



Ministry of Education, Heritage & Arts

TEACHER TRANSFER POLICY

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1.0 POLICY OBJECTIVE

- 1.1 This document details the policy and procedures for the management of Teacher and School Post Holder transfers within the Ministry of Education, Heritage and Arts.
- 1.2 This policy and these procedures cover transfers that are initiated by the MEHA and transfers requested by a Teacher or a School Post Holder.

2.0 POLICY

2.1 Fairness and Equity

- 2.1.1 The Ministry is committed to managing Employee transfers in a fair and equitable manner and this policy and procedures will improve transparency and accountability in the management of the process and improve fairness for all Employees.

2.2 Teacher transfer through Swap arrangement

- 2.2.1 Transfers through swap arrangement are initiated by the Teachers concerned and not the Ministry.
- 2.2.2 The Heads of School must ensure the following requirements are met before endorsing transfer requests initiated through a swap:
 - i. Secondary Subject combinations are met;
 - ii. Primary conversational needs are met.
- 2.2.3 Swapping on an acting position is not allowed.

2.3 Teacher Transfers

- 2.3.1 All Teacher transfers initiated during the annual transfer cycle will be effective from the beginning of a new academic year.
- 2.3.2 Teacher transfers may be effected under the following circumstances:
 - 2.3.2.1 To meet Ministry requirements, including ensuring appropriate staffing levels of Schools, or meeting subject area requirements; or
 - 2.3.2.2 At a Teacher's request, to meet personal circumstances or due to the completion of serving 3 years in a school;
 - 2.3.2.3 After serving 3 consecutive years (1 tours) in the same school.
- 2.3.3 The Teacher transferee should seek clearance from their School Head to ensure there are no outstanding debts or other obligations before a transfer application may be initiated.

- 2.3.4 The School Head of the receiving School shall require the Teacher transferee to present all his/her relevant transfer documents.
- 2.3.5 Teachers will be eligible for relocation expenses and transfer allowance if they have served three years or more in a current school.
- 2.3.6 The approval of the transfer will be endorsed by Permanent Secretary, MEHA upon the advice of the Human Resource Department of the Ministry.

2.4 **School Post Holder Transfers**

- 2.4.1 School Post Holders are appointed to a specific position and, on applying for, accepting appointment or promotion to these positions, the applicant also accepts the location placement. The Ministry may transfer a School Post Holder if the band of the School changes, in accordance with the approved School Classification Guideline.
- 2.4.2 School Post Holder may request a transfer. Transfers will be approved only if a suitable vacant position is available and the decision to transfer the Employee does not compromise the Ministry's commitment to fairness, equity and compliance with the Open Merit Recruitment and Selection Guidelines.
- 2.4.3 School Post Holders may not be transferred if their last performance assessment is less than 70% of the planned work completed and/or some tasks require supervision and training appropriate to the level of the position or if there have been allegations of any discipline issues since their last assessment, in accordance with the Discipline Guideline.
- 2.4.4 Where there is no suitable position for a substantive School Post Holder to be transferred to at their current salary band, that person will only be transferred if another suitable but not necessarily similar Teacher position becomes available and he/she relinquishes their School Post Holder position and the associated salary band in writing. In this situation, the School Post Holder will then be placed on the salary band relevant to this level position. Under such circumstances, the person is now appointed as a Teacher and can only return to a School Post Holder position by applying for a vacancy through the Open Merit Recruitment and Selection process.

2.5 **Priorities for Transfer**

- 2.5.1 The Ministry has determined that transfer requests will be considered in the priority order outlined below.

2.5.1.1 Priority 1 - MEHA Initiated Transfer to Meet Ministry's Needs

- 2.5.1.1.1 The Ministry may, at any time, determine that an Employee needs to be transferred to another School to meet the Ministry's workforce needs.

This includes to meet the need for Teachers in remote areas. Examples of this may include:

- i. Where the number of Employees required at a School needs to be reduced to align with student roll;
- ii. Surplus Teacher will be identified and redeployed within the same district to fill a vacancy or will be utilized to temporarily relieve until a full time vacancy is identified;
- iii. Upon completion of 2 Tours, the Ministry may transfer Teacher as per need;
- iv. As a result of temporary School closure for health and safety reasons;
- v. Where another School needs specialist skills or experience offered by a Teacher;
- vi. Where a large number of new graduates are appointed at a School and a number of experienced Teachers are required to provide effective mentoring; and/or
- vii. Where issues of personal conflict in the School have not been resolved after an appropriate level of intervention by the Human Resources Department. However, personal conflict in this case does NOT refer to any allegations related to child abuse or sexual harassment where children and staff members may be at risk.

