



# COVID-19 HANDBOOK

Information updated 20/04/2020

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SOLICITORS

# BUSINESS CONTINUITY PLAN

As COVID-19 continues to spread, the wellbeing of our staff, clients and other visitors to our office is a priority for us. We have reviewed our business continuity plans, with coronavirus in mind, to ensure that we can continue to work as normal, or as near to normal as government guidance allows.

## **Working from home:**

Our staff are all equipped to work from home and are now doing so. We will continue working as normal with some changes to processes. You can call, email and discuss matters as normal. We will hold meetings by phone or video. Our offices in Gerrards Cross and London will not be open. At this time we would also prefer to receive documentation, instructions, payments and general post items electronically. Where this is not possible we will be able to receive and distribute post and DX though this may not be on a daily basis. If you are sending urgent correspondence by post please let us know in advance. We do not accept service of proceedings at our London office. We will continue to process Wills by phone and electronically so please contact us via the usual channels.

## **Ongoing situation assessment:**

The firm has a dedicated team who are constantly monitoring the situation, reviewing Public Health England guidelines and government advice. The team adjust our plans and operations, as needed, to ensure the wellbeing of people both in the firm and in contact with us, as well as ensuring that we can continue to work with our clients. Our switchboard is available from 8.30am to 10pm and also at weekends if you need to speak to us. We are here to help.

**Simon Deans | Senior Partner**



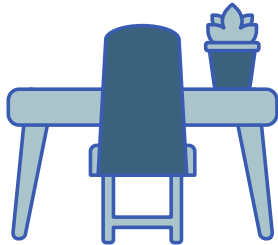
Where we are  
**TODAY**

# OUR WORKING FROM HOME TIPS

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## Designate a space for work

Having a set space with the right seat, to support your back, will increase productivity.



## Set working hours

Set working hours and stick to them to focus your attention on what needs to be done.



## Stay connected

Use Microsoft teams or Zoom to stay in touch with your team and communicate.



## Structure your day

Set a daily routine and make sure your 'to do' list is ready for the day ahead.



# For businesses

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# 5 QUICK FAQS WITH OUR EMPLOYMENT TEAM

## **Do I need to get my employees to sign a furlough agreement?**

In order to claim under the CJRS you must have evidence of your employees' written agreement to be furloughed. While they don't need to sign a formal furlough agreement, they must at least confirm by email that they agree to be furloughed. Although not strictly necessary, a formal furlough agreement will allow you to set out in detail the terms of the furlough. You should keep the record of your employees' written agreement for five years.

## **Can I rotate furlough between employees?**

Yes, but employees must be furloughed for a minimum of three continuous weeks in order for you to be able to claim under the CJRS. The same employee can be furloughed multiple times.

## **My employee wants to do volunteer work while furloughed. Can they?**

Yes, so long as the volunteer work doesn't involve them providing services to your business or generating revenue for your business. If you like, you can even facilitate finding volunteering opportunities for your employees during their furlough.

## **What about company directors?**

Salaried company directors can be furloughed, but the decision to do so needs to be formally adopted by the board of directors, noted in the company records and communicated in writing to the furloughed director. A furloughed director may only do such work as is reasonably necessary to fulfil their statutory duties and may not do any work that generates revenue for the company.

## **Can I furlough an employee I have just recruited?**

You can only furlough an employee if they were on your payroll on or before 19 March 2020. This means you must have made an RTI (Real Time Information) submission to HMRC in respect of their pay on or before 19 March 2020. As a result, some of your new hires might not be covered by the scheme, particularly if you pay your employees at the end of the month.

*Speak to our employment team*

01753 889995

[employmentlaw@bpcollins.co.uk](mailto:employmentlaw@bpcollins.co.uk)





## SHOULD CONSTRUCTION SITES CLOSE?

The Government has said sites can remain open provided workers observe social distancing. However, different cabinet ministers have since given mixed messages including that only those workers doing “critical” work should attend site and, more recently (24 March 2020), that anyone unable to work from home ought to go to work to “keep the country running”.

