

Redeployment Policy and Procedure

Version number:	2.0
Consultation Groups:	Line Managers, Staff Side, Senior Management
Approved by (Sponsor Group):	JSC Policy Sub Committee
Ratified by:	Joint Staff Committee
Date ratified:	June 2019
Name of originator/author:	Redeployment and Careers Adviser
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Executive Director lead :	Director of HR
Implementation Date:	June 2019
Last Review Date:	June 2019
Next Review Date:	June 2022

Services	Applicable
Trustwide	\checkmark
Mental Health and LD	
Community Health Services	

Version Control Summary

Version	Date	Author	Status	Comment
1.0	April 2013	Joanna Lysenko, Associate Director of HR and Organisational Development	Approved	Introduction of redeployment procedure
2.0	June 2019	Mashal Abdullah, Redeployment and Careers Adviser Hannah Lootfun, HR Adviser	Consultation	Review of redeployment procedure to include new system (TRAC), new role of Redeployment and Careers Adviser, relevant employee relation cases and case law updates

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1. Introduction and Aim

- 1.1. The redeployment policy and procedure outlines the key principles and process of managing staff that need to be redeployed.
- 1.2. This policy and procedure is intended to provide advice and guidance to managers and Redeployees on the process that will be followed during redeployment situations. This policy should be read in conjunction with the relevant policy and process applicable to the staff member for example the Management of Staff Affected by Change Policy and Procedure, Managing Sickness Absence Policy or Capability Policy.
- 1.3. Redeployment may apply to staff in different circumstances. The most common examples are:
 - Staff who have been displaced due to organisational change;
 - Following the application of formal processes relating to capability (whether due to ill-health or performance),
 - In advance of the non-renewal of a fixed term contract upon expiry.
- 1.4. The aim of this policy is to ensure a fair and consistent approach to redeployment is followed, whilst providing an easy to follow guide for managers and employees about the principles surrounding redeployment.
- 1.5. This policy applies to all affected staff of the East London NHS Foundation Trust (herein referred to as "the Trust") from the point it is identified that they will be placed on 'Redeployment Register.' The process which employee's access redeployment may vary, and individual employee entitlements within this may differ, depending on the grounds upon they have been placed 'at risk'. For ease of reference, however, this process will refer to relevant staff affected as 'redeployees'.

2. Definitions

- 2.1. **Redeployment** 'Redeployment' is the process of securing suitable alternative employment for an employee. This is usually when it is identified they will be displaced, usually at a stated future date, from their post as a result of organisational change, or, following application of formal processes relating to capability (whether due to ill-health or performance), or, in advance of the non-renewal of a fixed term contract upon expiry. It is, however, recognised that there may be other circumstances where East London NHS Foundation Trust determines that redeployment may be appropriate.
- 2.2. **Redeployee** a staff member who is eligible to be registered on the redeployment register and given priority access to potentially suitable vacant

jobs. This can be due to being placed at risk, being unfit to carry out their substantive role, or because their fixed-term contract is due to end for reasons of redundancy.

- 2.3. At Risk where a formal process has been initiated and an individual has been issued with a formal "At Risk" letter from organisational change, capability management or the end of a fixed term contract.
- 2.4. **Redeployment register** a register of redeployees' skills, education and experience, maintained by the Human Resources department that is used for the process of assessing vacancies for potential suitability.
- 2.5. **At-risk account** a TRAC jobs account that allows the account holder to view Restricted, Internal and External vacancies advertised across the Trust.
- 2.6. **Restricted vacancies** vacancies that have been advertised on TRAC jobs as Restricted specifically to be only viewed by at risk account holders. Only Restricted account holders are able to apply for 'Restricted' vacancies.
- 2.7. **Suitable alternative employment** whether a role is suitable depends on how similar the work is to the Redeployee's current job, status, pay, hours of work, location and length of the role. Regard will be given to the personal circumstances of the Redeployee although some flexibility will be expected to be shown.