2.5.1.2 Priority 2 - Employee Initiated Emergency Transfer

2.5.1.2.1 An Employee may request an emergency transfer at any time where an emergency situation has arisen for which the Employee is able to provide evidence to substantiate the need for an immediate transfer to another location. This may include situations such as:

- i. Domestic violence, where the matter has been reported to the police and where the police have provided written advice of the risk to the Teacher related to domestic violence or if a domestic violence restriction order (DVRO) has been issued;
- ii. Significant illness of the Employee, his/her spouse or life partner or his/her dependent child, where extended medical treatment (more than 6 months) is required in a specific location. Written advice from the treating doctor of this requirement must be provided; or

- iii. Where it becomes unsafe for the Employee to continue to live in the posting location for any reason for which satisfactory evidence is provided.

2.5.1.2.2 These transfers will only be approved for genuine emergency situations and persons applying for a transfer in this category must provide written evidence with their completed Transfer Request Form.

2.5.1.2.3 Where no suitable vacancy is available for the Employee to be transferred to and the situation warrants it, the Employee may request a period of leave without pay to leave their current location.

2.5.1.3 Priority 3 - Employee Initiated Transfer upon Completion of three (3) years in the Current Location

2.5.1.3.1 A Teacher who has completed three years in the current location and wishes to be transferred will be considered for transfer for the start of a new School year where the Teacher:

- i. Has achieved a minimum of 70% in their most recent performance assessment;
- ii. Has no outstanding performance or disciplinary matters; and considering the nature of the case;
- iii. There is a suitable vacancy at the location requested.

2.5.1.3.2 Where a number of Teachers have applied for transfer, the Teachers who have completed the longest periods at their current School will be given priority for transfer. Teachers in very remote locations will be considered first for transfer, followed by Teachers in other locations.

2.5.1.4 Priority 4 - Employee Initiated Compassionate Transfer

2.5.1.4.1 A compassionate transfer will be considered where the Teacher provides evidence to substantiate the need for a transfer to another location to meet personal circumstances. Compassionate transfers will be effected for the start of a new School year, or if this is not possible, then at the start of a new School term.

2.5.1.4.2 Any Teacher requesting a transfer on compassionate grounds must provide documented evidence of the requirement. This may include situations such as:

- i. A Teacher whose spouse/partner/dependent children live in another location to which the Teacher cannot reasonably travel each day;

- ii. Either of the spouses is working on the mainland and makes it difficult to join the spouse teaching at remote or maritime School;
- iii. A death in the Teacher's immediate family (spouse, parents, parent-in-law, a child, or a sibling) with an explanation provided which requires a transfer in terms of family support or a change in caregiving obligations or family responsibilities due to the death;
- iv. Illness of the Teacher's parents which requires the Teacher to relocate to provide ongoing care and assistance; or
- v. Other circumstances which may require consideration on compassionate grounds.

2.5.1.5 Priority 5 - Employee Initiated Transfer (Other Circumstances)

2.5.1.5.1 A Teacher who wishes to request a transfer but does not meet the requirements of the above priorities may request a transfer for the following School year providing a justification for their request. The transfer will only be considered where the Teacher:

- i. Has achieved a minimum of 70% in their most recent performance assessment;
- ii. Has no outstanding performance or disciplinary matters depending on the nature of the case;
- iii. Where it is consistent with the Ministry's workforce needs;
- iv. There is a suitable vacancy at the location requested.

2.6 Transfer Timing

2.6.1 To the extent possible, Employee transfers will be effected for the start of a new School year in time for the Employee to be there for the student-free days. This is important in minimizing disruption for students and School planning.

2.6.2 Where a transfer cannot be delayed until the start of a new School year the transfer will be effected at the start of a School term. Unless emergency circumstances exist, transfers will not occur during a School term.