*What should an employer, which is faced with a decision to shut down a site, do?*

1. A Government ordered lockdown. Much has already been written about how this may amount to a force majeure event. If it is, the (unamended) 2016 JCT Design & Build does not envisage an employer having to issue instructions to a contractor to suspend work. It would be open to the contractor to seek an extension of time (as force majeure is a Relevant Event for that purpose) but crucially the contractor would not be able to make a claim for loss and expense (as force majeure is not a Relevant Matter).
2. The employer decides to close the site before any lockdown or other Government directive. Caution should be exercised before doing so. Under the (unamended) 2016 JCT such a decision could be either or both an instruction to postpone the works (under clause 3.10) or a Change (under clause 3.9) both of which would put the employer on the hook for loss and expense claims by contractors as they are Relevant Matters.

The construction industry is in completely uncharted territory. Decisions such as whether or not to close a site should be made carefully, with reference to the specific contractual provisions which apply and the prevailing Government advice at the time.



[Read the full article here](#)

*Get in touch with our dispute resolution team*

01753 889995

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# OPTIONS AVAILABLE FOR MICRO BUSINESSES

If you are the only owner and employee of a limited company in which your business operates, you may be exploring what financial support is available from the Government to help you deal with the impact of COVID-19.

## *Available Government schemes*

- The Coronavirus Job Retention Scheme (CJRS) encourages employers to keep staff on payroll instead of terminating their employment, by providing a grant which covers up to the lower of 80% of the relevant employee's monthly wage or £2,500; and
- The Self-Employed Income Support Scheme (SEISS) which supports self-employed workers.

### **Are directors of limited companies eligible for the CJRS?**

Yes, as long as the director takes a salary through a PAYE scheme on or before 19th March 2020.

### **Are directors of limited companies eligible for SEISS?**

In brief, the answer is 'no'. The SEISS is only applicable to self-employed sole traders.

### **Can I pay my dividends payments as salary through PAYE instead?**

HMRC have set out that only employees in respect of whom you made an RTI (Real Time Information) PAYE notification on or before 19 March will be covered by the CJRS. In addition, your reference pay is calculated using PAYE pay from prior to the introduction from the scheme – you cannot effectively give yourself a pay rise to get a greater benefit from the CJRS. In any event, you should also take advice from an accountant/tax expert before making any decisions as there is a possibility that this could be fraudulent.



[Read the full article here](#)

*Contact our corporate & commercial team*

01753 889995  
[commercial@bpcollins.co.uk](mailto:commercial@bpcollins.co.uk)



## DIRECTORS' DUTIES

### Directors' duties during COVID-19

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#### Things to do ✓

#### Things to avoid ✗

Plan early and act quickly	Ignoring the challenges and doing nothing – it will be alright in time!! It may not
Take specialist advice from lawyers, accountants and insolvency practitioners & act on the advice given	Vague or very brief meeting notes – be specific
Make sure that you understand your financial position – now and going forward (is there a risk that you are or may soon be insolvent?)	Believing that a change to the wrongful trading regime means all your duties are reduced
Hold regular board meetings	Putting personal considerations before those of the company
Document as soon as possible the decisions made & why they were made	Blinkered views – consider each of employee, director & shareholder perspectives separately
Communicate regularly with fellow directors, shareholders & stakeholders	Misleading creditors, shareholders or stakeholders
Plan for every eventuality including insolvency	Making payments/granting securities unless there is benefit to the company
Develop plans that can be quickly acted upon and adapted	Resigning without exploring all options available
Review personal guarantees you may have given in the past and consider insurance policies for validity	Thinking that normal duties and obligations don't apply during COVID-19

Get in touch...

01753 889995 | enquiries@bpcollins.co.uk | www.bpcollins.co.uk



**For people**

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# WHEN HOME ISN'T A SAFE PLACE

The announcement by Boris Johnson that everyone is to stay at home, exercise once a day, travel to and from work where "absolutely necessary", shop for essential items and to fulfil any medical or care needs is likely to cause feelings of stress and anxiety for many families. There is, however, fear that the isolation measures brought in to cope with the coronavirus outbreak will result in an increase in domestic abuse or exacerbate ongoing abuse.

*In the U.K. the charity Refuge advised, on 6 April 2020, that the National Domestic Abuse helpline had seen a 25% increase in calls and online requests for help since the lockdown.*

It is important to understand that domestic abuse isn't always physical violence. It also encompasses a pattern of controlling, threatening and coercive behaviour. This behaviour can be emotional, economic, psychological or sexual. Perpetrators of domestic abuse often use coercive and controlling behaviour to seek to isolate their victims from friends and family and to remove any support network they have. The lockdown has the potential to increase such behaviour where the victims are already cut off from the outside world.

