

ABERDEEN CITY COUNCIL

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COMMITTEE	Finance, Policy and Resources
DATE	26 September 2013
ACTING DIRECTOR	Paul Fleming
TITLE OF REPORT	Failure to Attend Work Due to Bad Weather
REPORT NUMBER:	CG/13/098

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1. PURPOSE OF REPORT

This report proposes the replacement of the two current policies on failure to attend work due to bad weather (non-teaching and teaching), with a set of new corporate guidance.

2. RECOMMENDATION(S)

The Committee is requested to:

a) Approve the introduction of the new attached corporate guidance on failure to attend work due to bad weather, to replace the two existing policies.

3. FINANCIAL IMPLICATIONS

There are no costs associated with the implementation of this corporate guidance.

4. OTHER IMPLICATIONS

Having one set of corporate guidance on failure to attend work due to bad weather, covering all employees, should help to ensure fairness and equity across the workforce.

5. BACKGROUND/MAIN ISSUES

The existing non-teaching policy on failure to attend work due to bad weather has been in place for several years and has therefore been overdue a review. The existing teaching policy has been in place since September 2010 and generally mirrors the provisions of the non-teaching policy, but with certain differences.

One of the main reasons for the review was the need to design a document covering all employees of the Council including teachers, with two separate policies currently applying. It was decided to compile

a set of corporate guidance rather than a policy to allow more flexibility in its application.

Also, there was an aspect of the current policies that had changed in practice but was not reflected in their wording, namely that a CMT representative is required to give approval for the arrangements to apply on a particular day. This has now been included in the new corporate guidance.

As part of the review, a benchmarking exercise was carried out with 26 organisations, 19 of which were Scottish Local Authorities, to compare the provisions in their bad weather policies with those of this council. One of the main findings was that the majority of these organisations (i.e. 17) had no provision for a paid day of special leave on the first day of absence due to bad weather, with 6 having provision and the remaining 3 having a discretionary provision. Of the Scottish Local Authorities contacted, 12 out of the 19 had no provision for a paid day of special leave on the first day of absence due to bad weather, with 4 having provision and 3 having a discretionary provision. It should be mentioned that there is no legal entitlement to paid special leave for an absence due to bad weather.

From the review, the key changes that have been made between the existing two policies and the proposed new corporate guidance are as follows:-

(a) There is now no automatic right to payment in the circumstances of an employee failing to attend work due to bad weather, with the previous provision of granting the first full day of absence as paid special leave having been removed. This reflects the content of the policies of the majority of the benchmark group of organisations.

(b) The new guidance provides clarity as to what the current practice is with regard to its application, namely the Head of HR obtains information and advice on weather conditions and disseminates this to a representative of CMT who then decides on whether the arrangements will apply on any particular day based on the information obtained. This actual practice was not fully reflected in the current policies.

(c) The new guidance goes into more detail than the current policies regarding the possible arrangements for covering an absence due to bad weather, which includes using flexi time, annual leave, having the time regarded as unpaid or agreeing with the manager how the lost time will be made up at a later date. It also mentions the possibility of employees undertaking home working, where appropriate, or reporting to an alternative Council site subject to certain conditions and prior authorisation of their manager. It is recognised that only some of these options can apply to teachers and other employees working term-time e.g. use of annual leave would not be applicable.

(d) The section from both existing policies covering the arrangements to be applied when schools are closed due to bad weather has been retained in the new guidance, to give clarity to managers on how an absence related to childcare commitments caused by such a school closure can be treated. The provision of Directors having discretion to grant up to one day's paid special leave where an employee has been unable to organise alternative childcare arrangements at short notice still applies. This assumes that the employee has principal caring responsibility for the child/children.

(e) The section in the previous Teachers' policy on the scenario of a school being open to pupils but where staff cannot attend due to adverse weather has been carried over to the new guidance, covering both teachers and support staff. However, it indicates that no paid special leave will automatically apply with absence for bad weather normally regarded as one of a number of options to be agreed between the manager and employee e.g. lost time made up at a later date or regarded as unpaid leave. It mentions that in respect of a teacher who has class contact time scheduled on that day they can opt to 'pay back' those hours (or alternatively a deduction from pay could be agreed) for the day they are unable to attend due to bad weather. For any remaining hours the teacher may undertake these at a time and place of their choosing, in accordance with their national conditions.

