

North Lanarkshire Council Report

Policy & Strategy Committee

approval noting

Ref FW/HL Date 9 Jan 2020

Adverse Weather Policy

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Executive Summary

The report presents the new Adverse Weather Policy and sets out action to support the Council's proposed approach to the management of staffing resources during periods of severe weather.

Recommendations

It is recommended that Committee:

1. Approve the new Adverse Weather Policy.
2. Otherwise note the contents of this report

The Plan for North Lanarkshire

Priority Improve the council's resource base

Ambition Statement Build a workforce for the future, capable of delivering on our shared priorities and ambition.

1. Background

- 1.1 The Council recognises that employees may at times face difficulties attending their place of work and returning home during periods of severe weather or when there are disruptions to public transport. While the Council is committed to protecting the health and safety of all its employees, it must ensure that disruption caused to its services remains minimal.
 - 1.2 All guidance in this report reflects the overall position as set out in the STUC Fair Work Charter for Severe Weather, and builds upon the previously agreed Adverse Weather Guidance for North Lanarkshire Council.
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2. Report

- 2.1 The Council's proposed approach will build upon the principles outlined within the Building Continuity Planning process, ensuring Services have access to accurate and up to date details for the delivery of all key Council services. This will include details of all employees considered to be "critical workers".
- 2.2 Following approval of the Business Continuity process by the Corporate Management Team in June 2019, a number of actions have been taken to support successful implementation:
 - 2.2.1 A number of services have identified critical workers needed to support winter weather arrangements and the HR Business Partnership Team have been involved in firming up these lists. This includes ensuring that relevant employees know that they are considered "critical" and will be called on to support as necessary.
 - 2.2.2 A number of mechanisms to support communication with employees, including Yammer, NL Life and MySelf have now been explored. For those without access to a PC, line managers use team meetings and toolbox talks to share information. Information sharing with employees is co-ordinated by Corporate Communications.
 - 2.2.3 The ongoing use and development of the Business Continuity process for winter weather planning continues to be supported by the Resilience Development team.
- 2.3 **Proposed Changes to Policy & Procedure**
 - 2.3.1 The key change to provisions set out within the new policy relates to arrangements made for those workers who require or are able to attend work during a red weather warning. Following a wish to recognise the efforts made by employees during the "Beast from the East" weather disruption in 2018, it has now been proposed that any worker who attends work during a red weather warning will receive full pay (as will all workers) and in addition, be granted a corresponding period of Time off in Lieu (TOIL). The period of TOIL may be taken at a later date, following discussion and agreement of the line manager and subject to exigencies of the service.

- 2.3.2 It should be noted that the provision of TOIL had been granted previously but in an inconsistent and informal manner.
- 2.3.3 Consultation on the proposed policy took place with a range of stakeholders including both single status and teaching trade unions. The Joint Trade Unions welcomed the introduction of the option of TOIL for those who are able to attend work. Teaching trade unions were broadly supportive but wanted specific mention of those arrangements which are specific to those on teaching conditions. All changes agreed are now reflected in the new policy.
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3. Equality and Diversity

3.1 Fairer Scotland Duty

There are no Fairer Scotland implications.

3.2 Equality Impact Assessment

The Adverse Weather Policy has been subject to the Equality Impact Assessment process.

4. Implications

4.1 Financial Impact

There are no direct financial implications. However, there will be an impact on resources should TOIL be provided in outlined situations.

4.2 HR/Policy/Legislative Impact

The Adverse Weather Policy will be published in line with Council policy and procedures.

4.3 Environmental Impact

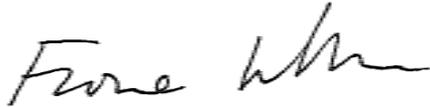
Although the policy will be directly influenced by environmental factors there are no specific environmental impacts.

4.4 Risk Impact

The new policy attempts to manage the risks associated with winter weather arrangements by outlining the Council's position.

