Guidance for Situations of Adverse Weather

Aberdeen LNCT Agreement

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1. Introduction

In line with our Guiding Principles, employees are trusted to undertake their work to the best of their abilities and to minimise any impact on service delivery during periods of adverse weather. This guidance is intended to support employees and managers to make appropriate decisions based on service needs, personal safety, wellbeing and the individual circumstances of employees affected by adverse weather.

There may be circumstances where employees are unable to attend their workplace, unable to undertake their work on a particular day, or need to start work later and/or finish work early as a result of adverse weather or the subsequent effects of adverse weather.

Managers and employees should be as flexible as reasonably possible, balancing service delivery requirements with individual circumstances. The health, safety and wellbeing of employees must remain a key consideration in all decision making.

This guidance applies to all Aberdeen City Council employees. Specific provisions for school-based staff, including teaching and non-teaching employees, are set out in Section 5.

For teachers and associated professionals whose terms and conditions are governed by the SNCT Handbook, this guidance must be read alongside the SNCT Handbook and relevant LNCT agreements. Where there is any conflict, SNCT/LNCT provisions will take precedence.

2. Roles and Expectations

Employees

- Should prepare, as far as reasonably possible, for adverse weather events. This includes, where appropriate, ensuring that equipment and devices are available to support home or alternative-location working where adverse weather is forecast.
- Are responsible for deciding whether it is safe for them to travel during periods of adverse weather, taking account of their own personal safety and wellbeing.
- Must contact their line manager, or next available team manager, as soon as possible to advise of any non-attendance at a workplace, or inability to undertake their work, due to adverse weather to discuss alternative arrangements. This includes discussing any potential concerns where adverse weather is predicted.
- Must be willing to undertake suitable alternative work, working from home or working from an alternative, safe location, where possible and consistent with their contractual terms and conditions.

- Should advise their line manager of any caring responsibilities and any particular additional needs they may have in times of adverse weather.
- Should discuss options with their line manager on how any absence from work will be recorded (further guidance below).

Line Managers

- Should liaise directly with their Service Manager and Chief Officer to determine if services will remain operational with the final decision agreed by the Chief Officer.
- Should have clear communication channels in place and communicate with employees as early as possible where a service is to close or change its operating arrangements because of adverse weather, including activation of business continuity plans where appropriate.
- Are responsible for supporting employees to make appropriate decisions about attendance at a workplace, including whether they should leave work early because of adverse weather.
- Should take account of any known health conditions, disabilities, pregnancy related considerations, caring responsibilities or other individual circumstances that may require additional support or reasonable adjustments during periods of adverse weather.
- Should not require an employee to travel where the employee has reasonably assessed that it is unsafe for them to do so. The manager's role is to discuss the available options, taking account of service needs, the employee's role, the feasibility of home or alternative-location working, and any individual circumstances requiring support or adjustment. The agreed arrangement, rationale, dates or hours, and any pay implications should be recorded clearly.
  • Should discuss alternative arrangements on a one to one basis with an employee who is unable to attend work as a result of the adverse weather as set out in Section 3.
- Should only approve unpaid special leave as a last resort having explored all the alternative flexible options set out above.
- Must ensure they know the locations of their team members and whether they are able to work or not.
- Must maintain regular contact and communication with any employee(s) who is not working for any reason, staying particularly mindful of those who live alone and/or more remotely.

People Services

- Will be available to provide advice and guidance and to discuss individual circumstances in relation to attendance for work during adverse weather situations
- Will issue relevant corporate communications and updates on weather warnings issued via the Local Resilience Partnership or SEPA/the Met Office.
- Will keep this guidance to employees and managers under review.

3. Relationship with Other Leave Provisions

This guidance should be read alongside the Council's Special Leave Policy (link) and Family Leave Policy (link). Adverse weather does not automatically create an entitlement to paid special leave. However, where an employee's circumstances also involve a dependant, family emergency, caring responsibility or domestic emergency, managers should consider the most appropriate provision in line with the relevant policy or guidance.

The adverse-weather school closure provision below is intended to support employees who have primary caring responsibility for a child whose school is closed at short notice because of adverse weather. It does not replace other provisions such as time off for dependants or family emergencies, carers leave, compassionate leave or Employee Aide, which may apply depending on the circumstances.

