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Steer

STEER YOUR BUSINESS | THE MAGAZINE

Supporting your Employees during Covid-19

Your responsibilities to your employees during Covid-19



Editor's Review

What an interesting few months it's been but hopefully we are all coming out of the woods now and getting back to some sort of normality, whatever that looks like.

Forrest HR have some great advice on how to look after your employees as we come out of the pandemic. We are all on a steep learning curve with the furlough scheme, grants, loans and more. Knowing how to deal the changes which affect staff as businesses gets moving again is going to be vitally important.

Have you applied for, and received, a bounce back loan? For many businesses this is what has kept them afloat over the last few months but there are a few rules around the loans. Steven Mason talks us through the implications of the scheme and how it may affect your business in the future.

The Government has recently introduced a Bill in Parliament to support businesses in addressing the challenges arising from the impact of Covid 19. The Bill will amend Insolvency and Company law to support business and consists of six insolvency measures and two corporate governance measures. Kingsfords Solicitors are a great source for advice on the impact of this if it is something that affects you.

One of the great stories which came out of the pandemic was the collaboration between a brewery and a gin distillery! Sounds a bit crazy but between them they were able to make hand sanitiser for the emergency services which was an absolutely brilliant initiative.

Businesses are still facing a turbulent time but we are all there to help and support each other to get through this.

We have relaunched the Steer Your Business networking but on Zoom so that we can connect with businesses all over the UK. If you'd like to join one of our regular, Wednesday morning sessions, please check the website for more details.

We have also introduced a Steer Your Business podcast! It's another way of sharing information and there are some great tips from our guests which we can all implement. Again, details are on the website or you can find it on iTunes, Spotify and other platforms.

Take care, keep safe and support one another

Sally



Sally
Marshall

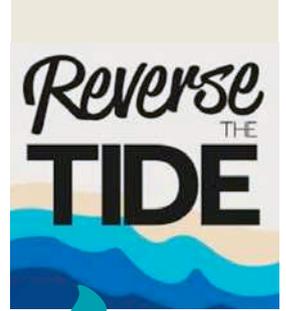
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News

From the *Beach!*



Life by the beach is very different at the moment. Businesses are slowly starting to re-open with social distancing in place. Families are now starting to visit the beach and enjoy the open space after months of being shut indoors, home-schooling and working from home. One of the things which has been quite a challenge for many business owners has been the balance between work, home life, children, family time, time away from home and just the work/life balance which for most of us, has changed completely.

Someone asked me recently how to restore the balance and keep the peace at home. I suggested that he block out time in his diary just as he would for a meeting during a "normal" working day. If you do this and treat it as if it were a business meeting, then you are more likely to down tools and go out for a walk, spend time with the family or just relax.

Working from home can mean that the day just becomes one long working day with no breaks at all. That isn't good for anyone and certainly isn't productive. Another way to break up the day and become more productive is to use the Ultradian rhythm to manage your time. You basically focus for 90 minutes at a time with no distractions and then have 20 minutes to spend however you choose. Ninety minutes isn't really that long if you switch off all the notifications on your laptop, put your phone on silent and just focus on whatever you're working on. The result is that you don't get distracted, you get things done and then you can have a well-earned break to have a coffee, go for a walk or whatever you want to do.

We probably do this naturally when we are working in an office environment but working from home is different. Putting some routine and structure into your day will help you to restore the work/life balance and keep everyone happy. If you are facing challenges in your business and would like to book a free chat to see if I can help you get over the next hurdle, then please book some time in my diary - <https://calendly.com/sally-steeryourbusiness/30min>



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Supporting your employees during COVID-19

Your responsibilities to your employees during COVID-19

As lockdown measures continue to ease and businesses reopen, it is crucial that employers plan how their staff can safely return to the workplace.

As a business owner, your employee's health and wellbeing should be at the heart of every company decision you make, putting stringent measures in place to prevent the spread of COVID 19.

What are your responsibilities to your employees during this time?

