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Velindre NHS Trust

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ADVERSE WEATHER POLICY

Executive Sponsor & Function	Director of OD & Workforce
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Policy Statement

Velindre NHS Trust is appreciative and conscious of the effort that employees make in attending work during adverse weather conditions. Some staff may experience difficulty-attending work, but the Trust emphasises that no employee should risk their personal health and safety or that of others, when endeavouring to attend their workplace.

1. Purpose

The adverse weather policy intends to inform staff of the procedure to follow if they cannot attend work, will be late attending work or are delayed in returning from annual leave, due to adverse weather conditions, and when adverse weather arises whilst in work.

2. Scope

Without exception, this procedure applies to all employees of the Trust to include those within hosted services, those with honorary contracts, agency staff, bank, temporary and fixed term staff, secondees and students.

3. Aims and objectives

The adverse weather policy intends to inform staff of the procedure to follow if they cannot attend work, will be late attending work or are delayed in returning from annual leave, due to adverse weather conditions, and when adverse weather arises whilst in work. This policy is designed to ensure that appropriate measures are taken to support staff during adverse weather conditions. If such conditions do occur and show due regard for their health and safety, as well as endeavouring to provide adequate levels of service to patients/service users.

4. Roles and Responsibilities

4.1 Individual Employee Responsibilities

- to familiarise themselves with the provisions within this policy, particularly when adverse weather is forecast.
- to keep abreast of weather warnings, forecasts and plan ahead.
- to make every reasonable effort possible to attend their place of work (or an alternative office where possible) during adverse weather conditions. Reasonable effort to attend work includes the use of public transport, walking where appropriate and car sharing. NB. If employees decide to “car share”, this is an agreement between those employees and not an instruction from the Trust.
- to consider their personal health & safety and that of others when taking actions under this policy.
- to access advice from the emergency services via the media and any available advice from the Trust.
- Should maintain contact with their workplace throughout any period of absence.

4.2 Manager Responsibilities

- Ensure business continuity during times of adverse weather.
- Ensure all staff are aware of the department's business continuity plans in the event of adverse weather
- Make all staff aware of this policy when adverse weather is forecast.
- Treat all employees fairly and consistently.
- Agree reasonable adjustments with employees with disabilities in advance of adverse weather events occurring
- Ensure adequate communication takes place with their staff where adverse weather arises.
- Have regard for the Health and Safety of staff.
- Support staff who work long hours to maintain services during adverse weather.

5. Procedure for reporting non / late attendance

Where employees are unable to attend their place of work or will be late attending due to adverse weather conditions, they must notify their manager [or if unavailable, the nominated deputy]. Please also refer to the Business Continuity Plan [if necessary] at the earliest opportunity. The following information should be provided:

- The reason for non-attendance/lateness, including issues where the All-Wales Special Leave policy could apply.
- The attempt made by the employee to arrive on time.
- The amount of time that the adverse situation is expected to continue for.
- Raise any issues relevant to that day's work.

Special consideration should be given to staff with disabilities or who are pregnant, dependent upon individual circumstances and in line with current legislation.

6. Deteriorating weather conditions

If weather conditions appear to be worsening, or adverse weather conditions occur when members of staff are already in their workplace, any decision to send staff home will be taken by the appropriate level of management as defined in Appendix 1. Managers should raise any concerns about weather conditions known to the Chief Executive or Director of the division or hosted service as soon as possible.

Decisions will be dependent on:

- Employee's journey to their home (i.e. distance, mode of transport etc.).
- Staffing requirements across the Division/hosted service.
- Reports obtained on road conditions, weather reports, public transport etc.
- Employee circumstances.
- Business and service continuity and provision of essential services.

Employees working at another location other than their usual place of work should contact their line manager to discuss their return home, or to their usual place of work, as soon as they feel their own health and safety may be at risk.

In exceptional circumstances, where employees are unable to return home due to worsening weather conditions, alternative solutions will be sought which may include the provision of accommodation in appropriate cases. Approval must be agreed in advance by appropriate level of management as defined in the Decision-Making Responsibilities Schedule Appendix 1.

See also FAQ's **Appendix 2**.

