



Adverse Weather Policy

Version History

Version	Date	Responsible	Changes
2020/01	Jan 2020	JMB	Rebrand

Cambusbarron Village Nursery

Adverse Weather Policy

Cambusbarron Village Nursery aim is to maintain service during adverse weather conditions (or other emergency situations) when it is safe to do so and whilst properly discharging its duty of care to employees.

Paying Staff Wages

This information is based on the principle that in accordance with an employee's contract of employment they are required to attend for duty in order to receive payment unless the building where they work is closed. Where the building has been closed, for example by the landlord, and the employee is ready, willing and able to work, they are then entitled to payment of salary.

However, when travel disruptions occur, there is no legal right for staff to be paid by an employer for travel delays (unless the travel itself is constituted as working time or in some situations where the employer provides the transport). It is the responsibility of the employee to get to work. If the employee does not come to work, the employer is under no obligation to pay them.

Cambusbarron Village Nursery however, considers the advantages of payment or arranging time off in lieu of payment, flexi or home-working alternatives to retain good levels of staff morale, engagement and commitment to the service. This is also likely to promote goodwill amongst employees if they feel that their employer is being flexible.

If employees do work from home on anything other than a one-off basis, the employer will need to bear in mind such issues as insurance, health and safety and security. Employers are responsible for the health, safety and welfare of their employees wherever they work. We are also required to treat all employees consistently to avoid the risk of discrimination claims.

Absence or lateness

If an employee does not turn up for work, or turns up late, because of adverse weather or disruptions to public transport, in the strict legal sense the employer is entitled to treat the absence in the same way as any other unauthorised absence.

As a general rule in law employees must be ready and willing to perform their duties and therefore if they are absent from work without authorisation they are not entitled to be paid. In practice, this response is rare because we recognise that there is a degree of give and take in the employment relationship. It is more common when employees are viewed as abusing the weather circumstances.

However, if we do believe this to be the case, we will investigate the employee's reasons for non-attendance before stopping his or her pay.

Closure of schools or care facilities and employee rights

If schools or care facilities are closed due to the weather, employees who do not have alternative child-care options may be in the position that, while they could get into work despite the weather, it is necessary for them to spend the day looking after their children.

Such circumstances will almost certainly fall within the dependant leave regime under s.57 (A) of the Employment Rights Act 1996, which includes the employee's right to take a reasonable amount of time off: because of the unexpected disruption or termination of arrangements for the care of a dependant; or to deal with an incident that occurs unexpectedly in a period during which an educational establishment is responsible for the employee's child.

Time off in these circumstances is unpaid and should last only for as long as necessary to deal with the immediate situation. If a closure is scheduled to last a week, the employer might reasonably expect the employee to make some alternative arrangements within that time to permit him or her to return to work. Employees must tell their employer as soon as reasonably practicable why they are away and how long they expect the absence to last.

Dependant leave absences are designed to be both short and unpaid, and the reasonableness of the length of absence depends on the individual employee's personal circumstances to a substantial extent.

Health and safety issues

As employers we have a general duty under s.2 of the Health and Safety at Work etc Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare of our employees at work and there is also an implied term in every contract of employment that the employer will take reasonable steps to protect the health and safety of its workers in the workplace.

Employers should not encourage their employees to travel in dangerous weather, either during working hours or when travelling to and from work. While an employer would not normally be liable for the acts of its employees when travelling to and from work, the courts have shown an increasing willingness to hold an employer liable for the acts of its employees taking place outside working hours where the act is closely connected with what the employer authorised or expected of the employee in the performance of his or her employment.

Temperature at Work

For those who get to work it is not uncommon for members to face heating failures or heating systems that are simply inadequate. Regulation 7 of the Workplace (Health, Safety and Welfare) Regulations 1992 (SI 1992/3004) states that during working hours, the temperature in all workplaces inside buildings shall be reasonable. However, the Regulations do not provide a minimum workplace temperature. The Health and Safety Executive provides guidance on the Regulations, which recommends a minimum temperature of 16°C for workplaces where the activity is mainly sedentary. For workplaces where much of the work involves physical effort, the minimum recommended temperature is 13°C.

Outdoor working

When working outdoors the effects of the weather in the UK environment can potentially have a serious impact on an employee's health if the risks have not been considered or properly managed. When extremes of weather prevail we aim to adopt a common sense approach. Outdoor sessions may be curtailed, relocated or altered to ensure that the weather does not negatively impact on staff or children's health.

In general we aim to maintain a safe working environment for all our staff.

Cold environments

- ensure the personal protective equipment issued is appropriate
- provide facilities for warming up, and encourage the drinking of warm fluids such as soup or hot drinks

Hot environments

- provide more frequent rest breaks
- provide free access to cool drinking water
- introduce shading in areas where individuals are working
- encourage the removal of personal protective equipment when resting to help encourage heat loss
- educate workers about recognising the early symptoms of heat stress

Working in the sun

Too much sunlight is harmful to your skin. It can cause skin damage including sunburn, blistering and skin ageing and in the long term can lead to an increased risk of skin cancer. Skin cancer is one of the most common forms of cancer in the UK with over 50,000 new cases every year.

A tan is a sign that the skin has been damaged. The damage is caused by ultraviolet (UV) rays in sunlight. If work keeps you outdoors for a long time your skin could be exposed to more sun than is healthy for you. You should take particular care if you have:

- fair or freckled skin that doesn't tan, or goes red or burns before it tans
- red or fair hair and light coloured eyes
- a large number of moles

Refunding fees because of non provision of a service

Please refer to the Fee Collection Policy

General Sources of Information

[Directgov](#) website

[ACAS](#) website. ACAS Helpline: 08457 474 747

HSE (Outdoor Working)