The management of COVID 19 within the workplace is a fast-moving issue with ongoing guidance being released, so it is vital to keep up to date with all the latest Government and public health advice.

It is your responsibility to safeguard the health and wellbeing of your employees - developing a plan covering not only how you are going to reduce the risk of infection, but also how to respond in the event of an outbreak is crucial.

Undertaking a full health and safety assessment is just the first step. Given the ever-changing nature of the situation, all possible outcomes must be considered with the capability to move quickly from one scenario to another.

The government advice is to still work from home where it is possible, therefore enabling your staff with the right tools is essential to get the best out of them.

After months in lockdown and maybe furlough, keeping your staff engaged can be tough. But regular communication via the phone and video chat can help moral and maintain motivation.

How the CJRS is changing over the next few months

One of the key factors when looking at whether your employees should return to the workplace is the extension to the government furlough scheme - originally due to end on 31 July but now extended until 31 October, with additional flexibility.

Under the changes, previously furloughed employees are now allowed to return to work, either from home or in the workplace, for any amount of time and in any shift pattern whilst still able to claim the furlough grant for their normal hours not worked.

They will continue to receive 80% of their salary subject to the cap, but now the employer will need to pay part of the furlough salaries, with the government subsidy reducing month by month.

Starting from August, 80% of furloughed employees' salaries will still be paid by the government, with the cap of £2,500 per month. However, from this point onwards, as an employer, you will now have to pay employer's



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national insurance and pension contributions, regardless of whether employees are working part time or not, plus also pay for any part time hours worked.

In September, 70% of furloughed employees' salaries will be covered up to a cap of £2,187.50 per month, with the employer topping up the remaining 10% of wages, capped at £2,500 per month, plus the employer's national insurance and pension contributions.

This reduces down to 60% in October up to a cap of £1,875 per month, the company covering the remaining 20% of wages, again capped at £2,500 per month, plus the employer's national insurance and pension contributions.

It is important that you agree flexible furlough with the employee – a written agreement confirming the new furlough arrangement must be put in place and kept for five years. As an employer, you must keep a record of how many hours flexibly furloughed employees work and the number of hours they are furloughed.

At any time, you can change the proportion of hours they are working and furloughed, but again this should always be documented and accepted.

How does COVID 19 effect redundancies?

If your company is not in a position to take on more of the costs for your employee's salaries, an assessment of the workforce may be required with cost-saving measures such as redundancies put in place.

It must be noted that the usual rules around redundancy have not been changed. However, whilst the furlough scheme is in place there are some additional factors that should be considered.

You will need to be confident that your selection criteria for redundancy is fair. If the reasoning behind the decision is simply that they are already furloughed, then this could lead to challenges around an unfair or discriminatory redundancy process.

Depending on whether the notice period is contractual or statutory, redundancy pay should be based on full salary, not furlough pay, with any outstanding annual leave paid at the full rate. This can also be taken during the notice period, subject to the employee's contractual terms and conditions.

When considering redundancies, it is crucial to check all existing staff employment contracts to make sure that all angles are covered.

It may be worth asking an HR professional to review not just the paperwork for the proposed redundancy, but all employee contracts and agreements for future reference.

What's next for businesses

The future is still uncertain so businesses need to adapt and work within the situation we find ourselves.

There could be changes to business operations, staff restructuring and even redundancies. None of these are decisions that are made lightly, but the crucial element is to ensure that all changes are undertaken within due process and are fair and non-discriminatory.

Having the correct paperwork in place and following company procedure should minimise any issues that arise. Seeking professional HR guidance can give you the support and confidence you need to keep your business not only running effectively but, more importantly, ethically and safely.



Sophie Forrest



Sophie Forrest can be contact on **07806 718 978** or visit **www.ForrestHR.com**

Bounce Back

Loan Scheme



In early May the government launched the Bounce Back Loan Scheme (BBLs) to support SMEs struggling with cashflow as a result of the coronavirus pandemic.

The loan has a flat interest rate, no upfront fees and, in the first year, interest costs are covered by the government. After 12 months, the interest rate will be 2.5% per year.

