

# Severe Weather

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## Introduction

All employees (including School based employees) are under an obligation to be available for work. There is no automatic right to payment for time lost due to severe weather conditions. The Council / School however recognises that on occasions employees may be unable to be available for or attend work, arrive at work late or be allowed to leave early due to severe weather conditions, where it is a requirement of the role to attend a physical workplace. For those staff who have the opportunity to regularly work from home, severe weather might still adversely affect their ability to work, perhaps through electricity failure or flooding as non-exhaustive examples. The Corporate Lead HR/Head Teacher will determine those days on which the Severe Weather Policy will apply. Where staff have the opportunity or access to Flexitime or the Flexitime system, this may be used to account for time. Where this is not the case the Stuck Not Sick Policy can be used to provide flexibility to affected employees or potentially annual leave where appropriate.

## Payment of Leave

Consideration for time away under the Flexitime/Stuck Not Sick Policy will be given to those employees who genuinely cannot attend work, where this is a requirement of their role, during periods of severe weather where the Corporate Lead HR / Head Teacher is satisfied that the employee lives in an acceptable location, was available and made every attempt to get to work (including the use of public transport) and no other employee who was required to attend their workplace from a similar location, got to work on that day. If Flexitime/Stuck Not Sick is refused, the employee will be allowed to take the day from any outstanding annual leave.

Where an employee can undertake meaningful work from home, this can be agreed between the employee and their line manager / Head Teacher.

## Training Courses

Employees attending training courses outside of the Council/School will be paid their normal hours for the day of training if, after attending, the course tutor/leader decides to finish the course early as a result of severe weather conditions.

## Employees on Flexible Working Hours

For employees participating in the Flexible Working Hours Scheme the normal rules will apply in that they must key in and out at the actual time they log on, log off, arrive at or depart from work. At the discretion of the appropriate Director, employees may be credited with the standard working hours they were genuinely unable to work because of the severe weather disruption. No employee will be credited with any time outside of their working hours unless it is actually worked.

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Where employees are in a debit situation in excess of ten hours at the end of the accounting period as a result of not being able to access or attend work due to severe weather, they will be allowed to make up the required time in the following four-week accounting period.

### **Employees Not Eligible for Flexible Working Hours**

Employees not subject to flexible working arrangements that have difficulty accessing work remotely or arrive late for work, owing to severe weather conditions, shall receive a normal day's pay provided that the extent and reason for the lateness is accepted as reasonable in the circumstances by the appropriate Director/Head Teacher. Where the extent and/or reason for the lateness are not reasonable, an appropriate deduction will be agreed and made.

Where the appropriate Director/Head Teacher considers it reasonable to allow an employee who is not subject to flexible working hours to travel home early because of severe weather conditions (subject to the needs of the service/school), the employee will receive a normal day's pay, excluding any overtime that may have been worked on that day.

### **Leaving work early**

Heads of Service / Head Teachers should decide on a case-by-case basis whether it is appropriate for employees in their area/school, who are required to attend a workplace, to leave work early. When making this decision, they should account for the employee's circumstances (e.g. distance from his/her home to work, caring arrangements, mode of transport and the needs of the organisation).

### **Health and Safety at work**

It is not the intention of the Council / Head Teacher that employees put themselves at unnecessary risk when trying to access or attend work. The Council / Head Teacher will not encourage employees to travel in dangerous weather, either travelling to and from work or during working hours.

The Council / Head Teacher recognises that severe weather particularly affects employees whose job involves driving or working outdoors. The Council/School will undertake regular risk assessments to ensure that employees working in these conditions are properly instructed, provided with the appropriate clothing and equipment and given sufficient rest breaks. The Council/School will also take steps to ensure that work premises are hazard free and appropriate measures are implemented to reduce the incidence of slips, trips, and falls during poor weather.

Whilst the Council and School have an overriding responsibility for protecting the health and safety of employees who may feel anxious about travelling across the borough during severe weather conditions, this must be balanced against the need to provide essential services that protect our most vulnerable service users. Where appropriate, drivers will be provided with additional training and guidance on safe driving in hazardous conditions and all appropriate technological solutions will be applied to the Council vehicles to minimise risk of accidents. Where drivers experience undue anxiety in relation to driving for work all attempts will be made to plan for this when allocating appointments and dual staffing will be instigated as deemed appropriate.

### **Closure of schools and nurseries**

If schools or nurseries are closed, for example due to heavy snow, making it difficult for employees and children to get in, or access work where appropriate, individuals who do not have alternative childcare options may be in the position

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that, while they could get into work or access work from home, despite the weather disruption, it is necessary for them to spend the day looking after the health and wellbeing of their children.

Such a situation is covered under the unpaid dependent leave provisions of the Employment Rights Act 1996 where the employee has the right to take a reasonable amount of time off because of the unexpected disruption or termination of arrangements for the care of a dependent. Employees may not need to suffer any financial detriment as the Flexitime/Stuck Not Sick Policy may apply in these circumstances but may only be approved for a time period deemed sufficient for the parent/guardian to make alternative childcare arrangements.

### **Reasonable circumstances**

The decision of what is reasonable shall be taken after consultation between the appropriate Director and the Corporate Lead HR/Head Teacher. The decision to close schools will be the responsibility of the Director of Children's Services in consultation with Head Teachers. The decision will take into account factors such as distance from home to work, road conditions, physical fitness of the individual and the availability of public transport.

### **The closing of premises**

Where the Council / Head Teacher decides to close premises or a worksite on account of severe weather conditions and employees who can do no work from home or an alternative work place, are then not required to work, they will be paid those hours up to a basic day's pay or credited with up to a standard day for the day(s) of closure.

### **Equality and Diversity Statement**

South Tyneside Council / the Governing Board is committed to promoting equality and valuing diversity. An equality check for this policy was carried out in 2022 and no equality check implications were identified.

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| Policy approved by Governors:     | May 2023  |
| Date of next review by Governors: | June 2024 |