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Dear Colleague

## **NHS SCOTLAND: INTERIM NATIONAL ARRANGEMENTS FOR ADVERSE WEATHER**

### **Summary**

1. I write to reissue the Interim National Arrangements for Adverse Weather and to ask you to ensure that they are widely publicised to staff and factored into ongoing winter planning and no-deal contingency planning.

### **Background**

2. These Arrangements were first issued to HR Directors, Employee Directors & Chief Executives in every Health Board in December 2018. Some revisions to the wording were then agreed by SWAG Secretariat in March 2019.

3. The Arrangements were issued on an interim basis pending commencement of the 'Once for Scotland' policy review programme. They will be formally incorporated into the 'Once for Scotland' suite of policies in 2020.

4. The arrangements set-out what is expected of staff, line managers and NHS employers, when severe weather means staff cannot get to work and/or where severe weather poses a significant risk to the health, wellbeing and safety of staff. They also clarify expectations in relation to pay, terms and conditions in such circumstances.

5. Where adverse weather is anticipated, NHS employers are expected to establish contingency plans for staff (where appropriate) to be deployed to other work places within their Health Board.

6. In some cases, Health Boards also have existing arrangements for deployment at alternative locations across Board boundaries.

7. The risk of concurrent events is being considered as part of the Scottish Government's no-deal planning. The effects of adverse weather on the service could

### **DL(2019)**

25 October 2019

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#### **Addresses:**

##### For action

Chief Executives, NHS Boards and National Health Boards.

Employee Directors, NHS Boards and National Health Boards.

Directors of Human Resources, NHS Boards and National Health Boards.

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##### For Action

#### **Enquiries to:**

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be compounded if the service is already affected by supply issues or if there is reduced assistance from organisations such as Police Scotland, because equipment or personnel are required elsewhere.

### **Action**

8. With this in mind I ask you all to ensure that you publicise what staff and managers should do when Met Office severe weather warnings are issued. I also ask that NHS employers factor adverse weather into on-going winter planning and contingency planning and consider how services may be affected by a diminished or delayed response from other public services.

8. NHS Employers are asked to make their own arrangements for publishing this Director's Letter, which can be viewed at: <https://www.publications.scot.nhs.uk/>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sean Neill', written in a cursive style.

**Sean Neill**  
Deputy Director, Health Workforce

## **Interim National Arrangements Covering Disruption to Work as a Result of Adverse Weather**

### **Policy purpose & principles**

1. The purpose of this Adverse Weather policy is to issue clear guidance to all members of NHS Scotland staff to inform how they should respond to extreme adverse weather events.
2. This policy replaces all existing local Adverse Weather Policies currently in force and is effective immediately.
3. This policy seeks to ensure:
  - a. That a safe, fair and equitable approach should underpin all NHS Scotland organisational responses to adverse weather events.
  - b. Effective resilience planning arrangements are put into place to ensure that NHS Scotland health boards can continue to provide essential services.

### **Roles and responsibilities**

#### **Employees:**

- Have a responsibility to make every reasonable effort to attend work in circumstances where adverse weather has struck and is affecting travel.
- Have a responsibility to familiarise themselves with the weather warning system and how to interpret the advice contained in a weather warning. (A guide is appended to this policy.)
- Have a responsibility to plan ahead, particularly where a weather warning has been issued and consider alternative options for travelling to and from work.
- Have a responsibility to maintain effective channels of communication with their line manager (or designated manager) and colleagues.
- Have a responsibility to take account of their own health, safety and wellbeing in making decisions about setting out to and from work, and in circumstances where travel is a routine part of the job.
- Have a responsibility to consider the health, safety and wellbeing needs of their colleagues.

#### **Line Managers:**

- Have a responsibility to ensure that all decision making is guided by the principle of reasonableness, taking into account relevant individual circumstances, as necessary.
- Have a responsibility to maintain effective channels of communication with their teams and to ensure that staff have the opportunity to see any severe weather notifications issued by the organisation.
- Have a responsibility to make all reasonable endeavours to maintain awareness of the circumstances of their team members, including their whereabouts and proposed travel arrangements.

- Have a responsibility to liaise with designated service managers/decision makers to ensure that timely action can be taken.
- Have a responsibility to consider the health, safety and wellbeing needs of their workforce.
- Have a responsibility to make team members aware of arrangements for maintaining essential service provision.