7. Communications

Communications should be coordinated in liaison with the organisational Communications Team in relation to updates, local conditions and hazard alert warnings including levels (i.e. Red, Amber or Yellow). This information is then to be cascaded out within Divisions/Hosted Services as appropriate and in line with their business continuity plans.

8. Organisational Decision Making

It is recognised that the circumstances whereby this policy will become operational may mean that normal reporting and communication arrangements are compromised. As such, Organisations should devise and publicise local arrangements. See **Appendix 1** for the decision-making responsibilities schedule.

Local arrangements will be in line with the organisations Adverse Weather Business Continuity Plans, which will include arrangements for operational delivery, resources and estates including building closures and what arrangements are in place for staff during adverse weather.

9. Payment of Employees

- (i) Employees who, due to adverse weather, are unable to attend their workplace for all or part of their shift may be able to make up this time within a reasonable period agreed by the line manager and employee. Alternatively, they may be given the opportunity to take the time off as annual leave or unpaid leave. Where accrued, time off in lieu may be taken and where a flexitime scheme is in operation, the provisions of that scheme may be used if agreed by the line manager.
- (ii) Where adverse weather is predicted, it may be possible in some instances for a manager to consider and agree in advance that an employee may work from home. Any requests to work from home will be subject to the manager satisfying themselves that the employee has the appropriate equipment and sufficient work to undertake and that it is assured that all health & safety requirements (as per the Hybrid Working Toolkit) are adhered to.
- (iii) Where the decision is taken* to send employees home early due to adverse weather conditions, they will be paid as if they had completed their contracted hours of work.

- (iv) Staff who work in excess of their normal hours will normally only receive time off in lieu for the additional hours. The decision to pay staff for additional hours is a matter for the appropriate Director and must be agreed in advance.
- (v) Staff who remain on site beyond the end of their shift but are not working will not be paid for those additional hours nor receive time in lieu.

Staff, who despite their best efforts are unable to attend for work, should be available for telephone advice where appropriate.

*Decisions for Divisions/hosted services will be made in line with the Decision-Making Responsibilities as outlined in **Appendix 1** and local Business Continuity Plans, including provision of essential services.

See also **Appendix 2** FAQs for further information.

10. Working at another base within Velindre NHS Trust or a Hosted Service

Where employees are unable to attend their normal place of work but are able to attend another appropriate workplace within the Trust, and able to carry out their normal duties or other duties required by the Trust they can do so with the agreement of the relevant manager as per the schedule of authority in Appendix 1. Arrangements must be made in advance for staff to attend another base within Velindre NHS Trust or a Hosted Service, where this is not possible e.g. without prior notice it may not be possible to accommodate this option, staff should refer to their line manager.

11. Adverse weather and the all Wales Special Leave Policy

The Special Leave policy covers a number of potentially relevant situations, which may arise due to adverse weather. These can relate to the policy's provisions on "emergency carers and dependants leave" and leave to manage an "unexpected crisis". In such cases, employees are able to apply for Special Leave, initially limited to 1 day. Decisions on approval or otherwise will take account of the circumstances of each case on an individual basis, including the foreseeability of the adverse weather and school closures.

Where the employee has prior knowledge of a potential disruption in their personal circumstances i.e. school closure, then special leave will not apply, and the expectation will be for the employee to make alternative arrangements.

12. Records Management

A record of all episodes of failing to attend will be taken and kept on the employee's personal file and employees may be required to make a statement of the circumstances that prevented them from attending work.

If there is evidence to suggest that an employee has repeatedly not made appropriate efforts to attend work during adverse weather conditions, and this is supported by records on their personal file, this matter may be taken up through the All-Wales Disciplinary Policy.

13. Grievances

If an employee disagrees with how this policy has been applied by their line manager, they should first make reasonable efforts to resolve the disagreement informally; failing which they can consider using the All-Wales Respect and Resolution Policy.

14. Equality

The Trust is committed to ensuring that, as far as is reasonably practicable, the way it provides services to the public and the way it treats its employees reflects their individual needs and does not discriminate against individuals or groups.