It is important to remember that these are loans, and not grants. It is not “free money”. Companies still need to work closely with their accountants, factoring repayments into their cash flow to ensure they can afford them.

The government has guaranteed these loans in their entirety. This means that directors have not had to provide personal guarantees.

Should the company subsequently enter into Creditors’ Voluntary Liquidation, the Bounce Back Loan will rank alongside other unsecured creditors. Upon liquidation, the debt will crystallise, and the bank will ultimately demand repayment from the government. The liability cannot be transferred to directors or shareholders.

A word of caution: Whilst the government’s new Insolvency Bill proposes a suspension of the ‘wrongful trading’ provision, it explicitly states that other forms of liability, such as fraudulent trading, are not suspended. A future liquidator would still have a duty to investigate the conduct of the director and the affairs of the

company. Liquidators have an ongoing obligation to identify possible misuse of such monies by unscrupulous directors.

Examples could include using the monies to clear an overdrawn director’s loan account in its entirety, rather than using the monies to support continued trading. Evidence of continued preference payments to one creditor over another, particularly to connected parties, could also result in closer examination by a liquidator. Directors using the loan in the right way, to save their business, would likely have no cause for concern. The government is no doubt aware that, in the current economic environment, many companies taking out the loan could still fail.

However, as in ordinary times, it is advisable to proceed with caution, take professional advice and document the reasons behind business decisions.



**Steven
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The Corporate Insolvency & Governance Bill



The Government has recently introduced a Bill in Parliament to support businesses in addressing the challenges arising from the impact of Covid 19.

The Bill will amend Insolvency and Company law to support business and consists of six insolvency measures and two corporate governance measures.

The Bill's three main purposes are:-

To introduce new corporate restructuring tools affording companies the breathing space and mechanisms to enhance their prospects of survival.

To temporarily suspend elements of insolvency law to support directors who continue to trade through the emergency period without the potential threat of any personal liability for "wrongful trading". (In general parlance – trading whilst insolvent). This Bill additionally seeks to temporarily protect businesses from the threat of creditors seeking to initiate insolvency proceedings, to recover monies owed to them.

Company law and other legislation will be amended to afford businesses respite from their obligation to file documents and arrange Annual General meetings as appropriate. This will enable businesses to focus their resources on their trading activities, rather than their resources being diverted to administrative issues.

Insolvency – Company Moratorium

Businesses will be afforded a breathing space to pursue any required rescue plans. Once the moratorium is sought initiated no legal action can be taken against the company, without leave of the court, during a 20 normal working day period, (which can be extended to 40 working days). If needed, further extensions of time can be secured with the agreement of creditors, or the court. During the moratorium period, its company directors will still have day to day control of the business, subject to a Licenced Insolvency Practitioner overseeing the process.

Termination Clauses

If a company enters into an insolvency or restructuring procedure, or has secured a moratorium the company's suppliers will not be able to rely on its standard terms to stop supplying the affected company, or vary the contractual arrangements between them. For example, the supplying company would not be able to seek to increase the price of its supplies. Although the debtor company is required to pay for on-going supplies once it has engaged in the insolvency process, it is not required to pay outstanding amounts for past supplies, pending the completion of the rescue plan. The rationale behind

this decision is that in the long term, suppliers and other creditors will benefit if more companies are able to survive the current 'hibernation' and eventually repay their debts, via the intended rescue plan. This should help to minimise the volume of businesses being forced to close, if supplying companies simply terminated their relationships.

Restructuring

The Bill makes provision for a new restructuring plan as an option for companies in financial difficulties. The plan will provide an alternative rescue option which will enable complex debt arrangements to be restructured and will allow for the injection of new 'rescue' finance. This would compel any dissenting creditors to be bound by the plan, if sanctioned by the court. (The court will

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need to be satisfied that those creditors would be no worse off, than if the company entered into an alternative insolvency procedure). The idea being that more companies will not have to engage in a more destructive liquidation process as opposed to the restructuring plan. Such plans should provide a better return for all classes of creditor, preserving jobs and allowing the company to continue trading.