5. Measures of success

- 5.1 A comprehensive approach which allows for ongoing service delivery during periods of severe weather, while ensuring the health and safety of employee is not compromised.
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Adverse Weather Policy

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Review date	
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Strategic Alignment
Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

Consultation process	<i>Joint Trade Unions</i> <i>Joint Negotiating Committee for Teachers</i> <i>General consultation arrangements</i>
Stakeholders	
Distribution	

Change record

Date		Author	
Change made			

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1. Introduction

The council recognises that employees may at times face difficulties attending their place of work and returning home during periods of severe weather or when there are disruptions to public transport. While the council is committed to protecting the health and safety of all of its employees, it must ensure that disruption caused to its services remains minimal.

The purpose of this policy is to define the responsibilities of employees for attendance at work during severe weather conditions or when there are disruptions to public transport and to outline the appropriate procedures for employees and managers.

Severe weather is a term which describes weather events which are particularly severe and challenge normal service delivery. Severe weather can include heavy snowfall, flooding from heavy rain, very high winds, very cold temperatures and also exceptionally high temperatures (this list is not exhaustive). Severe weather is associated with RED or AMBER weather warnings from the Met. Office. Severe weather can disrupt public services such as nurseries, schools, colleges and public transport systems.

When police advice is not to make any unnecessary journeys, this generally refers to journeys during yellow or amber warnings, **not** involving workers who help maintain essential public services and generally refers to journeys for leisure purposes or those which could be done when conditions improve e.g. shopping (www.police.uk/information-and-advice). The council will determine, based on relevant advice, in what circumstances this policy will apply and inform managers and employees accordingly.

2. Scope/Application

This policy applies to all employees and affords managers a degree of discretion to operate within the parameters set out below, whilst taking cognisance of the different contractual rights and obligations which apply to different categories of employees.

There are aspects of the guidance set out within this policy which do not apply to teaching staff. Teaching staff should make reference to Management Circular B13 – Emergency Arrangements for Severe Weather;

The council will determine, taking advice and information from relevant authorities into account, in what circumstances this policy will apply. This policy fully reflects the guidelines set out in the Fair Work Charter for Severe Weather.

3. Managers Responsibilities

It is the responsibility of Managers to ensure all employees know and understand the procedure related to attendance at work during severe weather conditions and/or disruptions to public transport.

It is also the responsibility of managers to ensure the appropriate Health & Safety measures, as detailed at Section 8, are in place.

4. Employees Responsibilities

Reasonable efforts to attend work

It is the employee's responsibility to make every reasonable effort to attend work in all circumstances. If an employee is unable to reach their normal work location, efforts should be made to attend the nearest council premises. The council accepts, however, that there are circumstances that may arise which make it difficult for an employee to comply with that condition of their employment - severe weather conditions and disruptions to public transport being those types of circumstances.

It is also the employee's responsibility to comply with the procedures to be followed in the event of severe weather conditions as deemed applicable by the council and/or disruptions to public transport.

5. Met Office Weather Warnings & Associated Guidelines for Staff

As the UK's official weather service, the Met Office is responsible for issuing weather warnings which warn of impacts caused by severe weather. Weather warnings are designed to let people, businesses, emergency responders and governments know what weather is in store and what the impacts of that weather may be.

The Met Office issues weather warnings, through the National Severe Weather Warning Service, when severe weather has the potential to bring impacts to the UK. These warnings are given a colour (yellow, amber or red) depending on a combination of both the impact the weather may have and the likelihood of those impacts occurring.

When Met Office Warnings are issued, notification will be sent from Corporate Communications to advise of the nature of this warning.

