

The new normal hub



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The new normal:

Business



Key changes business leaders should be considering

Whilst the full impact of the Covid-19 pandemic is yet to be fully understood, what is certain is that the way we live and work will permanently change to some extent.

The organisations who react fastest and take advantage of the shifting business landscape will give themselves the best chance of success in the “new normal”.

With that in mind, we have given some thought to the key changes business leaders ought to be considering.



Cash preservation

Look at ways to conserve cash and adopt financially prudent practice.



Reducing costs

Consider looking at outsourcing some functions, so that fixed costs can be reduced. You could also revisit or retender contracts with suppliers, to see whether savings can be made.



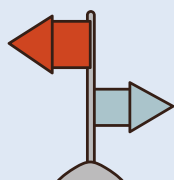
Technology

Consider how your business can become more virtual and whether, given the proliferation and effectiveness of videoconferencing solutions during the crisis, it makes sense for your workforce to be spread over multiple locations.



Supply chain

Expanding your supply base may help give you a better platform for price negotiations and you may also wish to audit your key suppliers' business continuity plans as part of making sure that they are also mitigating major risks.



Internal decision making

Re-jig your corporate governance and other internal management, so that you are as agile as you can be as a business and able to react quickly as the opportunities and risks of the post Covid-19 business landscape emerge.



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Speak to our corporate & commercial team

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Commercial property after Covid-19

Barclays chief executive, Jes Staley recently commented that 'the notion of putting 7,000 people in the building may be a thing of the past,' as a result of Covid-19.

The impact on office space

A result of Covid-19 could therefore be a significant change in the way that we work. Many companies may now be looking at ways to facilitate more agile working in the future and to reduce their costly office space. This could mean huge savings for businesses, but for the investors and landlords of these big offices, this move away from office space could present them with a substantial loss of income.

Retail shops and warehouse space

The high street has been in decline for a number of years, with many well-known names closing down stores to cut costs as consumers move increasingly online.

Once the lockdown restrictions are lifted, there may be an initial flurry in footfall on the high street and in large shopping centres, as people rush out after weeks of being in confinement, however Covid-19 is unlikely to change people's shopping habits in the long term. The decline in retail property prices is therefore likely to continue to fall rather than change direction. Although the Government has announced business rates relief for this year, this may not be enough to save retailers from the effects of the lockdown and so we may see more empty shops and office space, more conversions to residential property or specialist venues taking over these premises.

Leases and rent payments

Some tenants are asking if they can pay their rent monthly, instead of quarterly, and this may be something that continues in the coming months and years as businesses try to recover and ensure that they have enough cash flow to survive. For landlords with tenants that are really struggling, it may be that instead of terminating the lease and having the difficulty of finding a new tenant in these challenging times, that they agree to the tenant subletting part of the premises to ensure that some rent payments are made. These are all decisions that will have to continue to be negotiated between tenants and landlords as they try and work together to get through these challenging times.

There is also a likely impact on new leases or lease renewals as businesses that had plans for expansion now have to try and recover from the economic impact. They may not be in a position to go ahead with taking on leases of new premises or may decide that they cannot renew their current lease as they need to downsize to a smaller space.



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Employment, Covid-19, business immigration and the new normal

Huge change is already afoot in the UK's immigration system as a result of Brexit. It doesn't look like the Government is planning to delay the end of free movement of EU citizens on 31 December 2020, to postpone the introduction of the UK's new immigration system on 1 January 2021 or to extend the deadline for applications to the EU Settlement Scheme, which is currently 31 June 2021. In many ways, therefore, it's full steam ahead.

That said, visa applicants should expect delays for the time being. All UK visa application centres are closed worldwide until further notice as a result of the pandemic. The Home Office is aiming to automatically reschedule appointments, but whatever happens there is bound to be a huge backlog of applications to be processed once the application centres reopen.

On the other hand, while the pandemic is ongoing, the Home Office is temporarily being slightly more flexible than usual, particularly for Tier 2 sponsors. For example, some sponsored employees who have been assigned a certificate of sponsorship but have not yet received a decision on their visa application may nevertheless be able to start working, although this is subject to strict conditions. In addition, the Home Office has slightly relaxed sponsor reporting requirements so that sponsors do not need to make a report if a sponsored employee is working from home due to the coronavirus. It has also allowed sponsors to temporarily reduce the salary of sponsored employees to enable them to benefit from the furlough scheme – provided, always, that the reduction is temporary and the employee's pay will return to its previous level.



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Contracts and Covid-19

The devil is in the detail

Any well-drafted commercial contract between buyer and supplier should set out (amongst others): price; payment terms; mechanism for variations of the contract; force majeure; governing law and exclusive jurisdiction. All of these will play a factor in determining the legal position of a buyer looking to agree discounts with a supplier.

A buyer might use its bargaining power to present suppliers with an ultimatum: either the supplier agrees to discount the price or the buyer may try to rely on force majeure or frustration by claiming that the Covid-19 pandemic makes it impossible for the buyer to perform its obligations under the contract.