3. Principles and Values

- 3.1. The general principles that underpin the redeployment process are as follows:
 - 3.1.1. Redeployees have the right to be considered preferentially for posts and will not be unfairly denied a suitable alternative post.
 - 3.1.2. Redeployees are expected to view TRAC jobs regularly and apply for positions for which they meet most of the essential criteria.
 - 3.1.3. Jobs will be assessed for potential suitability for staff with priority based upon the essential criteria listed in the person specification. In cases where potential suitability is initially unclear, the Redeployee should always be given the opportunity to demonstrate their suitability.
 - 3.1.4. Consideration will be given to any reasonable training needed to facilitate redeployment.

- 3.1.5. Managers who choose not to shortlist or appoint a Redeployee identified as potentially suitable must provide clear, written objective reasons for non-appointment in the Justification Form for Managers (Appendix B).
- 3.1.6. Redeployees who choose to reject a post deemed to be suitable alternative employment must provide clear, written objective reasons for rejecting the position in the Justification Form for Redeployees (Appendix C). In circumstances where the job is considered suitable but the Redeployee does not wish to carry out the role for reasons of personal choice, they must be aware that this may have implications for their ongoing employment and, for at-risk of redundancy employees; they may forfeit their right to redundancy payment.

4. Staff with priority

- 4.1 The Trust will maintain a Redeployment Register for all staff for whom suitable alternative employment should be sought. Employees will be placed on a Redeployment Register for one of the following reasons:
 - They are deemed by Occupational Health to be medically unfit to carry out their substantive role;
 - They are unable to fulfil their duties in their substantive post due to a formal capability process;
 - Their Fixed Term contract is due to expire for reasons of redundancy;
 - They have been issued notice of redundancy.
 - In some circumstances, for example when there is a complete closure of service, it may be necessary for redeployees to be placed on the Redeployment Register when they have been informed they are at risk of redundancy in order for suitable vacancies to be sought. The decision to place at risk staff on the redeployment register will be made jointly by management, HR and the redeployee.

5. **Procedure and Process**

- 5.1. A flowchart providing an outline of the redeployment process is included as Appendix A.
- 5.2. Employees who become eligible for priority status will have a meeting with their manager and / or HR representative during which the redeployment process will be discussed. The manager / HR representative will process an outcome letter which will include details of the redeployment discussed and this will be passed onto the Redeployment and Careers Adviser.

- 5.3. The Redeployment Adviser will contact the Redeployee to gather information about the employee's skills, experience, status, pay, hours of work, location and will begin to explore options available to them in terms of potential redeployment. During the meeting the form at Appendix D 'Employee Profile Form' will be completed. A copy of this form will be retained on the personnel file and the details will be logged on to the Redeployment Register.
- 5.4. Staff on the Redeployment Register will then be given access to vacancies posted on the restricted tab of TRAC Jobs and will be set up on the system with an at-risk account.

6. Application process

- 6.1. Whenever a vacancy is deemed a potential match for a Redeployee and restricted from external advertising, the Redeployment and Careers Adviser will send a notification email to the suitable individual(s), copying in their line manager and locality HR Adviser/HR Business Partner to confirm that a job has been posted on TRAC jobs on a Restricted basis that matches their skill set. The email will confirm the closing date for the post.
- 6.2. Redeployees should then submit an application online via TRAC using the standard TRAC application form and apply using their restricted TRAC jobs account.
- 6.3. The line manager and Locality HR Adviser/HR Business Partner will provide additional support to the Redeployment and Careers Adviser, the Redeployee and the Recruiting Manager in determining whether the post is potentially suitable. In cases where it is agreed that the job is not suitable, the Redeployee and Careers Adviser will give authorisation for the job to be advertised immediately without restriction.
- 6.4. Recruiting Managers will be notified of any applications from Redeployees within 1 day of the vacancy closing. Upon receipt of the online application(s), managers will be asked to consider the suitability of each Redeployee.
- 6.5. In the case of a single applicant, the Recruiting Manager will be asked to arrange a meeting with the Redeployee within 5 working days of receiving the application. The sole purpose of the meeting is to assess whether the post is suitable for the employee. A representative from Human Resources may also attend this meeting if necessary. Tests may be used during or before the meeting if it is deemed to be an appropriate method of determining suitability for the post.
- 6.6. If there is more than one Redeployee suitable for a post, then the redeployment meeting will take the form of a competitive selection process e.g. interview.