Statutory Demands

Any statutory demand seeking to coerce payment from a struggling business, served between the period of 1 March 2020 and 30 June 2020 will be considered void. The Bill also restricts the issue of Winding up Petitions between the 27 April 2020 and 30 June 2020. These temporary measures are intended to prevent creditors acting against business, which may be viable, if it were not for the challenges of Covid-19.

Suspension of Wrongful Trading

The Bill will temporarily remove directors from the threat of personal liability for any perceived wrongful trading during the period 1 March to 30 June. Directors can therefore use their genuine, best endeavours to trade through the period, without the threat of personal liability for wrongful trading arising, should ultimately the company become insolvent and be placed into administration or liquidation etc.

Amendments to Company Law and other Legislation

The Bill will provide companies and other bodies with temporary easements in relation to their obligations to file documents at Companies House or arrange annual general meetings. This will allow them to focus their resources on continuing operations as opposed to dealing with "red tape".

Conclusions – We are here to help.

Should you wish to discuss any of the implications arising from this Bill, whether you are a business which seeks to rely on the security afforded by the proposed legislation, or you are a creditor owed money from other businesses, please do not hesitate to contact members of the litigation team at Kingsfords via the contacts below.



Graeme Weir



Graeme Weir can be contacted on gjw@kingsfords.net or via direct dial 01233 648406

Commercial Lasting Powers of Attorney (LPA's)

What is a Lasting Power of Attorney?

An LPA is a legal document through which you authorise a chosen person (an attorney) to make certain decisions on your behalf. These decisions can be either in relation to your property and finances under an LPA for Property and Financial Affairs, or in relation to your health and Welfare under an LPA for Health and Welfare.

These documents are very important as it ensures continuity in the management of your life and your finances, should you become unwell or lose the capacity to make decisions. Do not assume that family members can step in when necessary to make decisions – no one has any automatic right to make those decisions for you.

Commercial LPAs

As a business owner, it is important to consider what would happen to your business if you were unable to make decisions, such as if you were to go abroad on holiday, or for business; or you were to have an accident; or you were to have a medical condition that incapacitated you. Consider:

- Who will authorise the payment of bills?
- Sign cheques?
- Service a business loan?
- Pay salaries?

Do not assume that a family member or a business colleague will gain the authority to make these decisions on your behalf – this assumption could leave your business exposed to risk.

Is a Commercial LPA right for my business?

A Commercial LPA will be right in most circumstances, but it is important to consider the type of business you own.

- **Sole Trader** – your business is not a separate legal entity. Therefore, appointing an attorney under a Commercial LPA will be an effective way for you to make provision for the continuity of your business, in the event that you are incapacitated. Please be aware that a personal LPA for property and financial affairs may not be sufficient to look after your business interests.
- **Partnerships** – check the terms of your Partnership Agreement as it may already include provision for what would happen should one of the partners become incapacitated (see below). If such a provision exists, it may already adequately provide for the continuity of the business, in which case a Commercial LPA would not be required. But if there is any doubt, then it is best to seek advice on the wording of this provision and also to ensure that any wording in your Commercial LPA does not create a conflict with the partnership agreement.

• **Directors of companies: articles of association** –

Very often, articles of association will provide for the termination of a director’s appointment in the event that the director loses capacity. This is often done to protect the company’s interests. Therefore, there may be no need for a Commercial LPA (See below).

If you are the sole director of a small private company, the articles of association are unlikely to simply terminate the director’s appointment, or there would be no one else left to continue running the company. Therefore, a Commercial LPA would be required.

Recent changes in legislation

Both the Equality Act 2010 and the Mental Health (Discrimination) Act 2013 prevents companies and partnerships from removing a director or partner by reason of mental incapacity. Therefore, both partnerships and companies could be left with a director or partner who is mentally incapable.

Therefore, any provisions within partnership agreements and articles of association to terminate an appointment by reasons of mental incapacity are effectively null and void, and therefore Commercial LPAs should be put in place.

What happens if there is no Commercial LPA?

