

REPORT TO: Cabinet

MEETING DATE: 22 January 2019

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Policy on Severe Weather or Adverse Events

1 PURPOSE

- 1.1 To seek Cabinet approval for the new HR Policy on Severe Weather or Adverse Events replacing the current Adverse Weather Policy and Absences Outwith Employees Control.

2 RECOMMENDATIONS

- 2.1 That Cabinet approve the revised Policy with immediate effect and rescind the current Adverse Weather Policy and Absences Outwith Employees Control.

3 BACKGROUND

- 3.1 The Council Policy on Adverse Weather Policy and Absences Outwith Employees Control was implemented in November 2011.
- 3.2 Following the adverse weather known as “the Beast from the East” in February/ March 2018, the Council asked for the policy to be reviewed to reflect the circumstances of that event.
- 3.3 Accordingly a revised draft of the policy was shared with Council Management Team following a benchmarking exercise with other Councils. The revised draft of the Policy was then shared with the Joint Trades Unions at the start of November, before going out to employee consultation between 5 and 23 November 2018.
- 3.4 The feedback from the consultation exercise resulted in 43 responses. In terms of a breakdown of the responses we had 15 from Education, 10 from Council Resources, 6 from the HSCP, 5 from Development, 3 from Communities & Partnerships, 3 from Infrastructure and UNISON.

- 3.5 The feedback was very mixed in relation to equality and fairness of the policy e.g. employees feeling penalised because of where they live, versus those who attended work in February/March 2018, while those who didn't get the time back. There was also feedback on knowledge and understanding of Business Continuity Plans within elements of the workforce and some positive feedback of employees who were unable to get into work being deployed on organised community support.
- 3.6 The policy would replace the current Adverse Weather Policy and Absences Outwith Employees Control and the main changes are:
- The Policy has been expanded to take account of other adverse events in addition to weather
 - Much clearer definition of employees only travelling if they feel safe to do so. Different employees will have different experiences depending where they live, public transport, etc.
 - There was significant feedback about Business Continuity Plans, whether that be lack of knowledge of them, what should happen in weather warning situations, etc. so the policy has been strengthened to make better awareness and putting the onus on managers and individuals to ensure they are aware what should happen in adverse weather or events
 - Service areas that don't already, need to ensure they clearly identify "business critical activities" in their Business Continuity Plans
 - Advice that employees who live in more rural areas may wish to consider holding some annual leave back where this is possible to offset impact of severe weather and impacts on pay
 - To ensure consistency closure of premises will be approved by Chief Executive or their designated nominee
 - Feedback around breakdown of normal care arrangements doesn't only effect children but other caring responsibilities, this is now reflected in the policy
 - Some additional health & safety advice included re employees operating from a temporary work location
- 3.7 The Policy does not explicitly refer to the Policy or Met Office weather warning system (Red, Amber and Yellow), because these can be different for local situations, though they are explained in Appendix 1 to the policy. The whole policy is about what to do in an adverse weather or event and different employees will have different levels of confidence at all levels of weather warning. The focus is about employee safety and linking in with Business Continuity Plans and what employees should do in these circumstances.

4 POLICY IMPLICATIONS

- 4.1 This Policy will replace the current Adverse Weather Policy and Absences Outwith Employees Control.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial

- 6.1.1 There are no direct financial implications from the review of this policy.

6.2 Human Resources

- 6.2.1 The policy has been subject to consultation with the Joint Trades Unions and wider employee workforce. The current policy will be replaced on Elnet.

6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 Policy on Severe Weather or Adverse Events.

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POLICY ON SEVERE WEATHER OR ADVERSE EVENTS

1. **INTRODUCTION**
2. **ABSENCES DUE TO SEVERE WEATHER OR ADVERSE EVENTS**
3. **SEVERE WEATHER- HEALTH AND SAFETY**
4. **STATUS OF THE POLICY**

The Policy has been subject to review and consultation and replaces the previous version dated November 2011.

The Policy applies to all employee groups.