If the supplier agrees to the discount, then that agreement will vary the previous agreement and avoid any breach of contract by the buyer for paying a lesser sum than was originally agreed. If the parties cannot reach agreement, and the buyer does not pay the correct amount, then it all comes down to the contract itself, and whether “commercially” the seller wishes to make a fuss. The buyer would need to satisfy a court that it has been virtually impossible for the agreement to continue as a direct result of this pandemic. That all depends on the specific circumstances and whether a particular judge on a particular day would think the buyer is justified in not paying.

Of course, of particular importance with international transactions is that the contract would need to be checked to ensure it is being interpreted under the correct ‘governing law’ (i.e. English law or otherwise) and whether the contract has chosen an exclusive jurisdiction to resolve any disputes (i.e. the courts of England and Wales or otherwise).



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The new normal: Individuals



Taking annual leave on furlough

The Government has confirmed that employers can ask staff to take and cancel holiday while they are on furlough, as long as sufficient notice is given.

In addition, the Department for Business, Energy and Industrial Strategy (BEIS) has confirmed that employees on furlough can take holiday without breaking up the minimum three-week furlough period.

The notice requirements for employers asking a member of staff to take or cancel holiday remain the same as usual. Employers need to give notice of at least twice the length of the proposed holiday they wish to require their staff to take as holiday. So, if an employer wants a member of staff to take a week's holiday, it needs to give that employee two weeks' notice. If an employer wants a member of staff to cancel holiday, they need to give notice equivalent to the length of the planned holiday (so a week's notice to cancel a week's holiday). BEIS has also said that employers should explain their reasons for wanting staff to take leave before requiring them to do so.

Other key developments

The Coronavirus Job Retention Scheme has been extended in its current form until 31 July 2020. From 1 August 2020 until 31 October 2020, a different scheme will be implemented.

The Government is planning to release further details of the replacement scheme to by the end of May 2020.

Although full details of the replacement scheme are awaited, it appears that from 1 August 2020, employers will be able to bring employees currently on furlough back on a part-time basis. It also appears that the level of Government support will decrease and that employers will be required to make a contribution towards the salaries of their furloughed staff. Despite the decrease in the Government's contribution to their salaries, the Chancellor believes that under the replacement scheme employees should continue to receive 80% of their current wages, up to £2,500 a month.



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Hope as fertility clinics given permission to reopen following lockdown closures

Centres have been applying to reopen from 11 May 2020.

The British Fertility Society (BFS) issued guidance in March that UK licenced fertility clinics were to suspend treatment. Pressure on the NHS, pregnant women being considered a vulnerable category and social distancing all being factors in this decision. . The Human Fertilisation and Embryology Authority (HFEA) issued this for all treatment services with the exception of non-elective fertility preservation treatment.

Whilst the interruption to treatment must have been very distressing, it is hugely positive that, from 11 May 2020, clinics have been allowed to apply to repopen. The HFEA has issued some updating guidance which states that: "Before a clinic can resume treatment, they must demonstrate that they can provide a safe service for patients and a safe working environment for clinic staff that complies with recommendations from professional guidance.

"Clinics must have a COVID-19 treatment commencement strategy in place before they can restart treatment and not all clinics will be able to resume treatment at the same time."

It is also hugely welcomed that those with frozen eggs, sperm and embryos who are nearing the ten-year storage limit timeframe, now have the option to extend the storage for a further two years to allow for time to enable fertility treatment to resume.



Get in touch with our family team

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Creating Wills and LPAs during the pandemic

Anyone thinking about a Will or LPA is urged to seek bespoke, professional advice from a lawyer. It might be tempting to choose a do-it-yourself option during lockdown, but there is a much higher risk of your wishes becoming invalid as the legal processes may not have been followed and the intestacy rules could apply. As this is one of the most important decisions you'll ever make, a lawyer will encourage you to think about options that you might not have thought about and enable your decisions to be as tax efficient as possible.

How B P Collins can help

- Although LPAs can be created without a Lawyer, we can fully explain the pros and cons and what an LPA means for the donor.
- We can make sure that the client has capacity to understand the process and that there is no undue influence involved.
- We can act as a sounding board when you are deciding who to appoint as an attorney or how to deal with your estate under the terms of your Will.
- We ensure there are no mistakes and that the documents are correctly executed, getting this wrong can invalidate the Will or LPA.
- We make sure you get it right and that your wishes are accurately recorded. A home-made Will may not work in the way the testator expected, if the incorrect words or phrases have been used.
- We look at the whole picture, establishing your overall aims and considering how best to achieve those while identifying any potential issues and tax considerations.
- We can be appointed as attorneys, executor and trustees, in more complex situations.
- We can add an extra safeguard by safely storing the Will or LPA for you.

Recording your wishes during lockdown with B P Collins

The recent social distancing measures introduced as a result of Covid-19 has changed the traditional approach of gaining legal advice. B P Collins' solicitors are offering virtual or phone appointments to those wishing to make a Will or create an LPA.