2.6.3 To ensure stability and continuity in education service delivery at each School, Employee transfers for a School year will be limited to the following percentages, where possible:

2.6.3.1 Large School - no more than 10% of Employees transferred in/out in a year;

- 2.6.3.2 Medium School- no more than 15% of Employees transferred in/out in a year;
- 2.6.3.3 Small School (4 or more Teachers) - no more than 25% of Employees transferred in/out in a year;
- 2.6.3.4 Small School (Less than 4 Teachers) - no more than 1 Employee transferred in/out in a year.

2.7 Minimum Service in a Location

- 2.7.1 Other than in exceptional circumstances or eligible swap arrangements, Employees requesting a transfer will not be considered for a transfer unless they have completed at least three (3) years in their current posted location.
- 2.7.2 Recently appointed Teachers should be advised, that they will be required to complete at least three years in the posted location before they can be considered for a transfer.

2.8 Performance and Discipline

- 2.8.1 Employees who have not achieved a minimum rating of 70% in their last performance assessment will not be transferred on request.
- 2.8.2 Employees with unresolved performance or disciplinary matters may not be approved for a transfer until the matter is resolved or unless the School Head supports the transfer request. The performance or disciplinary matter should have an approved outcome by the Permanent Secretary before a transfer can be considered, based on nature of the case.
- 2.8.3 Ministry managers must deal with staff management issues in a timely manner according to the Performance Management Framework.

2.9 Transfers and Contract Periods

- 2.9.1 An Employee who has a contract for less than three (3) years cannot be approved for transfer other than a Priority 1, 2 or 4 transfer and/or eligible swap.
- 2.9.2 An Employee who is aged over 52 years can only request a transfer to their planned retirement location, or to another location due to emergency circumstances.

2.10 Availability of Housing

- 2.10.1 In some remote and rural locations housing is provided but at Schools committees discretion. In these situations, housing arrangements are a matter for the School Management Committee and are not MEHA's responsibility.

2.11 Employee Personal Relationships

2.11.1 Wherever possible, transfers should not result in any conflict of interest where he/she reports to his/her spouse/partner or vice versa. If this is to occur, approval must be first sought from the Permanent Secretary with ongoing monitoring by the District.

2.12 Relocation Expenses and Transfer Allowance

2.12.1 In accordance with Clause 2.3.5 above, Teachers will be eligible for allowances under following conditions;

- i. **Relocation Expenses and Transfer Allowance:** have served three (3) years or more in a current School and the movement will cause change of residence;
- ii. **Relocation Expenses:** transfers under priority 1 where movement will cause change of residence;
- iii. **Relocation Expenses on Acting Appointment:** transfer on acting appointment under Priority 1 for three (3) months or more and the movement will cause change of residence;

2.12.2 Subject to Clause 2.12.1 (i) above, where the Officer and his spouse are both Teachers, on transfer, only one (1) set of transfer allowance will be paid.

2.12.3 As per the General Orders Clause 507 any Teacher who is transferred as a result of the transfer of a spouse who is a non-Public Officer and who has received a transfer allowance or equivalent shall not be paid transfer allowance and relocation expenses.

2.13 Requests for a Review of a Transfer Request

2.13.1 Employees who are dissatisfied with the outcome of a request for a transfer may lodge a request for a review of the decision by the Permanent Secretary, MEHA.

2.14 Requests for Withdrawal of a Transfer Request

2.14.1 Employees who wish to withdraw transfer request need to notify Human Resource Department in writing with justification no later than 2 weeks after the closure of annual transfer cycle.

2.14.2 Transfer planning and matching takes a significant amount of time. Any amendments to the details provided by Employee in the transfer application form needs to be notified to Human Resource Department in writing with justification no later than 2 weeks after the closure of annual transfer cycle.

3.0 BACKGROUND

Transfers initiated by an Employee is considered voluntary transfers. Employees may choose to be transferred for a variety of reasons, including but not limited to: the desire to work closer to home, personality conflicts with an administrator or other staff member; the opportunity to be evaluated by a different administrator; or avoiding an involuntary transfer to another school

The Ministry's Teacher transfer guidelines are to assist Employees, School Heads and MEHA's HR Department in relation to the Teacher transfer system.

3.1 Rationale

Employee transfers need to be managed in the context of the Ministry's workforce planning, meeting the current and future needs of School communities, and providing stability and predictability for the students, parents, and School management. Where possible, the personal needs of Employees are also considered.