7. Trial period

- 7.1. Where redeployees are appointed to posts via redeployment, a trial period of 4 weeks will apply in all cases. In nearly all circumstances a trial period cannot be extended longer than the initial 4 weeks. Trial periods can only be extended by an additional 4 weeks if there is a need for additional training and development for the role or if this is a requirement as a reasonable adjustment if the employee is disabled for the purposes of the Equality Act. For the avoidance of doubt, trial periods **cannot** be extended for the purposes of annual leave, sick leave etc. If in doubt, please contact your locality HR representative or redeployment adviser.
- 7.2. A Redeployment trial period progress review form (Appendix E) may also be used during this period to action plan each week to consider suitability for the role. It is the responsibility of the new manager and employee to discuss any issues that arise during the trial period promptly and advice should be sought from their Locality HR team at the earliest opportunity.
- 7.3. At the end of the trial period either the new line manager or the employee may determine that the post is not suitable. In either case, this unsuitability must be clearly demonstrated and discuss with the Locality HR Team supporting the employee. A meeting may be held if this will be beneficial. Consideration should be given as to whether the trial period needs to be extended as described in section 7.1. A meeting can be held before the end of the trial period if either the Redeployee or new Line Manager feels there are valid reasons why the job cannot be considered suitable.
- 7.4. If the end date of the trial period lapses without any review or written confirmation of suitability being received, this does not automatically mean the employee can be permanently confirmed in the post. However if there have been no issues raised during this period it would give indication that the position is suitable. In any event if a Redeployee has been in a trial period beyond 3 months they will be deemed to have been permanently appointed into that post.
- 7.5. It is the responsibility of the line manager and the redeployment adviser to ensure a change form is completed for the redeployee. Should the redeployment not be successful and the redeployee has to return to their existing department as a redeployee, finance can recharge the department the redeployee has come from in order for the department to not lose funds for trialling a redeployee.
- 7.6. Redeployees may be appointed temporarily for developmental purposes or in a holding position, retaining their employment status, where appropriate, until a suitable alternative employment opportunity becomes available. This should not usually be longer than 3 months.

8. Timescales

- 8.1. Redeployment for redeployees should be managed proactively. The Trust has funded a dedicated human resource (the redeployment adviser) for redeployment which should assist in ensuring a smooth and efficient process for redeployees and hiring managers.
- 8.2. As each redeployment case is different and subject to the individual circumstances of the case, strict timescales cannot be set for how long the redeployment process should take. As a general rule, the entire redeployment process should not normally take longer than 6 months from the date the redeployee has been place on the register to the end of the their trial period/termination of their contract of employment.
- 8.3. In exceptional circumstances when redeployment is taking longer than 6 months, the redeployment adviser should inform the recruitment manager and HR representative for advice on how long the redeployment will be extended for. The final decision to extend redeployment for longer than 6 months will be made by the line manager or service manager and HR representative.

9. Vacancy restrictions

- 9.1. In the event that a vacancy has been identified as suitable for a redeployee, recruitment to the post will be put on hold for 1 week in order for the redeployee to be considered for the post.
- 9.2. The functionality of TRAC jobs allows employers to deploy a vacancy. This means vacancies can be advertised in the first instance to "at risk" ELFT employees giving them priority access to any vacancies that arise across the Trust.
- 9.3. Once a Budget Authorisation Form (BAF) is submitted to the resourcing team the Resourcing Team Leader/Redeployment Adviser will carry out a preliminary exercise to compare the post against members of staff on the redeployment register to consider whether there are Redeployees who are potentially suitable.
- 9.4. Any jobs that have been identified as potentially suitable will be advertised on the restricted basis for no less than 1 week and all potentially suitable Redeployees will be notified of the vacancy and the closing date. The vacancy will also appear on Redeployees TRAC Restricted account.
- 9.5. Where no Redeployee has submitted an application following the above processes, and the Redeployment and Careers Adviser is satisfied there is no