For teaching staff, consideration should also be given to whether the employee is able to undertake contractual duties in accordance with paragraph 3.10 of the SNCT Handbook before the situation is treated as an absence requiring leave.

4. Employees Unable to Work Due to Adverse Weather – Options

There is no automatic provision of paid special leave for absence from work due to adverse weather*.

Managers are responsible for determining, using this guidance, how any absence due to adverse weather should be managed, as each situation may be different. People Services are available to discuss individual concerns or specific circumstances.

Before decisions are made on granting any leave provisions (paid or unpaid), managers should support employees to work flexibly and explore options such as working from home, from an alternative location, undertaking suitable alternative duties, adjusting working hours, working time back, using flexi-time hours, using time off in lieu (TOIL), or, where the employee agrees, taking annual leave, or accessing another relevant leave provision.

Annual leave should be considered as one of a range of available options and should be discussed fairly and consistently, taking account of service needs, the employee's circumstances and any relevant leave balance. Only where these options have been exhausted should authorised unpaid leave be considered.

If an employee's preference is to use unpaid leave rather than flexible options or annual leave, this can be granted. However, the manager should ensure that the employee understands the pay implications before the absence is recorded. Where relevant, employees should also be reminded that unpaid leave may have pension implications. The discussion should be recorded, including the date, number of hours or days, the options considered, and the agreed leave or working arrangement.

Where it is determined that a service is not operational as a result of adverse weather, managers should support impacted staff to explore all available alternative working options, including working at alternative locations and / or suitable alternative duties. If no suitable alternative working option can be identified, the absence will be recorded as paid special leave, However, if an employee unreasonably refuses suitable alternative duties, the absence will be recorded as unpaid special leave.

In cases of major incidents, it may be that temporary or emergency response duties are also available, and these will be communicated via People Services.

The availability of the options set out within this section will depend on an employee's contractual terms and conditions. For teachers and associated professionals covered by SNCT arrangements, any alternative working arrangement must comply with the SNCT Handbook and relevant LNCT agreements, including provisions governing the 35-hour working week, class contact time and time and place.

*Employees who have a primary caring responsibility for a child who is unable to attend school due to a school closure during adverse weather may be granted up to one day's paid special leave for that adverse weather situation, where they are unable to organise alternative childcare arrangements at short notice. Longer periods may be considered in extenuating circumstances.

For any other circumstances involving a family emergency, compassionate circumstances, carers leave or another dependant-related issue, employees should access the relevant Family Leave Policy or Special Leave Policy provision.

Employees should avoid situations where they are expected to work while also providing care to a dependant, as both responsibilities require appropriate attention and focus. Through discussion between the line manager and employee, suitable flexibility should be agreed where possible.

Where adverse weather results in a domestic emergency, such as flooding, storm damage or a burst pipe, managers should consider whether the Employee Aide provision or another relevant special leave provision is more appropriate than recording the absence solely as adverse-weather-related non-working time.

5. School-based Staff - Specific Arrangements

The Council should communicate, as early as reasonably practicable, whether a school is open to pupils and staff (by job type), closed to pupils but open to staff (by job type), or closed to both pupils and staff (by job type), when the arrangement takes effect; and when the position will be next reviewed.

School Open

Education Staff (Teaching, Early Years, Pupil Support Assistants, Technicians and Administration Employees)

Where a decision has been reached that a school is open, employees are expected to attend work as normal. Where an employee cannot

attend due to adverse weather, they must contact their line manager as soon as possible to discuss the appropriate arrangements.

Where a teacher is unable to attend school due to adverse weather but is able to undertake contractual duties which do not require their presence on school premises, the provisions of paragraph 3.10 of the SNCT Handbook will apply.

Where the teacher is unable to undertake all of their contractual duties, the Head Teacher and teacher should discuss what alternative arrangements may reasonably be made. Any arrangement to undertake duties at another time must be agreed with the teacher and must comply with SNCT/LNCT provisions, including the 35-hour working week, maximum class contact time and, for part-time teachers, their contractual working pattern.