4.0 DEFINITIONS

4.1 1 Tour means serving in a School for three (3) consecutive years.

4.2 HR refers to Human Resource

4.3 Employee means only persons engaged as Teachers and School Post Holders as defined in this policy.

4.4 MEHA is the Ministry of Education, Heritage and Arts.

4.5 MEHA Staff includes any personnel employed by the Ministry of Education, Heritage and Arts under a contract of service.

4.6 Relocation means the change of location of an Employee's residence as a result of a change of work location.

4.7 School is a facility registered/recognised as a School with/by the MEHA.

4.8 School Head is a person employed as a School Head in a School.

4.9 School Post Holder means a person appointed as a Principal, Head Teacher, a Vice Principal, Assistant Principal, Assistant Head Teacher or Head of Department.

4.10 Swap Arrangement is an exchange between two Teachers teaching at two different Schools.

4.11 Teacher is any person employed as a Teacher in a School.

- 4.12 Transfer means movement to a position at the same level in a different School, and may require the relocation of the Teacher's or School post holder's residence.
- 4.13 Vacancy means a post which becomes vacant as a result of resignation, retirement, death, termination and may be a temporary vacancy as a result of a transfer or maternity leave. The post must be on the formal establishment.

5.0 RELEVANT LEGISLATIONS AND AUTHORITIES

- 5.1 General Orders, Public Service Commission, 2011 Edition
- 5.2 Civil Service (General) Regulations 1999

6.0 PROCEDURES

6.1 Requesting a Transfer

- 6.1.1 An Employee may request a transfer by submitting a Transfer Request Form, completing all Departments of the form, and providing evidence where appropriate to support the request for transfer.
- 6.1.2 The completed form should be submitted to the School Head for endorsement prior to sending the form, with relevant evidence, to the District Education Office for recommendation who will then forward the transfer request form to the Establishment and Workforce Planning Unit, HR Department, MEHA. If the Employee requesting a transfer is the School Head, then the completed Transfer Request Form is to be sent to the Senior Education Advisor in the District for endorsement and recommendation.
- 6.1.3 All Teacher transfer applications must reach the District Education Office within the Annual Transfer Window. The District Education Office will complete all recommendations and submit the Transfer Request Form to the Establishment & Workforce Planning Unit – HR within the first week after the closure of the Annual Transfer Window.
- 6.1.4 Where the requested transfer will require the Employee to relocate residence, the Employee should refer to Clause 2.12 above, for relocation expenses eligibilities.

6.2 Timeframe for Employee Transfers

- 6.2.1 Priority 1 transfers may be effected at any time by the MEHA where it is deemed essential for effective management of the workforce.

6.2.2 Priority 2 transfers may be requested at any time, noting that these transfers relate to emergency circumstances which cannot be predicted, and an immediate move of the Employee may be required.

6.2.3 For all other transfers, an Annual Transfer Cycle (ATC) is used to guide the process with the following indicative timeframes:

Time	Activity
End of Annual Transfer Cycle	Teachers may request a transfer for the next year by submitting the Transfer Request Form and having it endorsed as required
First two months after the closure of the Annual Transfer Cycle	Teacher transfer requests are collated, the position establishment is verified to confirm available vacancies, a list of recommended transfers is prepared with appropriate justification and including financial costs associated with transfers. Transfers not recommended will also be included with reasons the transfer is not recommended.
Third month after the closure of the Annual Transfer Cycle	The Teacher Transfer List is submitted for approval of the Permanent Secretary and endorsement by the Honourable Minister.
	Contract variations confirming approved transfers are prepared and sent to Teachers, with advice to Heads of Schools confirming staff changes for the next School year.

6.2.4 The timing of this process will ensure that remaining vacancies are confirmed by the end of the academic year, such that new teaching contracts from the Classroom Teacher Recruitment process can be finalized in November each year and contracts provided well before the start of the new School year.

6.3 Consultation and Approval - Priority 1 Transfers

6.3.1 Situations may arise where the Ministry needs to transfer an Employee from one School to another to meet the Ministry's workforce needs and educational service delivery requirements.