What does the coloured warning mean?	The council response and employee responsibility
<p>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. It is important to read the content of yellow warnings to determine which weather situation is being covered by the yellow warning.</p>	<p>It is expected that disruption to travel and impact on ability to attend work will be minimal. Should an employee be unable to attend work during a yellow warning, procedures at section 6.1 will apply.</p>
<p>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 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.</p>	<p>Should an employee be unable to attend work during an amber warning, procedures at section 6.1 will apply.</p>

<p>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.</p>	<p>During red weather warnings, all employees will be paid, in full, for periods where they are unable to attend work.</p> <p>If, during a red warning, an employee is able to attend work (perhaps as a result of living close to a council office) they will receive their full pay (as will all employees). In addition, they will be granted a corresponding period of Time off in Lieu (TOIL) (<i>This applies to single status employees only</i>). The period of TOIL may be taken at a later period, following discussion and agreement of the line manager, and subject to exigencies of the service.</p>
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6. Procedures to be followed

6.1 Non Attendance

It is not the council's intention that employees put themselves at unnecessary risk when trying to attend work. Employees should ultimately use their own judgment and, if unable to attend work, contact their manager as early as possible should they consider that severe weather conditions or disruptions to public transport prevent them from working.

Where it has been agreed that the employee has been prevented from reporting for work the following may apply;

The day may be designated as annual leave (if this is the preferred choice of the employee and the employee is not a term-time worker); (i)

or

Where (i) cannot be applied, the day may be designated as Flexi-leave where the post is part of the council's Flexible Working Hours Scheme (ii);

or

Where (ii) is not applicable, the employee can agree with his/her line manager to work additional hours to make up the hours lost in a reasonable time period (iii).

Exceptionally, where none of the above arrangements are appropriate, the time lost may be granted as special leave, with pay.

If the employee is on holiday and unable to return home due to travel disruption e.g. the closure of rail links or airports and/or flight cancellations, the employee must take either annual or flexi leave as appropriate, or agree with their Service other arrangements for making up the lost time.

Where such conditions continue beyond one day, similar arrangements will apply.

6.2 Critical Workers

In the first instance, it is essential that those that fall into the category of being a critical worker are informed of this, and importantly, also informed if they are no longer considered to be critical. Which employees are considered “critical” will ultimately be determined by the relevant Head of Service/ Business Manager. As a guide it is suggested that to be considered a “critical worker” the employee would be engaged in delivery of those services that must be maintained within the first three days of any significant event as listed within the Service’s Business Continuity Plan.

Business continuity protocols will contain contact details for all critical workers. However, due to the sensitive nature of the data being retained within such a document, arrangements should be in place to ensure that all GDPR requirements are being complied with. All critical workers should be advised that they will be contacted in the event that the protocol requires to be enacted by the Service. It should be emphasised that all efforts will be made to assist them in getting to work safely (as required). Critical workers will not, however, be obligated to attend work or asked to place themselves at risk.

6.3 Alternative ways of working

Where it has been agreed that the employee has been prevented from attending their normal place of work, the following may apply;

Employees may be able to undertake work at home under the direction of their Line Manager. Where it is agreed this can be achieved, the employee should be credited with the hours he/she worked at home. If participating in the Flexible Working Hours Scheme, the employee will be credited with the appropriate time. If the time worked falls short of the normal daily hours, the balance should be dealt with as appropriate.

Employees may be able to undertake work from another council location. Where an employee can attend an alternative location the new location should be informed to ensure any security requirements are met. Employees should carry work as directed by their own manager if available, or allocated work appropriate to their skill set and grade by another manager. All hours worked should be recorded as normal.

For Teaching Staff – if a teacher can demonstrate that they did work at home on any day when they were unable to attend any NLC establishment (or were to agree to complete some collegiate task at a time and place of their choosing in the near future) and agree that with their line manager, this time will not be regarded as an absence. This will be a temporary extension of their right to do work that need not be done on the school premises at a time and place of their choosing, as provided for in paragraph 3.10 of the SNCT Handbook of Pay and Conditions of Service.

6.4 Employees Attending Late or Leaving Early

Where it has been agreed that the employee has been prevented from attending work at their normal time or require leaving early as a consequence of severe weather conditions and/ or disruptions to public transport, the following may apply;

- (i) For employees who participate in the council's Flexible Working Hours Scheme, the flexibility of flexi-time and coreless flexi may be sufficient to accommodate any impact on either attending late or leaving early, in particular where there is a disruption to public transport. During periods of

severe weather conditions the council may consider waiving the application of stipulated core times for employee's attendance.