redeployee is suitable for the post, the vacancy will then be advertised internally/externally as per recruiting managers' request. In exceptional circumstances, posts may require to be advertised on 'Restricted' basis for longer than 1 week, as it may not always be sufficient time to ensure that all staff at risk have been given the opportunity to view the position, discuss any issues and then submit an application. If this is the case, the hiring manager will be informed accordingly by the Recruitment Adviser/Redeployment Adviser.

- 9.6. Similarly, positions that have already been held back for at risk applicants can match the skills of staff who are newly added to the at risk register. Any Redeployees who submits an application prior to the closing date of an unrestricted vacancy would still be entitled to be considered on a priority basis and the Redeployment and Careers Adviser will intervene to ensure this happens.
- 9.7. Redeployees may choose to apply for any advertised vacancy; even where the vacancy is not one identified as being potentially suitable by the HR team. Such an application will be subject to the normal recruitment and selection procedures, which will be in open competition with all other applicants.
- 9.8. Fixed-term vacancies of 9 months or longer will be considered as suitable alternative employment for Redeployees. If a redeployee is redeployed into a fixed-term post, Redeployees will be placed back on the Redeployment Register 12 weeks from the end of the fixed-term period. Vacancies of less than 9 months will not be considered suitable alternative employment.
- 9.9. In order to retain talent in the workforce and to minimise redundancies, positions may be held back for staff yet to be placed at-risk of redundancy but are subject to proposals for change, which are likely to lead to reduction in numbers of a particular role or profession. Recommendations for posts to be frozen will be considered by the HR Business Partner of the locality in consultation with the relevant Service Directors and Associate Director of Human Resources where necessary and timescales will be agreed.

10. Employees on Fixed Term Contracts

- 10.1. Redeployment will be sought for any member of staff on a fixed term contract where termination or expiry of the contract would result in a redundancy situation.
- 10.2. A member of staff on a fixed term contract will attend a meeting with their manager and HR to be advised of the ending of the fixed-term contract and will be entered on the redeployment register no less than 1 month prior to expiry of the contract. The department which currently employs the member of staff will continue to be responsible for salary payment during the redeployment process.

10.3. In cases where a suitable alternative position has not been secured, an employee with two or more years of continuous NHS employment whose post is redundant following the expiry of their fixed term employment may be entitled to a redundancy payment, calculated in accordance with Agenda for Change Terms and Conditions of Employment.

11. Disability and Redeployment

11.1. In circumstances where a displaced employee is also disabled for the purposes of the Equality Act 2010 and that employee's disability puts them in a particular disadvantage in relation to the requirements of the duties, physical location or nature of the vacancy, consideration must be given to what reasonable adjustments can be made to the role to overcome this disadvantage and allow the employee to be matched to the vacancy. Further advice must be sought from the employee, current line manager, occupational health/redeployee GP and Locality HR Adviser/HR Business Partner.

12. Roles and Responsibilities

	Responsibilities
Resourcing Team	Check Redeployment register when a new BAF (Budget Authorisation Form) is received, to ensure all redeployees are considered prior to post being advertised externally. If the post is a match, forward details of BAF to Redeployment and Careers Adviser who will confirm to the team whether post needs to be advertised on Restricted basis. Advertise roles without restriction as soon as it has been established that there are no suitable Redeployees.
	Seek support from Redeployment and Careers Adviser and local HR team for regular updates on Redeployment and redeployment register.
Redeployment and Careers Adviser	Advise Recruiting managers on all aspects of the redeployment policy and procedure. To enter redeployee details on the redeployment register and TRAC as appropriate.

