and
  - (b) has effect from the date of the transfer under the scheme as if originally made between the employee and the Assembly.
- (4) Where an employee is so transferred—
  - (a) all the rights, powers, duties and liabilities of CAFCASS under or in connection with the contract of employment are by virtue of this subsection transferred to the Assembly on the date of the transfer under the scheme; and
  - (b) anything done before that date by or in relation to CAFCASS in respect of that contract or the employee is to be treated from that date as having been done by or in relation to the Assembly.

This subsection does not prejudice the generality of subsection (3).

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*Status: Point in time view as at 20/03/2015.*

**Changes to legislation:** *There are currently no known outstanding effects for the Children Act 2004, Section 43. (See end of Document for details)*

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- (5) But if the employee informs the Assembly or CAFCASS that he objects to the transfer—
- (a) subsections (3) and (4) do not apply; and
  - (b) his contract of employment is terminated immediately before the date of transfer but the employee is not to be treated, for any reason, as having been dismissed by CAFCASS.
- (6) This section does not prejudice any right of an employee to terminate his contract of employment if (apart from the change of employer) a substantial change is made to his detriment in his working conditions.
- (7) A scheme may be made under this section only if any requirements about consultation prescribed in regulations made by the Secretary of State and the Assembly jointly have been complied with in relation to each of the employees of CAFCASS to be transferred under the scheme.
- (8) In this section “CAFCASS” has the same meaning as in section 42.

**Status:**

Point in time view as at 20/03/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Children Act 2004, Section 43.