### **NHS Employers**

- Have a responsibility to set out clearly what staff and managers should do when Met Office weather warnings are issued and to advise staff where a weather warning has been issued.
- Have a responsibility to reflect the information and advice that is given in Met Office weather warnings and alerts.
- Have a responsibility to clearly identify who designated decision makers are within the organisation, ensuring that there is clear delegated authority at the appropriate level to ensure that timely decisions can be made.
- Have a responsibility to make this policy visible in the workplace and encourage staff at all levels to consider its implications for them.
- Have a responsibility to do all that is practicable to maintain effective communications with all staff.
- Have a responsibility to identify, where possible, alternative places to work in the event that weather conditions prevent employees from getting to their usual places of work; this should be an appropriate, safe and viable alternative.
- Have a responsibility to encourage flexible working practices for those who can, to work from home.
- Have a responsibility to ensure line managers and service managers are aware of resilience arrangements being put into place to maintain essential service provision.
- Have a responsibility to consider the health, safety and wellbeing needs of all staff.

### **Defining adverse weather**

4. Adverse Weather events are defined by reference to the Met Office Weather Warning system, as set out at Annex A. However, this adverse weather policy applies whenever severe weather is obstructing staff from being able to attend work, and/or where severe weather poses a significant risk to the health, safety and wellbeing of staff.
5. All staff have a responsibility to familiarise themselves with the weather warning system and with the communication mechanisms put into place within their health board for cascading weather warnings. Employers have a responsibility to communicate with all staff in a timely fashion, where adverse weather is anticipated. Employers should also ensure that staff are aware of the resilience arrangements that are being put into place, including who has delegated authority to take decisions about essential service provision and service closure.

6. Service managers and line managers should make themselves aware of the likely impacts of anticipated adverse weather, taking into account the condition of existing local infrastructure and public transport links. Wherever possible, early action should be taken to mitigate anticipated impacts. The precise nature of service impacts may be difficult to predict, nevertheless, all staff should give consideration to whether meetings can be rearranged and/or postponed to minimise unnecessary travel and promote staff safety. Consideration might also be given to rearranging and/or swapping shifts, as appropriate; the usual clearance mechanisms will apply.

### **Provision of essential services**

7. NHS Scotland provides a number of essential services in hospitals, clinics and in the community, which must continue to operate in extreme weather conditions. Decisions about which services are essential, will be taken in line with local and national resilience planning arrangements, and the clinical/care needs of service users. This may change over time, depending on the length and severity of adverse weather events. Employers will communicate such decisions, through line managers, to all staff. Line managers will, in turn, make all reasonable efforts to ensure that staff are aware of service changes.
8. Staff should not feel compelled to take undue risks in order to attend work. The need to provide essential services should be taken into consideration when decisions are made about whether it is safe to travel; staff have a continuing reasonable obligation to attempt to attend work even where a weather warning has been issued. Ultimately however, whether it is safe to travel, is a decision for the staff member concerned.
9. Line managers should also be aware that individual members of staff may be differentially impacted as a result of their personal circumstances, such as those who are living with a physical disability and pregnant workers etc. Staff may also be impacted as a result of where they live in relation to where they work and what their usual travel options are.

### **Service closure**

10. The health, safety and wellbeing of staff should be prioritised when taking decisions about service closure. Line managers will contact their appropriate executive lead (or designated manager) to request formal closure of non-essential services, in line with the mechanisms put into place by the board. Employers, managers and staff should be mindful of their responsibilities to maintain effective communications. Decisions to close services or alter service provision should be taken as early as possible and all reasonable efforts should be made to directly contact affected staff.
11. Staff who work in a community setting and undertake driving activities as part of their work should consider whether it is safe to continue to undertake those journeys, in consultation with their line manager. Staff should work closely with management to make sure that risks are assessed and managed in a systematic and ongoing way. Staff should make regular contact with their

manager if they are to continue working, including providing regular updates on their whereabouts.

12. Where services have been suspended, staff may be redeployed to ensure the continuity of essential service provision. Staff may also be directed to work from another location or at home, where their role would allow them to do so. In situations where staff cannot be redeployed or work elsewhere, and they are sent home, full payment for the relevant shift will be awarded.