Where contractual working time cannot be undertaken, the appropriate arrangements for the period concerned should be discussed with the teacher in accordance with this guidance and applicable SNCT/LNCT provisions.

Facilities Management Staff (Catering, Cleaning and Janitorial service employees)

Where a decision has been reached that a school is open, employees are expected to attend work as normal. Where a Facilities Management service employee has difficulty in attending their normal place of work, they must contact their service Team Leader or next available team manager and attend the nearest alternative place of work which has been agreed with them, if the employee considers it safe to do so. The employee is responsible for making the immediate decision about whether it is safe for them to travel to their normal workplace or an agreed alternative workplace. If the employee considers it unsafe to travel, they must contact their Team Leader or next available manager as soon as possible. The manager will then discuss and agree the appropriate arrangement in line with section 3 of this guidance.

School Closed to Pupils but Open to Staff

Education Staff (Teaching, Early Years, Pupil Support Assistants, Technicians and Administration Employees)

Where a decision has been reached that a school is closed to pupils, but open to staff, employees are expected to attend work as normal. Where an Education employee cannot attend due to adverse weather, they must contact their line manager as soon as possible to discuss the appropriate arrangements.

Teachers, in accordance with paragraph 3.10 of the SNCT Handbook, may undertake all tasks which do not require them to be on school premises at a time and place of their choosing. The teacher should notify their line manager accordingly.

Facilities Management Staff (Catering, Cleaning and Janitorial service employees)

Where a decision has been reached that a school is closed to pupils, but open to staff, employees are expected to attend work as normal. If this is an employee's normal place of work, and the adverse weather

event presents difficulties for them to reach the school safely, they must contact their Team Leader or next available team manager and attend the nearest alternative place of work which has been agreed with them, if the employee considers it safe to do so. The employee is responsible for making the immediate decision about whether it is safe for them to travel to their normal workplace or an agreed alternative workplace. If the employee considers it unsafe to travel, they must contact their Team Leader or next available manager as soon as possible. The manager will then discuss and agree the appropriate arrangement in line with section 3 of this guidance.

School Closed to Pupils and Staff

Education Staff (Teaching, Early Years, Pupil Support Assistants, Technicians and Administration Employees)

In the unusual situation where a decision has been reached that a school is closed to both pupils and staff, Education employees must contact their line manager as soon as possible to discuss the appropriate arrangements.

Teachers, in accordance with paragraph 3.10 of the SNCT Handbook, may undertake all tasks which do not require them to be on school premises at a time and place of their choosing, notifying the appropriate manager accordingly. Where a teacher is undertaking contractual duties in this way, they should be regarded as working and no leave provision is required.

Facilities Management Staff (Catering, Cleaning and Janitorial service employees)

In the unusual situation where a decision has been reached that a school is closed to both pupils and staff, Facilities Management employees must contact their Team Leader or next available service manager and attend the nearest alternative place of work that has been agreed with them, if the employee considers it safe to do so. The employee is responsible for making the immediate decision about whether it is safe for them to travel to their normal workplace or an agreed alternative workplace. If the employee considers it unsafe to travel, they must contact their Team Leader or next available manager as soon as possible. The manager will then discuss and agree the appropriate arrangement in line with section 3 of this guidance.

Only where an employee is unable to undertake their contractual duties, and appropriate alternative arrangements consistent with their terms and conditions have been explored, should paid special leave be considered. A teacher undertaking contractual duties in accordance with paragraph 3.10 of the SNCT Handbook is working and does not require special leave.

Any agreed arrangement involving a part-time teacher undertaking duties at another time must respect the teacher's contractual working pattern and SNCT provisions. A part-time teacher should not be required to undertake additional duties on a day on which they are not contracted to work in order to compensate for working time affected by adverse weather.

6. Concerns or Complaints

Where an employee is dissatisfied with a decision made by their manager under these adverse weather arrangements, they should first raise this directly with their line manager so that the concern can be considered and resolved informally where possible. If further advice or guidance is required, the employee and/or line manager should contact People Services. Where the matter cannot be resolved, and where appropriate, it may be considered under the Managing Grievances policy.

Nothing in this section prevents a matter concerning the interpretation or application of SNCT/LNCT terms and conditions from being raised through the appropriate LNCT machinery.