(f) The section on schools being closed to pupils but open to staff, who can safely travel to work, has been carried over from the Teachers' existing policy to the guidance, but appropriately amended to give more detail around when teachers can elect to work at home or a place of their choosing in a situation of bad weather, it being on the assumption that they have sufficient work to undertake and are not required to participate in a 'whole school' activity.

(g) A paragraph has been added to the new guidance on a situation where a school is closed to pupils and staff and where the employee is available for work. It indicates that they may require to report to an alternative Council location, but also mentioning that a teacher can elect to work from home or a place of their choosing. It also states that where the above is not possible and all other reasonable options have been exhausted a day's paid special leave will be granted.

(h) The clause on appealing a decision made under the policy, previously contained in the non-teaching policy, has been replaced in the guidance with a clause on disputes, indicating that where an employee is dissatisfied with a decision made by their manager under the arrangements for failing to attend work due to bad weather, they should raise this with their Service Manager in the first instance and if the matter is not then resolved it would be raised through the appropriate organisational process.

(i) A section has been included at the end of the new guidance detailing both employee and manager responsibilities, this having been gleaned from the benchmarking exercise.

(j) The new guidance retains the provisions on how lateness for work and the need to leave work early would be treated, but expands on these sections compared to the existing policies to provide managers with more clarity on how these should be applied.

## 6. IMPACT

The removal of the provision to automatically grant an employee the first full day of absence due to adverse weather as paid special leave should help ensure fairness and equity across the workforce. Employees who previously would have remained at home on a bad weather day and taken special leave will now need to consider the alternative arrangements. There are a number of alternatives mentioned in the guidance that could apply to accommodate the lost time, with the manager and employee identifying the best option that suits the employee's circumstances. This should result in all employees being treated equally in relation to bad weather days regardless of where they live.

An Equality and Human Rights Impact Assessment has been undertaken in respect of the proposed new guidance.

## 7. BACKGROUND PAPERS

None.

## 8. REPORT AUTHOR DETAILS

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**ABERDEEN**  
**CITY COUNCIL**

# **Guidance on Failure to Attend Work Due to Bad Weather**

**September 2013**

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## 1. Introduction

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Employees have a contractual duty to attend for work and every reasonable attempt must be made to reach their place of employment on any working day. The aim of this guidance is to ensure that consistent and fair practice is adopted throughout the Council in situations where adverse weather conditions affect an employee's ability to attend or remain at work. There will inevitably be occasions when weather conditions are so severe that some employees will either be prevented from getting to work or will be late and/or need to leave work early.

The Head of Human Resources and Organisational Development will be responsible for obtaining information and advice from the Police, Motoring Organisations and Transport Authorities and disseminating it to a nominated representative of the Corporate Management Team (CMT). The CMT representative will decide on whether this guidance will apply on any particular day based on the information obtained.

## 2. Scope

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This guidance applies to all Council employees, including Teachers.

## 3. Arrangements for a failure to attend work

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In a circumstance of an employee being unable to attend work due to adverse weather conditions, they must report the fact to their line manager at the earliest opportunity. There is **no automatic entitlement** to paid leave of absence in this circumstance. Normally, the employee will be required to use flexi leave, annual leave or have the time regarded as authorised unpaid leave to cover the absence or agree with their line manager how the lost time can be made up at a later date.

Alternatively, working from home may be granted, but this would only apply where

- the employee is able to perform the duties of their role from home, and
- sufficient work is available to be completed at home, and
- the nature of the duties to be undertaken are suitable for home working.

Consideration can also be given as to whether it was feasible for an employee to report for work at an alternative Aberdeen City Council location/site. Again, this would depend on the availability of suitable duties and on whether the particular site could accommodate an additional employee(s). Both scenarios above would require prior management authority.