### **Provisions for working at other sites**

13. Where adverse weather is anticipated, Health Boards are expected to be proactive in establishing contingency plans that allow staff to be deployed to other work places within their Health Board. Boards are encouraged to develop standing arrangements for alternative deployment, for instance to a community based or acute service. When deploying staff to another location, the health safety and wellbeing of staff and service users should be prioritised. There is also a need to match employee skills and abilities and ensure that there is appropriate supervision in place.
14. In developing standing arrangements Employers should produce a list of alternative deployment options.. These should be made known to service managers and line managers to help facilitate alternative deployment. Where an employee believes they are not able to get to their usual place of work, they must make contact with their line manager (or other designated service manager) at the earliest opportunity. The line manager may request that they attend a nearby alternative NHS facility, subject to the agreement of the alternative facility. Once this has been agreed, the staff member concerned may then travel to their alternative place of work. The staff member concerned should contact their line manager on arrival to indicate that they have arrived safely.
15. It is recognised that deployment at an alternative facility will be subject to the limitations of existing systems and infrastructure.
16. Boards must maintain appropriate security and risk management arrangements. Employees presenting at an alternative facility will be required to provide their ID badge or other form of photographic ID. The receiving facility will deploy the staff member and provide appropriate supervision for the shift. The staff member should also be informed of emergency evacuation procedures and who their immediate line manager will be for the shift.

### **Provision for working across board boundaries**

17. Where health boards have existing arrangements for deployment at alternative institutions across Board boundaries, these will continue to operate as before. Provision for deployment across board boundaries must comply with the health, safety, security and risk management arrangements set out at paragraphs 14-16, above.

### **Arrangements for working at home**

18. Home working may be an appropriate alternative to reporting for work, where staff are unable to reach their normal place of work or an alternative base. In these cases, arrangements for working at home should only be made following agreement with line management. Decisions about whether home working is appropriate will depend on the staff member's role, whether they have the equipment to work safely from home and whether or not they need to be alternatively deployed to ensure essential service provision.
19. In adverse weather conditions, working from home should not be viewed as an alternative to normal working arrangements if staff are able to attend work.

### **Provision for those remaining on the premises**

20. In the event that the best option for a member of staff is to remain on the premises, arrangements should be made to provide appropriate accommodation for them. If, during the course of their working responsibilities, staff are stranded on work premises, or where staff are unable to make it home as a result of travel disruption, employers will ensure that appropriate arrangements are made to provide staff with accommodation (at no charge). Accommodation will be offered subject to the relevant constraints and location of the individuals affected. The availability and type of accommodation offered may vary. In all circumstances the health, safety and wellbeing of staff concerned will be prioritised.
21. Where staff are required to remain on the premises, regular meals and drinks should also be made available. Staff should not be instructed to stay at work outside of normal working hours if they are able to return home.
22. There may be circumstances in which staff volunteer to remain on the premises, in order to provide cover for staff unable to travel. In such circumstances, staff should be provided with appropriate accommodation and access to meals and drinks. Employers should also be mindful of their obligations under the Working Time Regulations. Staff are entitled by law to a rest period of not less than eleven consecutive hours in each 24 hour period.

### **Provision for shorter working hours**

23. In some circumstances, managers should consider the early release of staff (including altering shift change-over times). Managers should also appropriately consider all reasonable staff requests to leave work early, due to adverse conditions (e.g. if they have a greater distance to travel). In such circumstances, having given due regard to the need to maintain essential services, employees can be regarded as having completed their whole shift (i.e. the employee does not have to make up time or lose payment). Where possible, managers should stagger large groups of staff leaving work premises to minimise wider disruption.

24. Employees who consider that they may experience difficulty in getting to work on time due to adverse weather conditions should contact their manager before the start of their shift. An employee in this situation should also advise the same manager upon arrival at work. Where the manager is satisfied that the employee is likely to have (or has had) genuine travel difficulties, and that all reasonable options have been considered to get to work on time, they may regard the employee as having completed their conditioned hours for that shift (i.e. the employee does not have to make up time or lose payment).
25. It should be ensured that staff arriving late or leaving early as a result of disruption to their travel arrangements, do not suffer any detriment as a result of their decision to attend work. Staff should be encouraged to attend work where it is safe to do so, even if not for a whole shift, in order to promote essential service provision.