	Respond to any queries or concerns related to
Locality HR teams	Keep in touch with Redeployment and Careers Adviser for regular updates.
	Be aware of the impact of holding posts back on a service and take all reasonable steps to expedite the redeployment process to ensure posts do not remain unfilled for longer than necessary.
	Arrange for trial periods, maintain contact with Redeployee and line manager during trial period.
	Provide CV & Interview techniques / support session.
	Arrange redeployment meetings or interviews.
	Provide advice and support to employees at risk throughout the process.
	Discuss suitable matched posts with the member of staff to clarify suitability.
	Regularly liaise with the Recruitment team and Locality HR Team.
	Maintain regular contact with at risk staff, explore and seek redeployment opportunities within the organisation and other NHS Trusts where possible.
	Highlight potential opportunities to Redeployees, and provide support with TRAC accounts where required. Set up Restricted TRAC accounts.
	Perform a skills match to see if any of the vacancies are potentially suitable alternative employment for any Redeployees.
	Check the Redeployment register once all BAF are received.
	Maintain Redeployment register and Redeployment TRAC Process.

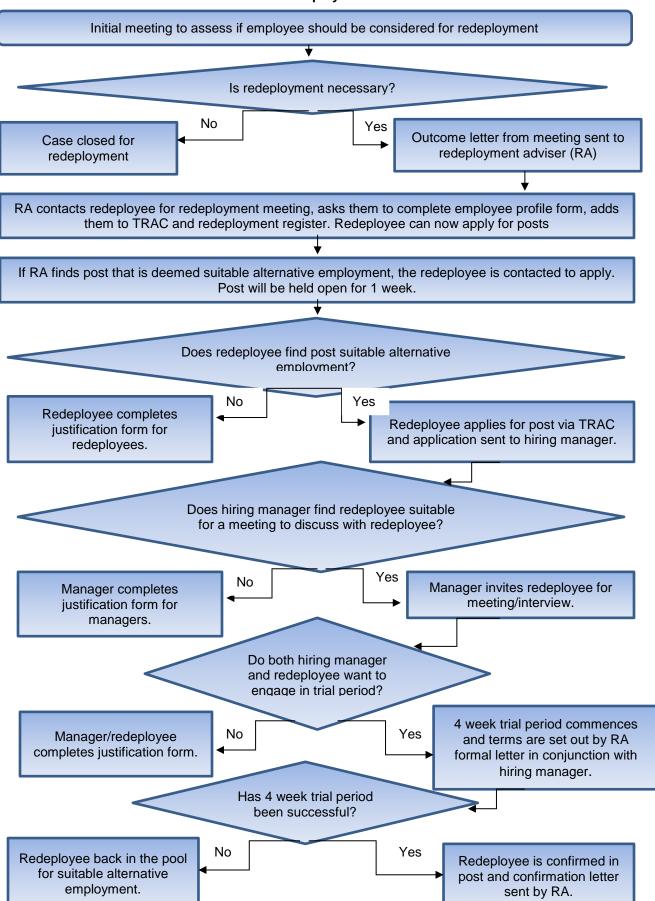
	Redeployment procedure.
	Provide advice and support to employees at risk throughout the process.
	Ensure the Redeployment and Careers Adviser has a thorough brief of the redeployee case and all associated relevant documentation.
	Inform Redeployment and Careers Adviser as soon as new at risk employee has been added on Redeployment register.
	Assist in resolving any difficulties or problems which may arise during Redeployment process.
	Advise Redeployees of suitable sources of support.
Line Managers	Have a responsibility to explore and seek suitable redeployment opportunities for members of staff within their own Directorate prior to placement of a member of staff on the Redeployment Register.
	Comply with the principles, values and processes outlined in this procedure.
	Support their members of staff throughout the redeployment process, including ensuring such time as required is made available to the individual to facilitate the process of redeployment, for example to enable attendance at meetings etc.
Recruiting Managers	To be proactive with their existing and upcoming vacancies. To advertise vacancies and be open to redeployees based on their skills and experience.
	Ensure preference is given to Redeployees where a skill match or potential skill match exists.
	Consult with the Redeployment and Careers Adviser or Locality HR Team in the first instance on any potential rejection of a redeployee.
	Complete the justification form for any redeployees that are not suitable for their post.