6.3.2 Where it is determined that School staffing needs have changed and one or more Teachers need to be transferred from a School, all Employees at the School will be first offered the opportunity to volunteer to be transferred to another School.

6.3.3 If no Employee/s at the School volunteer for a transfer, then all Employees at the School will be asked to provide written explanation of their reasons not to be transferred. In secondary Schools where Teachers have specific teaching subjects, then only those Teachers who are teaching subjects where the needs have changed will be offered the opportunity to transfer or will be asked to provide written explanations on why they should not be transferred.

6.3.4 The School Head will discuss the reasons submitted with the Head of HR who will make a recommendation to the Permanent Secretary, MEHA on which Employees will be transferred.

- 6.3.5 The HR Department will identify possible existing vacancies to accommodate the transfer. The HR Department will contact the Employee, through their School Head, to confirm the proposed transfer.
- 6.3.6 If the placement is agreed, the approval of the Permanent Secretary, MEHA and the endorsement of the Honourable Minister will be sought.
- 6.3.7 Where the Employee accepts the transfer and the transfer is approved, this will be confirmed in writing and the Employee will be provided with a contract variation which must be signed and returned.
- 6.3.8 Where an Employee does not want to be transferred under Priority 1 and a valid reason has not been established, the ministry will give one-month notice to comply with the transfer or appropriate disciplinary action may be taken under failure to follow lawful and reasonable instructions from the Permanent Secretary, MEHA following a full investigation.

6.4 Consultation and Approval - Priority 2 Transfers

- 6.4.1 Where an Employee has requested a transfer due to emergency circumstances, the HR Department will consult the Heads of School of the current and intended Schools and the District Education Office in relation to the proposed change.
- 6.4.2 The HR Department will contact the Employee to discuss available vacancies and to determine if a suitable placement can be offered.
- 6.4.3 If a suitable placement can be agreed, the approval of the Permanent Secretary, MEHA and endorsement of the Honourable Minister will be sought.
- 6.4.4 Where a placement can be made and it is approved and the Employee accepts the transfer, this will be confirmed through a contract variation which must be signed and returned.
- 6.4.5 An Employee being transferred due to emergency circumstances should be moved as soon as practicable and noting the individual circumstances of the situation.

6.5 Consultation and Approval - All Other Transfers

- 6.5.1 All Employee transfer requests made for the Annual Transfer Cycle will be collated by the HR Department and prioritized in accordance with the priorities specified in this policy and procedures.
- 6.5.2 When all requests have been reviewed, a list of recommended and not recommended transfers will be prepared by the HR Department based on available vacancies and submitted for approval by the Permanent Secretary, MEHA and endorsement by the Honourable Minister.
- 6.5.3 Where a transfer has been approved, this will be confirmed in writing and the Employee will be provided with a contract variation confirming the transfer which must be signed and returned.

6.5.4 An Employee being transferred as part of the Annual Transfer Cycle will be required to move over the end of year School break and all transferred Employees must be at their new School to commence for the student-free days at the start of the new School year.

6.5.5 An Employee who has been offered and has accepted a transfer must move in accordance with the approved arrangements.

6.6 Advice of Confirmed Transfers to Affected Schools

6.6.1 Where a transfer has been approved, a copy of the contract variation confirming the transfer will be sent to the School Head of both the Employee's current and approved new School and the District Education Office.

6.7 Relocation Expenses and Transfer Allowance

6.7.1 An Employee who has requested and been approved for relocation expenses in relation to their transfer should contact their District Education Office to make suitable arrangements for relocation.

6.8 Withdrawal of a Transfer Request

6.8.1 In addition to Clause 2.14.1 above, a written transfer withdrawal request received after the Employee is issued with a transfer letter will be considered under circumstances where the reason for the transfer request no longer warrants the transfer request.

7.0 GUIDELINE

7.1 This policy will be implemented by the relevant units of Human Resources Department.

8.0 EFFECTIVE DATE..... 16/8/21

9.0 REVIEW DATE..... 16/8/24

10.0 KEY SEARCH WORDS

Relocation, Transfer Priority, Compassionate, General Order, Transfer, Retirement, Transfer Request Form

11.0 APPROVED BY THE MINISTER FOR EDUCATION, HERITAGE & ARTS; HONOURABLE ROSY SOFIA AKBAR


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Signature

16/8/21
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Date