There are various orders which can be made to assist the victims of domestic abuse and those will continue to be available, although applications are likely to be dealt with remotely through telephone or Skype hearings rather than at court.

The court also has the power to exclude the perpetrator of domestic abuse from the family home entirely (an occupation order) and to grant an injunction to prevent abusive behaviour (a non-molestation order). We anticipate however some additional challenges with these orders being made in the current climate where movement is limited and options to stay outside your household (such as with family or at hotels/ temporary accommodation) are fewer. If this isn't possible the court would look at regulating the occupation of the house and a non-molestation order. Breach of a non-molestation order is a criminal offence and as such will act as a deterrent for some.

Those who are suffering and need help will continue to be able to access it and we urge those people to seek advice and support.

*Helplines and support if you're experiencing abuse:*

- Freephone 24 hour National Domestic Abuse Helpline - 0808 2000 247 (run by Refuge)
- Women's Aid online chat service (open Monday-Friday 10am-12pm)
- As always, anyone in danger should call 999.

*Contact our family team  
in confidence*

01753 889995

familylaw@bpcollins.co.uk





## REMOTE WILL SERVICE

The recent social distancing measures introduced as a result of COVID-19 has changed the traditional approach of gaining legal advice to make a Will. As a solution, B P Collins' team of qualified and experienced solicitors is now offering virtual or phone appointments to those wishing to make a Will.

We offer an hour meeting via video or phone to take your instructions, ask questions and receive some options and inheritance tax advice. Following that meeting we will send a draft Will for you to review. Once happy we will send out the Will for signing with detailed instructions. We will store your completed Will as part of our service.



### Making a virtual Will



## Witnessing a Will during lockdown

The introduction of strict social distancing rules, means that it is now more difficult to sign a Will in front of two independent witnesses and have two people sign it in your presence. If not done correctly, a judge may rule the document invalid.

### Lucy Wood, partner, B P Collins said:

"Anyone thinking of writing a Will is being urged to seek professional advice, as there is a risk of online, do-it-yourself Wills being unlawful and invalid. We are successfully creating Wills for our clients after meeting with them via video conference calls and are issuing clear guidance on how to correctly sign your Will while the social distancing rules are in place."



[Click here to download our Wills questionnaire](#)

## What if I become ill? Who can take care of my finances or make decisions relating to my welfare?

Unless you have a Lasting Power of Attorney in place (LPA) no one has legal authority to make financial or care related decisions on your behalf.

There are two types of Lasting Powers of Attorney (LPA) that can help:

- Property and Financial Affairs (LPA PF) - you can appoint another person (or people) under an LPA PF to manage your property and financial affairs and to do anything, with your property or finances, which you can do.
- Health and Welfare (LPA HW) gives the person (or people) you appoint the power to make health and welfare decisions, and can even specifically permit "life sustaining treatment decisions" on your behalf again, within the parameters of the powers granted and restricted under the document. This document only takes effect if you lose mental capacity and cannot make decisions for yourself.

Speak to our private client team

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## THE EFFECT OF COVID-19 ON MOVING HOME

The Government's latest advice (25 March 2020) is that "Home buyers and renters should, as far as possible, delay moving to a new house while emergency measures are in place to fight coronavirus.

"If moving is unavoidable for contractual reasons and the parties are unable to reach an agreement to delay, people must follow advice on social distancing to minimise the spread of the virus.

"Anyone with symptoms, self-isolating or shielding from the virus, should follow medical advice and not move house for the time being."

The Law Society has published revised guidance to solicitors on the effect of COVID-19 on residential conveyancing transactions.

The guidance confirms that where contracts have been exchanged with a completion date within the next few days, the transaction can proceed if there is nothing to prevent the parties from doing so and subject to current public health guidelines as follows:

- Properties not being occupied with cases (or suspected cases) of coronavirus;
- Occupants not being in a state of isolation; and
- All parties abiding by social distancing requirements.

In practice there are likely to be significant difficulties in completing but the position remains that if completion does not take place in accordance with the terms of an exchanged contract due to COVID-19, the parties not completing will be in default and the default provisions will probably apply unless the non-defaulting party takes a 'good faith' view. This would become more difficult if the transaction forms part of a chain.



[Read the full article here](#)

Speak to our property team

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