	Consult with their Locality HR contact where it may be necessary to make adjustments to the post or the workplace. Maintain contact with the HR Team and Redeployment Adviser during any trial period. Ensure local orientation to the new post and identifying initial and ongoing learning and development requirements. Ensure completion of change form for the transfer of employees details.
Redeployees	Co-operate and engage with HR teams and Recruiting manager during the redeployment process. Regularly access ELFT vacancies through both their restricted account and the main job vacancy page on ELFT website and TRAC Restricted tab to ensure they are fully aware of all opportunities arising. Participate fully in any training required. Continue with their own continuing professional development and statutory/mandatory training. Attend any Interview & CV training sessions arranged by HR team. Complete the justification form for posts that are declined.
Recruitment Manager	Oversee the process for assessing suitable alternative employment and ensure that all decisions made are fair and based upon objective criteria. Ensure that the Redeployment Register is maintained by the Redeployment and Careers Adviser and Locality HR teams. Ensure that the process of restricting vacancies is managed efficiently so that vacancies are not held back longer than required.

13. Review

13.1. This policy and procedure will be subject to ongoing monitoring to ensure that it is being fairly and consistently applied and that the stated principles and values are being met. It will also be subject to regular review, in partnership, to ensure that any new standards and/or structures are incorporated when necessary and that it remains fit for purpose.

Appendix A



Flowchart of Redeployment Process

Justification Form for Managers

This form must be completed by the hiring manager who chooses not to appoint a Redeployee identified as potentially suitable by the Redeployment and Careers Adviser for the role they are advertising.

Hiring Manager Name	
Hiring Manager Job Title	
Vacancy Name	
Vacancy Number	
Redeployee(s) Name	
Provide details of the gaps between redeployee and role. For example skills, knowledge and experience.	
What training can be provided to bridge the gap? For example EMIS/RIO, Microsoft.	
How long will the training take?	
How much will the training cost?	
Any other details	

Signature_____

Date____

Once complete, please return to the redeployment and careers adviser.

Appendix C

Justification Form for Redeployees

This form must be completed by the redeployee who chooses not to reject post deemed to be suitable alternative employment by the Redeployment and Careers Adviser.

Redeployee Name	
Redeployee Job Title	
Vacancy Name	
Vacancy Number	
Provide details of the gaps between the role and you.	
What training can be provided to bridge the gap? For example EMIS/RIO, Microsoft.	
Please outline further why you do not consider the post(s) as suitable alternative employment.	

Signature_____ Date_____

Once complete, please return to the redeployment and careers adviser.

Appendix D EMPLOYEE PROFILE FO

Name	
Personal Email	
Personal Telephone Number	
Home Address	
Current Band	
Job Title	
Ward/ Service	
Current Hours	
Are you willing to increase or decrease your hours?	
Shift Pattern	
Qualifications / Professional registration	
Date of redeployment interview/meeting	
Date placed at risk	
Email address (for at-risk account and vacancy notification via TRAC)	

Adjustments to the role or process required?

.....