December 2018

POLICY ON SEVERE WEATHER OR ADVERSE EVENTS

1. INTRODUCTION

- 1.1 The Council recognises that employees may periodically face difficulties attending their place of work and returning home during periods of severe weather or where there are disruptions to public transport or some other adverse event. While the Council is committed to protecting the health and safety of all our employees, it must ensure that disruption caused to its services remain minimal and that key public services are delivered where possible.
- 1.2 The purpose of this policy is to outline the responsibilities of employees for attendance at work during severe weather conditions, disruptions to public transport or some other adverse event and to define appropriate procedures.
- 1.3 It also confirms the Council's Policy with regard to other unauthorised absences which are outwith employees' control. The following list is not exhaustive but covers the following situations - absence resulting from climate and/or environmental reasons, local emergencies and disruption to travel infrastructure.

2. ABSENCES DUE TO SEVERE WEATHER OR ADVERSE EVENTS

- 2.1 All employees of the Council have a duty to make every effort to report for work on time each working day. It is however recognised that there may be occasions when weather or some other adverse event are so severe that some employees will be prevented from reporting to work or will report late and/or need to leave work early.
- 2.2 In the first instance employees should make themselves familiar with their services Business Continuity Plan which will give advice to employees on what they should do in any adverse event. Managers should ensure this information is readily available to all employees in their team(s).
- 2.3 It is essential that employees are aware of the "critical activities" listed in their service Business Continuity Plan and how these activities will be managed when severe weather and/or an unexpected event impacts on the Council area.
- 2.4 Employees should use their best endeavours to attend work if it is safe to do so. However, it is not the Council's intention that employees put themselves at unnecessary risk when trying to attend work. Employees

should use their own judgement and, if unable to attend work should contact their line manager at the earliest opportunity.

- 2.5 All employees absent or delayed must contact their Line Manager as early in the working day as possible. An employee who does not report for duty due to severe weather or some adverse event and does not work will not be paid. This absence should be recorded on the normal Special Leave Form and approved as unpaid special leave. Alternatively, those employees may, with their Line Manager's agreement, substitute accrued annual leave, TOIL and/or flexi leave (where available and applicable) for the period of absence. Employees who live in more rural areas or further away from their normal workplace may wish to consider holding back some of their annual leave for events such as adverse weather.
- 2.6 When an employee has made contact with their Line Manager and reports they have tried but cannot get to their place of work, then the line manager may where it is appropriate and subject to service needs authorise the employee to undertake agreed work for an agreed number of hours at their home (normally but not necessarily their contractual hours), this will be treated as ad hoc home working for an agreed period. The employee will be paid for the hours worked but with their Line Manager's agreement may use flexi, TOIL or annual leave where applicable/ appropriate to make up the full working day and pay. The employee should return to their normal work location as soon as their route to work and travel arrangements permit (this may be later the same day).
- 2.7 In certain exceptional circumstances an employee may work from another work location within the Council. However, the approval of the line manager must be sought before this may happen and this approval will be dependent on the availability of work and the suitability of the work location or as per agreed departmental *business continuity* plans.
- 2.8 Employees who work at nights will be expected to report for work during periods of severe weather in the same way as other employees. However, for employees required to work in the outdoors appropriate risk assessments should be carried out prior to employees being asked to do so in extreme bad weather conditions.
- 2.9 In certain exceptional emergency situations or instances of particularly severe weather the Executive Directors may seek volunteers and/or may need to redeploy employees temporarily, on a short-term basis, (i.e. up to 5 days in any one period of emergency) to other appropriate duties within the Council, commensurate with their normal role e.g. Non-emergency work may be placed on hold and resources allocated to assist with the clearing of roads and footpaths, or supporting and assisting vulnerable individuals within the community, subject to the requirements of PVG clearance and/ or appropriate risk assessments being undertaken.