The meeting via video or phone will be used to take your instructions, ask questions and receive some options and inheritance tax advice if appropriate. Following that meeting, we will send a draft legal document for you to review. Once happy we can send out the document for signing with detailed instructions, which adhere to the most recent social distancing guidelines.

Get in touch with our wills, trusts and probate team

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Post lockdown divorce

Lockdown began on the 23 March and before this, couples were simply not used to spending all their time together. Even for happily married couples this intensity may have caused difficulties. For couples who were already struggling or who had grown apart and were living more independent lives, this period has presented an unprecedented challenge.

How to have a smooth divorce?

It is important when dealing with any separation that both parties try to understand each other's perspective and remember that whilst one partner may have reached a decision that the relationship is over, their spouse may not. The initial days and weeks of a separation can be extremely distressing especially if it came as a shock. Remembering that your partner may not have reached the same stage as you and may need time to process the separation, so that they can move forward constructively, will ultimately help resolve matters more amicably.

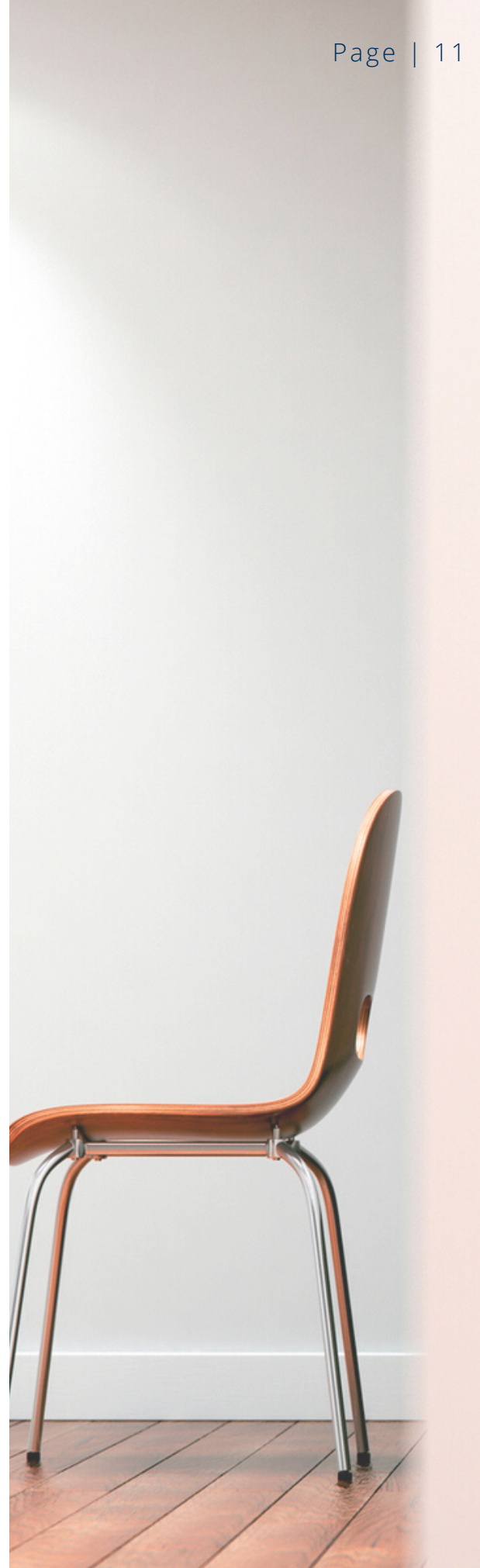
It is important to keep communicating with each other. Where a couple have children, they are likely to have to talk about the arrangements for the children for years to come and keeping discussions polite and constructive will make that easier.

It is important that where arrangements need to be agreed with regards to children, that parents avoid using the Covid-19 situation to limit the time children spend with their other parent. Although courts appreciate many parents will have legitimate concerns in this regard, there will be consequences for parents who have perhaps exploited the pandemic in this way.

Seek legal advice. Understanding what a workable and fair outcome with regard to finances would be, and arrangements for any children, is vital and will enable a couple to have an open discussion and hopefully reach a resolution.



[Read the full article here](#)



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Movement in the UK property market

The weeks following lockdown saw a 70% drop in buyer demand and agreed sales were progressing at a tenth of the level expected for the time of year according to Zoopla research. Many people were stuck mid-chain and no new viewings could take place.

The Government's gradual easing of lockdown is welcome news for people wishing to move in England, those who work in the sector, and those who were about to exchange contracts. They are now allowed to progress with house moves or house building.

Whilst questions remain about how to manage viewings, and maintain social distancing, the news allows a vital part of the UK economy to work again and allow the estimated 450,000 buyers and renters who have plans on hold to move forward.

From a legal perspective your lawyer can take new instructions, work on a conveyance, carry out searches and can give you estimates about timing of the move. Work can be carried out remotely but should the need arise for a buyer or seller to meet their lawyer this can now be done in a safe office environment whilst following Government guidelines for social distancing and hygiene.

Whether buying or selling, it is worth instructing your lawyer early in the viewing process as this will help move things along once an offer has been made and accepted.



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