The Trust has undertaken an Equality Impact Assessment (EQIA) and received feedback on this policy and the way it operates. The Trust wanted to know of any possible or actual impact that this procedure may have on any groups in respect of gender (including maternity and pregnancy as well as marriage or civil partnership issues) race, disability, sexual orientation, Welsh language, religion or belief, transgender, age or other protected characteristics.

The assessment identified actions that would mitigate any potential unfavourable impact on equality groups and to ensure that the Trust meets its responsibilities under the equalities and human rights legislation.

15. Resources

The implementation and management arrangements associated with this policy do not present any significant resource implications to the Trust.

16. Implementation

The People and OD Team will maintain this policy. Please refer to section 5 for further information in relation to the responsibilities in connection with this policy.

17. Audit and Monitoring

This policy will be subject to the normal People and OD audit processes and procedures

18. Distribution

The policy will be available via the Trust's Intranet Site and from the People and OD approved policy intranet page. Where staff do not have access to the intranet, their line manager must ensure that they have access to a copy of this policy.

19. Review

The People and OD Department will review the operation of the policy as necessary and at least every 3 years.

20. Further Information

Further information and support are available from the People and OD Department.

21. References

- All Wales Special Leave Policy.
- WF 35 – Annual Leave and Bank Holiday Policy.
- Hybrid Working Toolkit WF 23 – Flexible Working Policy and Procedure.
- Local Flexi-Time Procedures/Protocols.
- All Wales Respect and Resolution Policy.
- All Wales Disciplinary Policy.

DECISION MAKING RESPONSIBILITIES**DIVISIONS**

In the event of adverse weather conditions any decisions to send employees home or advise them not to attend work will be taken as follows: -

Corporate Headquarters	By the Chief Executive or in their absence by the nominated deputy
Velindre Cancer Service	By the Director of Cancer Services or in their absence by the nominated deputy.
Welsh Blood Service	By the Director of Welsh Blood Service or in that person's absence by the nominated deputy. Departmental managers have discretion in this matter, but, if possible, should discuss the situation with either the Director or deputy prior to making any decision.

HOSTED SERVICES

NHS Wales Shared Service Partnership	By the Director of Service or in that person's absence, by a nominated Deputy.
Health Technology Wales	By the Director of Service or in that person's absence, by a nominated Deputy.

FAQs

This aim of the policy is to ensure that appropriate measures are taken to support staff during adverse weather conditions. The policy sets out the procedure which applies to all staff should they be unable to attend work, be late attending work or are delayed in returning from a business meeting, annual leave etc. due to adverse weather conditions.

It should be noted that the extreme adverse weather conditions do not occur frequently. To ensure that all staff are treated in a fair and consistent manner the following FAQs have been produced to respond to the queries previously raised by staff and managers.

Q 1. If I cannot attend work because of the adverse weather, will I be paid?

A 1. Yes if;

- You work from home or at another Trust location as an alternative.
- You are sent home from work as a result of the Organisation's decision.
- You have agreed with your manager to repay the time within a reasonable timeframe.
- You take annual leave or flexi leave

A 1. Not if;

- You choose not to attend an alternative location if available.
- You have no annual leave available
- You would breach the relevant flexi time protocol in respect of debited hours (hours owed).

Q 2. What should I do if I have agreed for my employee to work from home?

A 2. If your employee has the facility to work from home, then they should have previously completed an ad hoc home working risk assessment. If not, confirm the requirements of the assessment with them over the phone or ask them to complete the form electronically and sign retrospectively upon their return. Ensure that they remain contactable throughout the day and have sufficient work to undertake.

Q 3. What should I do if I have agreed for my employee to work from another Trust location?

A 3. Ensure that they inform you of the exact location, a contact number and where in the premises that they are located during this period. Ensure that they are aware of the emergency procedures at that location.

Q 4. My member of staff is unable to attend work due to cancellation of public transport. What do I do?

- Can they attend work by some other mode of transport?
- Can they attend work later that day?
- Are they able to work from home?
- Are they able to work an alternative day or additional hours to repay the time?

A 4. Yes

- agree working arrangement between you and the individual ensuring that if agreement is made for the member of staff to work from an alternative base, facilities are available for the member of staff to undertake work.
- ensure contact is made regularly.
- ensure appropriate health & safety regulations are adhered to at all times.