## 4. Lateness for work

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Where the Director is satisfied that an employee has genuinely been prevented from attending work by their normal starting time due to bad weather, any lateness will be ignored. The employee will be credited with the lost time calculated on the difference

between their actual arrival time and their scheduled or normal start time, including those on flexi time.

## **5. The Need to Leave Work Early**

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The Director will be responsible for deciding whether any request to leave work early is warranted, bearing in mind the information provided by the Head of Human Resources and Organisational Development and the home address, mode of travel and personal circumstances of the employee concerned. Where the Director is satisfied that early release is justified, the employee will be credited with a normal standard day. For an employee on flexi time this would be to the end of their normal finishing time.

## **6. School closures in general**

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In a situation where an employee's child/children is/are unable to attend school due to a school closure as a result of bad weather but where the employee is able to attend work, Directors will have discretion to grant the employee up to one day's paid special leave if he/she is satisfied that the employee has been unable to organise alternative childcare arrangements at short notice. This assumes that the employee has principal caring responsibility for the child/children. Other similar scenarios concerning dependant relatives can be considered in terms of the Compassionate Leave provision within the Special Leave policy.

## **7. School Based staff**

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### **7.1 School Open**

In a situation where a school is open but staff cannot attend due to adverse weather the arrangements in paragraph 3 of this guidance will apply. In respect of Teachers who have class contact time scheduled on such a day the Teacher can opt to "pay back" scheduled class contact hours for the day(s) they are unable to attend due to adverse weather. The "pay back" arrangements of making up the lost time will be done by agreement with the Headteacher of the school. For any remaining hours that are not scheduled as class contact the Teacher may undertake these at a time and place of their choosing, in accordance with the provisions contained in paragraph 3.10 of the SNCT terms and conditions of employment. Where a teacher is unable or opts not to "pay back" the lost time, there would normally be a deduction from pay in respect of the lost class contact time only.

### **7.2 School closed to pupils but open to staff**

Where a decision is taken to close a school to pupils due to adverse weather, but to keep it open to staff who can travel to the school safely the provisions of paragraph 3 of this guidance apply for anyone unable to attend work due to adverse weather conditions. Teachers, in accordance with paragraph 3.10 of the SNCT terms and conditions of employment, can elect to work at home or a place of their choosing. This is on the assumption that they have sufficient work to undertake and the Head Teacher does not



require them to report to the school to participate in a 'whole school' activity. Where a teacher elects to work at home or a place of their choosing due to adverse weather conditions, they must inform their line manager of their intention in this respect.

### **7.3 School Closed**

In the unusual situation where a school is closed to both pupils and staff and the employee is available for work, they will be requested by their Head Teacher to report for duty to an alternative Council location which will normally be to another school where practicable (but could be to an administrative location where this was not practicable). An alternative for teachers is to elect to work at home or a place of their choosing.

Only where this was not possible with all other reasonable options exhausted, would a day's special leave with pay be granted.

## **8. Disputes**

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Where an employee is dissatisfied with the decision made by their manager under these arrangements for bad weather, they should raise this with their Service Manager and if this does not resolve the matter to their satisfaction the employee may wish to use the appropriate organisational process.

## **9. Responsibilities**

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### **Employee's responsibilities;**

- To contact their line manager as soon as possible to inform of any non-attendance for work due to adverse weather conditions.
- To discuss options with their line manager on how an absence will be regarded i.e. flexi, annual, unpaid leave or agreeing an arrangement to make the lost time up at a later date.
- To determine whether it is safe travel to work during periods of adverse weather, it being the responsibility of each individual employee to make the decision in respect of their personal safety.

### **Manager's responsibilities;**

- To consider the reason for non-attendance and discussing and approving the appropriate alternative arrangement e.g. granting of annual leave, flexi leave or unpaid leave, working from home, or an arrangement for the lost time to be made up at a later date (including lost class contact time for Teachers).

*n.b. it is not for managers to give advice on whether a journey to work is safe or not, this being a decision of the individual employee.*