



**GAUTENG PROVINCE**  
EDUCATION  
REPUBLIC OF SOUTH AFRICA

## **GDE HUMAN RESOURCE TRANSFER POLICY**

<b>Policy Administrator</b>	Directorate: Recruitment and Selection
<b>Date of approval</b>	12/03/2020
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**1. TITLE OF THE POLICY**

GDE Human Resource Transfer Policy

**2. EFFECTIVE DATE**

The implementation of this policy shall be effective from the first day of the second month following the date of approval by the HoD.

**3. DATE OF NEXT REVIEW**

This policy may be reviewed when there is a change in the relevant legislative or policy framework; and or after every three years when deemed necessary.

**4. REVISION HISTORY**

As amended on:
26 September 2016
20 January 2020

**5. PREAMBLE**

5.1 The employees of any organisation are regarded as most valuable assets. In order to improve operational effectiveness and ensure that the Department achieves its objectives, employees can be transferred to any office or school. In addition to this, employees may also have personal challenges that necessitates them to request transfers, thus the Department makes a provision in terms of this policy that they shall also be allowed to request a transfer to any office or school in the Department, and or across Government Departments.

5.2 It is within that context that the Department intends to ensure the implementation of a transfer policy that put in place procedurally fair mechanisms that covers the following aspects:

5.2.1. Horizontal transfers or Concomitant transfers;

5.2.3. Inter-provincial transfers; and

5.2.4. Inter-Governmental Transfers.

## **6. PURPOSE AND OBJECTIVES OF THE POLICY**

### **6.1. Purpose**

The purpose of this policy is to:

- (a) provide conditions and procedures through which employees appointed in terms of Public Service Act, 1994 (as amended) and Employment of Educators Act, 1998 (Act No. 76 of 1998), (as amended) may be transferred within and outside the Department; and
- (b) ensure that all employees who requested transfers or who are to be transferred are not disadvantaged or unfairly prejudiced as a result of the transfer processes.

### **6.2. Objectives**

The objectives of this policy are to:

- (a) grant employees with opportunities for personal development and growth through skills transfer where needed, and
- (b) Provide conditions and procedures for management of transfer applications.

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## 7. DEFINITION OF TERMS AND ACRONYMS

### 7.1. Definition of Terms

7.1.1	Cross-Transfer	is a horizontal movement by two permanent government employees within the province or across the province or the Department who are on the same post class or post level or salary level.
7.1.2	Competency	means the combination of knowledge, skills, behaviour and aptitude that a person can apply in the work environment, which indicates a person's ability to meet the requirements of a specific post.
7.1.3	Department	means Gauteng Department of Education
7.1.4	Departments	for the purposes of this policy means transfer between the GDE and any other Governments Department or state organ.
7.1.5	Employee	means a person appointed in the posts on the establishment of the Gauteng Department of Education and constitutes staff employed in terms of the Employment of Educators Act and those employed in terms of the Public Service Act. (This definition shall also include those employees appointed additional on the establishment of the Department).
7.1.6	Head of Department	means the administrative Head of the Gauteng Department of Education.
7.1.7	Horizontal or Concomitant Transfers	means lateral movement of an employee from one post to another post
7.1.8	Inter Departmental or inter Provincial Transfers	means a transfer between government departments
7.1.9	Manager	refers to Deputy Director or equivalent rank or equal graded posts within components or directorates or offices or schools.
7.1.10	Offices	means District or Head Offices.
7.1.11	Senior Manager	refers to an individual person occupying a post on salary level 13 and above.
7.1.12	Single - Transfer	refers to a horizontal movement by a permanent government employee within the province, or within the department or office or institutions, or across the provinces or between institutions.

## **7.2. Acronyms**

7.2.1	CES	Chief Education Specialist
7.2.2	CV	Curriculum Vitae
7.2.3	DCES	Deputy Chief Education Specialist
7.2.4	GDE	Gauteng Department of Education
7.2.5	HoD	Head of Department
7.2.6	HRP	Human Resource Provisioning
7.2.7	PL1	Post Level 1
7.2.8	PL2	Post Level 2
7.2.9	PS	Public Servant
7.2.10	PSA	Public Service Act
7.2.11	SES	Senior Education Specialist
7.2.12	SGB	School Government Body

## **8. APPLICATION AND SCOPE OF THE POLICY**

This policy applies to all employees or educators appointed on the approved post establishment of the Department and to the prospective employees requesting a transfer to the Department.

## **9. LEGISLATIVE FRAMEWORK**

- 9.1. The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), as amended.
- 9.2. National Education Policy Act, 1996 (Act No.27 of 1996), as amended.
- 9.3. South African Schools Act, 1996 (Act No.84 of 1996) as amended.
- 9.4. Employment of Educators Act, 1998 (Act No. 76 of 1998), as amended.
- 9.5. The South African Council of Educators Act, 2000 (Act No.31 of 2000), as amended.
- 9.6. Employment Equity Act, 1998 (Act No. 55 of 1998), as amended.
- 9.7. Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended.
- 9.8. Public Service Regulations, 2016 (GN No. R877 of Government Gazette No. 40167).
- 9.9. Labour Relations Act, 1995 (Act No. 66 of 1995), as amended.
- 9.10. Education Labour Relations Council, Collective Agreement 2 of 2003 and or Applicable PSCBC Resolutions.