- (ii) Employees who attend work late will receive their normal pay for the day and should be credited with their standard daily hours. However, if an employee does not report for work until after 2pm the provisions in relation to absence set out above will apply. Employees working in school establishments should revert to their line manager for specific details.
- (iii) Employees whom it is agreed may leave early will also receive their normal pay for the day and should be credited with their standard daily hours. However, if the employee leaves before 2pm the provisions in relation to absence set out above will apply.

6.5 Employees prevented from returning home

Employees who attend work and are prevented from going home due to severe weather will be credited with their standard daily hours. If they are required to spend the night sheltering at their work location, this will not be counted as part of the working day in line with the Working Time Regulations. Employees in this category will receive subsistence allowances in accordance with the council's agreed rates (Evening meal allowance and/or Breakfast allowance, as appropriate). Consideration should be given to adjustment of rotas for those employees who have sheltered overnight in their work location, to avoid where possible an employee going straight into a long working shift but taking service delivery into account.

6.6 Impact of Schools or Nursery Closure

Where schools, nurseries and day centres are closed due to severe weather and an employee has no other alternative than to stay at home to care for their dependents, special leave, annual leave, flexi leave (if the employee participates in the Flexible Working Hours Scheme), or unpaid leave will usually be granted in the first instance. Consideration can also be given to use of parental leave or special leave.

7. Special Considerations

Special consideration will be given to any member of staff who is:

- (i) Disabled as defined under the Equality Act 2010 and that disability makes it unreasonable for them to attempt to attend work during severe weather conditions;
- (ii) Pregnant and has made their manager aware of this;
- (iii) Has a health condition, which is known to the council, which makes it unreasonable for them to attempt to attend work during severe weather conditions. i.e mobility condition

Managers should give consideration to the position of disabled employees for whom undertaking journeys to and from work in severe weather conditions may present particular risks. Examples of such risks are:

- those with mobility problems who may have particular difficulties travelling;
- disabled employees who may not have access to medication or the means of managing their condition;

- disabled employees who may have difficulty attending an alternative workplace as they may be unable to access it and/or function within it.

In the case of pregnant employees particular consideration should be given to those whose duties involve them working outdoors and/or walking long distances.

Managers will be able to exercise discretion and make their own decisions in relation to employees that fall into any of the categories listed above without relying on the procedures laid out in Section 6.1. Managers should discuss the employee's particular circumstances with them before making any decisions and ensure a fair and consistent approach is taken.

8. Health & Safety

While the council will ensure, so far as is reasonably practicable, the health, safety and welfare at work of all its employees, employees are reminded of their duty to take reasonable care for their own health and safety and that of other persons who may be affected by their acts or omissions. This includes taking extra care when travelling to and from work in severe weather conditions.

Impact of Severe Weather Conditions on Duties

The council recognises that severe weather conditions particularly affects employees whose job involves driving or working outdoors. Managers should ensure that risk assessments are reviewed to take account of the weather, and monitor the employee's location and wellbeing during the working day. In these circumstances employees should be properly instructed, provided with the appropriate clothing and equipment and given sufficient rest breaks.

Employees must ensure they understand any temporary arrangements put in place to protect their safety. Any concerns an employee has about continuing to work in severe weather conditions should be raised with their manager in the first instance.

Impact of Severe Weather Conditions on Council Establishments

In the event of severe weather conditions every effort will be made to open all council offices and other establishments as normal. Services will co-ordinate their own operational services including decisions on establishment closures, after consultation with the appropriate senior officers.

Managers of establishments should consider the risks specific to their property and implement appropriate control measures to ensure access and egress is maintained so far as is reasonably practicable. A common sense approach should be adopted with regards to ice and snow clearance, it is not always practical to grit an entire site but as part of the gritting procedure safe routes should be identified and communicated to all persons affected.

First Aiders and Fire Wardens may be absent due to these circumstances, therefore managers must ensure that in each workplace location, a safe working environment is maintained and that alternative and interim fire safety and building evacuation procedures are in place, should they be required.