A 4. No

Advise the employee that they need to record the absence as annual leave, flexi leave, unpaid leave or agree for them to work the time back within a reasonable timeframe.

Managers may refer to on-line resources in relation to the location of the employee's home and/or public transport facilities available before advising on an agreed method of absence.

N.B Deliberate failure to attend work in such incidents may involve referral to the All-Wales Disciplinary Policy

Q 5. My employee cannot attend work as their child's school is closed / childcare arrangements have been affected. What do I do?

All parents are entitled to request time off for dependants, however there is no legal right to paid time off. Consider;

- Was there any advance warning of this adverse weather? e.g.
 - a. Warnings published on national or local sites (inc. intranet).
 - b. Potential school closures published on their websites.

A 5. Yes

If staff were aware in advance, as per the All-Wales Special Leave Policy, then paid special leave is not applicable.

A 5. No

Staff are expected to make contingency plans for the second day; take annual/flexi leave or agree to work the time back within a reasonable timeframe.

N.B. In all situations however, as per the statutory legislation, employees are entitled to take a reasonable amount of unpaid leave

Q 6. What is my responsibility as an employee in respect of attending work during a period of adverse weather?

A 6. All employees have a responsibility to make every reasonable effort possible to attend their place of work during adverse weather conditions, taking account of advice available from the Trust/hosted services, as appropriate, emergency services, media etc. It is stressed that no employee should risk their personal health and safety when endeavouring to attend their workplace during a period of adverse weather.

Q 7. What actions does the Trust consider an employee should take when “making every reasonable effort to attend my place of work during adverse weather conditions”?

A 7. The policy confirms that making every reasonable effort will include, using public transport, car sharing and walking. Some areas of the Trust, which employs frontline clinical and support staff provide appropriate transport for these staff, to assist them to get into work during periods of adverse weather. Where the Trust is providing transport, the managers will liaise with the relevant employees to make them aware of the transport arrangements, including pick up location, time etc. as well as the contingency plan should the Trust be unable to transport them home again, at the end of their shift / contracted hours.

Q 8. What if I make an assessment of the weather conditions and decide that it is not safe for me to make my way into work?

A 8. The Trust accepts that individual employees may wish to undertake a risk assessment to determine whether it is safe and reasonable for them to make their way into work, during a period of adverse weather. It is the Trust's position that employees should not take unacceptable risks with their personal health & safety when taking actions under the Adverse Weather Policy.

Where staff decide that it is not safe to attend work, in accordance with the Adverse Weather Policy they are required to either; make up the time within a reasonable period, as agreed with their line manager or take annual leave or take unpaid leave or take accrued time off in lieu or take flexi time (where the latter two schemes are in operation).

Q 9. Will I get paid if the Trust decided to close my workplace?

A 9. If it was agreed and it was appropriate in the circumstances that an employee continued to undertake their work from home and they did so, they will be paid for their normal contractual hours on the days the workplace was closed. If they chose not to work from home, they will be required to either; make up the time within a reasonable period as agreed with their line manager or take annual leave or take unpaid leave or take accrued time off in lieu or take flexi time (where the latter two schemes are in operation).

If an employee attended work for part of the day or attempted to attend work, they should be paid as if they had completed their contracted hours of work in

accordance with the policy. For those staff who due to the adverse weather were unable to attend their workplace for their shift / contracted hours on this date, they will be required to make up the time within a reasonable period or take the time off as annual/unpaid leave or take flexi time if a scheme is in operation.

If an employee was unable to work and this was 'wholly attributable' to the fact that a decision had been made to close a workplace, the employee should receive their normal pay.

Q 10. My manager contacted me at home prior to the commencement of my shift and told me not to come into work due to the adverse weather. Will I still be paid for this day or am I required to take annual leave?

A 10. If an employee was contacted by their manager and explicitly told not to come into work, the manager has in effect made a decision to close that department / workplace. This situation will therefore be managed as a temporary "lay off" period. In accordance with the legislation the employee will be entitled to receive their normal pay for that shift.

However, if the manager discussed and agreed with the employee that they could work from home and they did so, they would also be entitled to receive their normal pay for that shift.