### **Provision for paid special leave**

26. Under this policy, NHS Scotland employees may access discretionary paid special leave in circumstances where severe weather prevents employees from attending work. Special leave will be made available on similar terms to those set out in the Model Special Leave Policy of the Supporting the Work-Life Balance Partnership Information Network (PIN) Policy. The relevant provisions are as follows: staff may be granted up to one week's paid special leave to deal with urgent and predominantly unforeseen circumstances, where other forms of leave are not applicable. A further working week may be offered at the discretion of the manager.
27. Access to paid special leave is granted on the basis of the principle that staff should not suffer unfair detriment for circumstances beyond their control. It is understood that in exceptional circumstances severe weather may affect employees who have already accessed their special leave entitlement to deal with a domestic emergency. In such circumstances, health boards are encouraged to be flexible in their approach. Staff should not be disadvantaged where circumstances beyond their control prevent them from attending work. It may be awarded both during an adverse weather event and also in circumstances where there is no longer a weather warning in place, but where there is nevertheless still significant disruption to travel and infrastructure.
28. Individual decisions in relation to the application of paid special leave will be for local line management, but will include consideration of:
- Whether public transport and/or road conditions have been severely disrupted.
  - Whether other employees living in the same locale, using the same methods of transport, were able to attend work, taking into account any specific personal circumstances of the staff member concerned.
  - Whether the individual could have attended work later in the day or at another time, including whether there was the opportunity to work to an alternative rostering pattern or conclude a voluntary shift-swapping arrangement with other staff.



- Whether alternative work arrangements were considered; Including attending another appropriate NHS premises locally, or working from home.
29. Staff should not be unfairly expected to manage reduced pay. All reasonable steps should be taken to provide alternative solutions, including re-arranging shifts, and making time up. In circumstances where a staff member is likely to require extended leave, it may be appropriate to discuss the use of other forms of leave, particularly where discretionary paid special leave entitlements have been exhausted.
30. If disagreements arise as to the provision of special leave, these should be raised locally with line management in the first instance. Where a satisfactory resolution cannot be found, the matter may be considered in line with the provisions of the Dealing with Employee Grievances PIN Policy. This sets out that staff are strongly encouraged, wherever possible, to resolve any disagreement informally. Ultimately, if a staff member feels that they cannot informally resolve a disagreement, then they may formally raise a grievance.
31. Staff should not be compelled by their employer to take annual leave as a result of adverse weather. Staff members may opt to use annual leave where they require extended leave and/or have exhausted other paid leave entitlements.

#### **Provision of other forms of paid leave**

32. In cases where care arrangements for dependants have broken down due to unforeseen adverse weather conditions, leave may be recorded as Carers Leave on the first day of absence. This should not be used for meeting anticipated care needs. In circumstances where normal care arrangements are likely to be disrupted, reasonable alternatives should be explored wherever possible.
33. If weather conditions become so severe that schools, nurseries and/or day centres are closed suddenly and with very little or no prior warning, staff required to take time off to look after dependants may be given Carers Leave on the first day of absence. Staff are required to make all reasonable endeavours to secure alternative care provision for their children. Line managers may record leave on subsequent days as Carers Leave, depending on the individual circumstances. Such decisions will be guided by the principle of reasonableness, taking into account the need to maintain service provision.

#### **Recirculation of this Policy**

34. In the event that a red weather warning is forecast, (or if locally severe weather is anticipated) this Adverse Weather Policy should be formally re-circulated/cascaded within your health board, ensuring that it is reasonably accessible to all line managers and staff. All staff should be encouraged to familiarise themselves with the terms of the policy and all staff groups should remind themselves of their responsibilities.

This policy was initially issued on:

21 Dec 2018

Reissued (as amended): 25 Oct 2019

## Weather Warnings Guide

Up-to-date advice on current weather conditions, including how to interpret weather warnings, can be found at:

<https://www.metoffice.gov.uk/public/weather>

*When is a weather warning issued?*

- As the official weather service, only the Met Office issues weather warnings.
- A Weather warning can be issued at any time, day or night, 365 days a year.
- Warnings are provided up to seven days in advance for rain, thunderstorms, wind, snow, lightening, ice and fog.

*What will a weather warning contain?*

- **Headline** – a short headline indicating what type of weather is forecast.
- **What to expect** – short details on the types of impact forecast and an indication of how likely these will be.
- **What should I do** – this section provides advice and guidance from Met Office partners on how to stay safe in severe weather.
- **Further details** – any relevant additional information

*What do the colours mean?*

- All weather warnings are issued through the National Severe Weather Warning Service.
- The warnings are given a colour: Yellow, Amber or Red. The colour given depends on a combination of both the impact the weather may have and the likelihood of those impacts occurring.
- Yellow and Amber warnings represent a range of impact levels and likelihoods. It is important to read each warning to know what level of impact is likely within the chosen warning area.
- You should monitor the warning and take stock of changing circumstances on the ground.
- Impacts include damage to property, travel delays and cancellations, loss of water supplies, loss of power and, in the most severe cases, they can bring a danger to life.
- To demonstrate this combination of likelihood and impact, the Met Office issues a matrix, which can be found in the further details section of weather warnings. This should always be checked to inform continuity service planning where a weather warning has been issued.