- 2.10 If there is no alternative workplace available, when the Chief Executive or their designated nominee, takes the decision to close an establishment (workplace) or to instruct employees to leave early, the employee will be afforded normal contractual hour's credit (i.e. to a maximum of their normal working day).
- 2.11 An employee who has reported for work and then asks to leave early will be credited/paid for the hours they have worked. Alternatively, with their line manager's agreement, they may substitute accrued annual leave, TOIL and/or flexi leave (where available and applicable) for the balance period of absence on that working day and will receive their normal contractual pay.
- 2.12 Where the employee's absence cannot be covered by any of the alternative means detailed above, a Special Leave Form confirming the day's absence is unpaid or that the employee only worked a portion of their normal contractual working day, should be completed in the normal way. If the period of unpaid leave amounts to a number of days, the employee may request a longer period of pay deduction from Payroll. This repayment would be for a maximum period of 3 months from the date of first absence.
- 2.13 The Council expects all its employees, including those with mobility issues to make reasonable attempts to reach their place of work if it's safe to do so. However where an employee has specific mobility or other impairment which means they cannot get to work, they should contact their manager and their individual circumstances will be taken into consideration. Managers' should consider whether working from home or from another Council establishment might be approved and should consider the particular circumstances at the place of work at the time.
- 2.14 Where an employee has childcare or other caring arrangements that have broken down as a consequence of the severe weather conditions or an adverse event e.g. their child's school is closed, it is impossible to take the child/children/family member to a carer, etc. and the employee remains at home to care for their child/children/adult, their absence is unpaid special leave as per the provisions of the Special Leave Policy. Again the employee may, with their line manager's agreement, substitute accrued annual leave, TOIL and/or flexi leave (where available and applicable) for the period of absence.

3. SEVERE WEATHER - HEALTH AND SAFETY

- 3.1 If employees feel it is safe to travel they should give consideration to the following when travelling in severe weather and unusual climate or environmental conditions:

- Delaying the journey to a more suitable time, using public transport if possible or going by a potentially safer route.
 - Listening to radio reports and adjusting the journey appropriately.
 - Ensuring that a mobile phone is readily available to summon help and is fully charged.
 - Friends, relatives and work colleagues (as appropriate) are aware of their intended route and likely arrival time so that they can summon help if needed.
 - Carrying a flask of hot coffee/soup/drinks and other high energy foods.
 - Having a spade, tow rope and other equipment to help release a stuck vehicle.
 - Having a supply of warm blankets in case you are stuck in a location for an extended time.
 - Ensuring your vehicle is fully fuelled so that you can maintain the vehicle's heating in the case of an extended delay.
 - Carrying a torch, to get help if needed.
 - Carrying suitable footwear, warm clothing and overcoat for the conditions, if a breakdown occurs e.g. sturdy boots, scarf and gloves, waterproof jacket.
- 3.2 If an employee is temporarily re-deployed to a temporary work, they should ensure they sign into that workplace and that someone who is normally based in the workplace arranges a quick local induction into the premises i.e. where the welfare facilities are, muster points and fire exits.

4. STATUS OF POLICY

- 4.1 This Policy has been the subject of consultation with the recognised Trade Unions as a Council Policy and is not a collective agreement. The Council reserves the right to review, suspend or amend this Policy.

Head of Council Resources
December 2018

MET OFFICE WEATHER WARNING CLASSIFICATION

The Met Office operate a warning system based on Red/Amber and Yellow. This warning system is supplemented by Police Scotland and Scottish Government advice with regard to travel which has led to confusion and as a result of this the warning system is likely to be reviewed in due course.

The warning system from lowest level warning to highest level is detailed below:

Yellow Warning: Yellow warnings can be issued for a range of weather situations. Many are issued when it is likely that the weather will cause some low level impacts, including some disruption to travel in a few places. Many people may be able to continue with their daily routine, but there will be some that will be directly impacted and so it is important to assess if you could be affected. Other yellow warnings are issued when the weather could bring much more severe impacts to the majority of people but the certainty of those impacts occurring is much lower. It is important to read the content of yellow warnings to determine which weather situation is being covered by the yellow warning.

Amber Warning: There is an increased likelihood of impacts from severe weather, which could potentially disrupt your plans. This means there is the possibility of travel delays, road and rail closures, power cuts and the potential risk to life and property. You should think about changing your plans and taking action to protect yourself and your property. You may want to consider the impact of the weather on your family and your community and whether there is anything you need to do ahead of the severe weather to minimise the impact.

Red Warning: Dangerous weather is expected and, if you haven't already done so, you should take action now to keep yourself and others safe from the impact of the severe weather. It is very likely that there will be a risk to life, with substantial disruption to travel, energy supplies and possibly widespread damage to property and infrastructure. You should avoid travelling, where possible, and follow the advice of the emergency services and local authorities