Q 11. I was unable to get into work, and I do not have any annual leave which I can take for this day. I will therefore have to work back the time. Over what time period am I expected to work back the hours?

A 11. The employee should discuss this matter with their line manager and agree a reasonable period which that reflects the needs of the service and the employee's personal circumstances. It is recommended that in normal circumstances the employee should work the time back within a 12-week period.

Q 12. Will I get paid if I come into work and I am subsequently sent home by my line manager?

A 12. This will depend on the circumstances.

Where the decision is taken to send employees home early due to adverse weather conditions, they will be paid as if they had completed their contracted hours of work.

However, where the manager has discussed and agreed with the employee that they are able to work from home and have sufficient work to undertake, the employee will only be entitled to be paid for the day if they undertake the work agreed. If they chose not to work from home, they will be required to either; make up the time within a reasonable period as agreed with their line manager or take annual leave or take unpaid leave or take accrued time off in lieu or take flexi time (where the latter two schemes are in operation).

Q 13. Will I get paid if I come into work and I make the decision to go home, due to deteriorating weather?

A 13. As it is the employee who is making the decision to go home, in these circumstances they will be required to either; make up the time within a reasonable period as agreed with their line manager, take annual leave, take unpaid leave, take accrued time off in lieu or take flexi time (where the latter two schemes are in operation).

However, if it was agreed and it was appropriate in the circumstances that the employee continued to undertake their work from home and they did so, they will be paid for their normal contractual hours.

Q 14. How will annual leave booked by staff be dealt with if the office is subsequently closed?

A 14. Employees who booked leave for days that the office is subsequently closed will be expected to take the leave for these days. Annual leave cannot be withdrawn unless there was a requirement for the individual to attend work and they were able to do so.

Q 15. Am I entitled to apply for paid special leave as my child's school was closed due to the adverse weather?

A 15. In accordance with the NHS Wales Special Leave Policy, if this was a foreseeable consequence of an advance "yellow" and/or "red" weather warnings, or notification of such school closures were published in advance, employees are not eligible to apply for special leave.

Q 16. If I had agreed to work overtime or additional hours, but I was unable to get into work because of the adverse weather, am I still be entitled to receive payment for the unworked hours?

A 17. In these circumstances the employee will not be entitled to receive pay for overtime that was not worked.

Q 18. What payment will I receive if due to adverse weather conditions I was late getting into work?

A 18. In these circumstances the employee will be paid as if they have started work at their normal contractual time.

Q 19. What happens if I am sick and unable to attend for work?

A 19. Employees who are unwell during adverse weather are required to comply with the relevant reporting arrangements and will be managed in accordance with the Sickness Absence Policy. These employees would continue to be recorded as being off on sick leave until they are fit.

Weather Warnings - What do the colours mean*?

The Met Office issues weather warnings, through the National Severe Weather Warning Service, when severe weather has the potential to bring impacts to the UK. These warnings are given a colour (yellow, amber or red) depending on a combination of both the impact the weather may have and the likelihood of those impacts occurring.

Yellow Warning: Yellow warnings can be issued for a range of weather situations. Many are issued when it is likely that the weather will cause some low-level impacts, including some disruption to travel in a few places. Many people may be able to continue with their daily routine, but there will be some that will be directly impacted and so it is important to assess if you could be affected.

Amber Warning: There is an increased likelihood of impacts from severe weather, which could potentially disrupt your plans. This means there is the possibility of travel delays, road and rail closures, power cuts and the potential risk to life and property. You should think about changing your plans and taking action to protect yourself and your property. You may want to consider the impact of the weather on your family and your community and whether there is anything you need to do ahead of the severe weather to minimise the impact.

Red Warning: Dangerous weather is expected and, if you have not already done so, you should take action now to keep yourself and others safe from the impact of the severe weather. It is very likely that there will be a risk to life, with substantial disruption to travel, energy supplies and possibly widespread damage to property and infrastructure. You should avoid travelling, where possible, and follow the advice of the emergency services and local authorities.

*This information was obtained from the Met Officer March 2018, please check the Governments Met Office Site for any updates

<https://www.metoffice.gov.uk/guide/weather/warnings>