## **10. RELEVANT POLICIES AND CIRCULARS**

- 10.1. GDE Recruitment and Selection Policy
- 10.2. GDE Employment Equity Policy
- 10.3. GDE Employee Health and Wellness Programme Management Policy
- 10.4. Guide on Transformation and Restructuring (1/10/1 dated 13 June 2006, DPSA).

## **11. POLICY STATEMENT**

### **11.1. Principles**

**The following principles shall apply to all requests for transfers:**

- (a) employees shall not be favoured or prejudiced when considering applications for transfer;
- (b) all applications for transfer will be considered on the basis of merit due to operational requirements of the Department, and after carefully considering the applicant's personal circumstances;
- (c) no employee shall be transferred to a post unless he or she meets the minimum requirements of the post;
- (d) transfer application should be in a form of a letter, signed by the applicant;
- (e) employees appointed on a fixed term contract shall not be allowed to apply for a transfer;
- (f) the Department shall be responsible for resettlement costs relating to the employer initiated transfers;
- (g) the employee who requested a single or cross-transfer will incur all costs for relocation; and
- (h) a transfer must not be used to move staff on the basis of personal preference or prejudice or filling a vacant post through recruitment processes.

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## **11.2. Conditions and Procedures for Transfers**

- (a) An employee that intends to request for a transfer should, in the first instance, discuss his or her intention with their supervisor and the receiving Senior Manager to identify possible transfer opportunities.
- (b) The Senior Manager/ Principal and SGB shall upon receipt of the transfer application letter from the employee, prepare and sign a letter to recommend or decline the transfer application.
- (c) The transfers for educators or PS employees may only be considered after ensuring that there are no additional educators or PS employees to the post establishment.
- (d) The transfer application shall not be considered or approved if there are bursary holder graduates on the GDE register where consideration for appointment will need be made.
- (e) Employees that are additional to the approved post establishment of the institution or departmental office and those from the merged schools are only eligible to apply for a single transfer.
- (f) A single transfer may only be implemented where a permanent vacant position exists, and the receiving Senior Manager or Principal and SGB agrees to fill the vacancy by transfer. This provision is only applicable to PS posts that are below salary level 7.
- (g) An employee shall only be transferred if, the Department has obtained employee formal consent for transfer initiated by the employer or when the Department has ensured that due consideration of any representation by the employee, has been provided.
- (h) The school-based educator must meet the needs of the school in which they intend to apply for a single or cross transfer.



- (i) A transfer shall be effective only after the applicant has received **an official authorization or approval from relevant delegated authority.**
- (j) Inter-provincial transfers must be signed off by both the HoD's of the releasing and receiving Departments or relevant delegated authorities from both Departments.
- (k) The approved application of the Interprovincial transfer must be submitted through a letter of release on a departmental letterhead.
- (l) Notwithstanding, the provision in clause 11.3 (m), the Inter - Provincial Transfers to the Department for school educators offering scarce skills subjects shall be considered.
- (m) Employees who are on probation shall not qualify for a single transfer unless if the transfer is initiated by the employer. The HRP units in the District or the Directorate: Recruitment and Selection shall verify the status of employment before processing the transfer request.
- (n) Employees or educators transferred by the employer while on probation shall continue serving the probation period.
- (o) If the transfer application has been declined and the applicant is not satisfied by the outcome, such applicant may lodge a grievance to Directorate: Dispute Management.
- (p) All internal transfers' requests must be finalised within two months after an employee has submitted his or her applications.

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- (q) Notwithstanding the provision on paragraph 11.3 (n), the school based educators on promotional post who due to certain circumstances need to deviate from the provision that they are not allowed to apply for a transfer, must submit their deviation requests or submissions for recommendation to the following for approval:
- (i) In the case of the Departmental Head at a particular school and the Deputy Principal who are on Post Levels 2 and 3, the application for a transfer should be recommended by the school principal and the SGB.
  - (ii) In case of the school Principal, the application should be recommended by the Cluster Leader in consultation with Circuit Manager and the District Director. The cluster leader must inform the Circuit Manager and the District Director in writing before making a recommendation.
- (r) Employees appointed in terms of the Public Service Act on salary level 2 to 6 who apply for a single transfer must be on the same rank or post or salary level to the vacant position.
- (s) The single transfer to PS posts on salary level 7 and above shall not be allowed except transferring outside the department.
- (t) The cross transfer of employees or educators who meet the requirements and competencies of the post shall be allowed only if both the releasing and receiving managers recommends the application or requests for approval by the HoD or relevant delegated authority.
- (u) The receiving or releasing office will be informed of the outcome of the application as follows: -
- (i) in the case of employees in the District by the HRP units, and
  - (ii) in the case of employees at Head Office by the Directorate: Recruitment and Selection.

- (v) An educator shall not be allowed to transfer to the posts in the PS post. However, in extraordinary circumstances, the Head of the Department may deviate from this provision based on the affected educator agreeing to accept the change in the employment conditions and conditions of service.