1. Brief description of current role – key skills, knowledge and experience.

2. Any other skills relevant for redeployment.

3. Preference for alternative posts, e.g. administration, mental health, community.

4. What locations can be considered? What cannot be considered? What means of travel is currently used?

5. Ability/willingness to change working hours/shift patterns? If unable, please give reasons.

6. Any other details that should be taken into account when considering suitable alternative employment?

Appendix E

Redeployment Trial Period Progress Review Form

Redeployee's Name:

Job Title:

Shift Pattern:

Start date of trial period:

Date of review:

<u>Week 1:</u> Activities / Tasks / Training to be undertaken during this week

Actions/Outcomes/Achievements from Week 1 review:

Week 2: Activities / Tasks / Training to be undertaken during this week

Actions/Outcomes/Achievements from Week 2 review:

<u>Week 3:</u> Activities / Tasks / Training to be undertaken during this week

Actions/Outcomes/Achievements from Week 3 review:

Week 4: Activities / Tasks / Training to be undertaken during this week

Actions/Outcomes/Achievements from Week 4 review:

Employee's Comments (employee to provide overview and confirm if trial period has been successful or not successful)
Trial Period Successful
Trial Period Not Successful
Line Manager's Comments (line manager to provide overview and confirm if trial period has been successful or not successful)
Trial Period Successful
Trial Period Not Successful
Employee's Signature Date Date
Manager/Mentor Signature Date Date
Position

Appendix F

FREQUENTLY ASKED QUESTIONS

1. What happens if someone who is at risk misses the first five days of a post being advertised?

If they can demonstrate a legitimate reason for missing the restricted advertising process (e.g. a period of annual leave) individuals will still be given equivalent priority ahead of other non-priority internal or external applicants. In order to be considered for the post, you must liaise with the redeployment and careers adviser who will liaise with the hiring manager on your behalf. Recruiting Managers will also treat at risk candidates on a priority basis when shortlisting.

2. Are managers able to go directly to external advert for specialist posts that are difficult to recruit to?

Yes, providing there are no consultation papers going through JSC that mean that staff with the specialist skills to meet these posts are shortly due to undergo a process that may mean they will be placed at risk.

3. I don't want to go forward for a job that is being offered to me. Do I have to apply?

If there are valid reasons why the job is not suitable then you should discuss these with your HR Adviser/HR Business Partner. Consideration will be given to personal circumstances which could mean that the job is not suitable e.g. health or personal commitments that make the working hours or travel very difficult. The HR Adviser/HR Business Partner may first explore whether there are possibilities for adjustments being made in the first instance. However if you simply do not wish to carry out the role for reasons of your own choice then this may have implications on your contract of employment and/or eligibility for a redundancy payment.

4. How will recruiting managers know if an individual applicant for a job is designated as at risk?

When viewing the list of applicants for a particular post, the name of designated "at risk" individuals will have a small circle around a red "R" above their name which will alert employers to this person's status. The Redeployment and Careers Adviser will also assist recruiting managers on identifying at risk applications on TRAC.

5. Can Redeployees apply for vacancies in other services?

Yes and this is encouraged to open up the opportunity of gaining another role within the Trust. Redeployees can also apply for vacancies in other NHS organisations.

6. Will Redeployees be automatically offered a job if they are the only applicant for the role?

No. For audit purposes, the redeployee still needs to apply for the role on TRAC and if the recruiting manager assesses the redeployee as suitable for the role, they will need to meet with the line manager so an assessment can be made. Provided the redeployee meets the person specification or it is identified that this can be covered by appropriate training within a brief, agreed timescale, they may be offered the post after the meeting which will be subject to a trial period of four weeks in the first instance.

7. What is Suitable Alternative Employment?

Whether a job is suitable or not depends on how similar the work is to your current job, the terms of the job and your skills and abilities in being able to carry out the role.

8. What if a Redeployee or Recruiting Manager is unsure about someone's suitability in a role?

All offers of posts will be subject to a 4 week trial period. Should it be decided by either party by the end of the trial period that the role is unsuitable; the reasons for the unsuitability are considered and documented. Should these reasons be accepted by the HR department, the employee returns to their "at risk" status and may be issued notice.

9. Will I be given any support in preparing for interviews?

The Redeployment and Careers Adviser will offer CV writing and Interview techniques training session for those going through the redeployment process.

10. A post is being advertised for a 6 month contract. Is this post considered suitable alternative employment?

No. Fixed term vacancies of 9 months or longer is considered suitable alternative employment for redeployees.