### **11.3. General Provision Regarding Transfer.**

- (a) Any unofficial transfers that are discovered by the Department will result in disciplinary processes being instituted against the responsible employees. The Department will not be held responsible for any unpaid salaries due to the unofficial transfers.
- (b) Employees shall be required to serve a notice period in line with the applicable policy frameworks, or a lesser period as agreed with the relevant supervisors.
- (c) A comprehensive CV and original certified copies of obtained qualifications or academic transcripts. Moreover, transfer applicants are expected to submit all required documents in terms of the checklist herein attached as **Annexure A**. In a case of an educator, subjects offered must be clearly indicated in the CV. An employee transferring from any other Government Department shall be required to submit proof regarding the nature of their appointment or signed service record to the Department.
- (d) A Deputy Principal may be transferred to a concomitant post in the District Office, subject to the approval of the HoD.

- (e) In order to minimize disruption in teaching and learning in schools, cross transfers of educators may only be implemented at the beginning of each school term, unless compelling reasons dictate otherwise. Educators are encouraged to submit their request for transfers at least two months before the commencement of the new term.
- (f) SES educators appointed in offices are regarded as entry level and therefore can apply for a single or cross transfer if they meet the requirements of the affected post.
- (g) An educator, the Departmental Head of a particular school and the Principal cannot be transferred to any post in the District Office due to the fact that there is no concomitant post equivalent to their post level. The ELRC Collective Agreement 4 of 2003 and Collective Agreement 1 of 2008 makes similar differentiation on post structure of educators, and thus this policy provision.
- (h) The employee considered for transfer to improve office operational effectiveness must possess the necessary competencies unless additional on the post establishment.
- (i) No employee shall be transferred to the post higher than their current salary level.
- (j) Employees appointed in terms of the Public Service Act on salary levels 2 to 6 must be on the equivalent post or salary level with the post they intend to apply for transfer. However, if employees so request to be transferred to a lower level post, it shall be approved based on them agreeing to the demotion from their current salary level to the lower level post. This clause shall be implemented to ensure that the salary commensurate with the job weight of the lower level post.

- (k) Employees transferring to lower level posts shall be paid on the maximum notch applicable to the salary scale of lower level posts. It must be noted that an employee who requested a transfer to a lower post shall not be entitled to a pay progression, unless such a transfer is initiated by the employer.
- (l) The Inter-provincial transfers shall for purposes of salary payment be implemented on the first day of the month irrespective of the opening day of school.
- (m) The approval of educator initiated, transfers will be suspended during the implementation of the schools' post establishments, to ensure a smooth, objective, and transparent process in the management of the post establishments.
- (n) The school-based educators on promotional post level 2-4, and the office-based educators on post level 5 which is Deputy Chief Education Specialist (DCES) and post level 6 which is Chief Education Specialist (CES) are not allowed to take transfer.

#### **11.4. Transfer Applications for School Based Educators on Post Level 1.**

The transfer applications of school-based educators on post level 1 shall be managed as follows:

- (a) The school principal and SGB shall after informing the Departmental Head recommend the transfer application of school-based educator on post level 1.
- (b) The approval shall be made by the Head of Department and or relevant delegated authority.

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**11.5. Application for Single or Cross Transfer by School – Based and Office - Based Employees.**

- (a) The transfer applications should be submitted to the following offices.
  - (i) In the case of school and office-based employees in the District, the applications must be submitted to the District THRS for delivery to Head Office.
  - (i) In the case office-based employees at Head Office, the applications must be submitted to the Directorate: Recruitment and Selection.
- (b) The office-based employees are required to submit for recommendation and approval all the relevant documentations prescribed in terms of the checklist.
- (c) All transfer requests must be submitted to the Directorate: Recruitment & Selection for facilitation.

**12. ROLES AND RESPONSIBILITIES**

**12.1. The Directorate: Recruitment and Selection or HRP in the District Office.**

- (a) The Directorate: Recruitment and Selection or HRP Unit at the District Office shall maintain a database and a list of vacant posts into which transfers could be made.
- (b) The Directorate: Recruitment and Selection shall prepare a submission for approval by the HoD or delegated authority.
- (c) The Directorate: Recruitment and Selection shall in writing provide a feedback letter regarding the approval or disapproval of transfer application.

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#### 12.2. The Supervisor.

- (a) The supervisors or managers should consider the operational requirements of the Department prior to releasing the employee who initiated the transfer.
- (b) The supervisor must consider employee's personal circumstances in determining the decision for approval or disapproval of the employee initiated transfer.


#### 12.3. The Employee

The employee(s) requesting a single or cross transfer must, in consultation with the Directorate: Recruitment and Selection at Head Office or HRP Unit in the Districts identify a substantive vacant and concomitant post into which a transfer may be implemented.

#### 13. SHORT TITLE

This policy shall be called the GDE Human Resource Transfer Policy

#### 14. DATE OF APPROVAL

Approved by GDE: (HOD)Print Name:	
Signature:	
Date of Approval	12/3/2020