If no Commercial LPA is in place, then the stark reality is that

- No one is legally appointed to run your business or undertake your duties as a Director – other directors cannot simply assume your role and accountabilities. Equally nor can partners or relations (in the case of a sole trader)
- Banks can and are freezing bank accounts, calling in loans and ceasing overdraft facilities.
- Business Owners/Directors can be held to have not exercised their due diligence in not setting up a Commercial LPA by others, such as shareholders and ‘sleeping partners’

The only option would be for an application to be made to the Court of Protection for a Court Appointed Deputy to act on behalf of the incapacitated partner or director. However, this can take 6 months or more to put in place, someone (usually a professional deputy) may be appointed who has no idea about your business, the average cost is £5K-£8k to set up plus ongoing charges, and in the meantime, your business could spiral downwards into failure. The professional deputy could be a stranger to your business and would have no consideration for the other people involved – just the person who has lost capacity. This would be an ongoing situation that would probably only cease when the business stopped trading or was sold (if the Deputy agreed to such actions).

Summary

A Commercial LPA ensures that in advance of future unforeseen circumstances:

- Attorney(s) are chosen and appointed by you to act on your behalf.
- Attorneys will act on your instructions laid out in the documents – always in your best interests and those of the business.

- Attorneys will be legally accountable for the decisions that they take.

Commercial LPAs are just as essential as:

- Public Liability Insurance
- Professional Indemnity Insurance
- Business Protection Life Cover

One big difference is that this is a ‘one off cost’, not something that is paid or renewed annually, and is an allowable deduction against the cost of the business.

The cost of the Commercial Lasting Powers of Attorney are paid for by the company, and my service will include a full review of your business needs for such documents for each director, as well as providing any training to directors and their proposed attorneys. Costs start from £650 (£300 for company review and £350 for making and registering one LPA) plus registration fee payable to the Office of the Public Guardian.

If more than one director requires LPA for the business, then a bespoke quotation will be issued after the company review is completed.



Sara Sheppard



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The Perfect TEAM

Shepherd Neame teamed up with Copper Rivet Distillery, based in Chatham Maritime, to create hand sanitiser for use by our emergency services staff during the pandemic.

Shepherd Neame began brewing 'clean beer' for the initiative on Tuesday 24 March. This is at least 10% ABV and no hops will be used to ensure it is aroma and flavour-free.

The brew was road tankered to the Copper Rivet Distillery, where it was used as a feed stock for their distilling alcohol to create the sanitiser.

The initiative was launched in response to widespread shortages of hand sanitiser, which was being flagged as an important tool in combating the Coronavirus.

Copper Rivet co-founder Stephen Russell said: "Our business sells Dockyard Gin and Vela Vodka to pubs, bars and restaurants, which are now all closed. In these difficult times, we wanted to use our equipment and resources to support our emergency services, while also protecting distillery jobs, so we decided to look into diverting our production to alcohol hand sanitiser. Our Head Distiller Abhi Banik has worked hard to create a formula that achieves the efficacy of the alcohol while also being kind to the hands."

Co-founder Matthew Russell added: "We are one of only a handful of English distilleries to make our own neutral alcohol, but such is the likely demand for the sanitiser, that we approached Shepherd Neame to supply specially brewed, high strength beer in bulk to boost our supplies for the distillation process. We already have a strong relationship with the brewery as they list our products, and we wanted to work with a partner we can rely on."



The first consignment of Copper Rivet's hand sanitiser was available by Friday April 3. This was initially for the emergency services and public authorities only, including a large quantity for the Met Police.

Shepherd Neame Chief Executive Jonathan Neame said: "Following the Government decision to close all pubs, our current operational focus is

to continue production at the brewery to maintain sales to supermarkets. When Copper Rivet approached us about this project, we were delighted to get involved, and have now adapted our output to ensure a steady supply of alcohol for hand sanitiser. We are delighted to be able to support such a fantastic initiative to support the national effort."



Shepherd Neame can be contacted on 01795 532206 or 01795 542051.

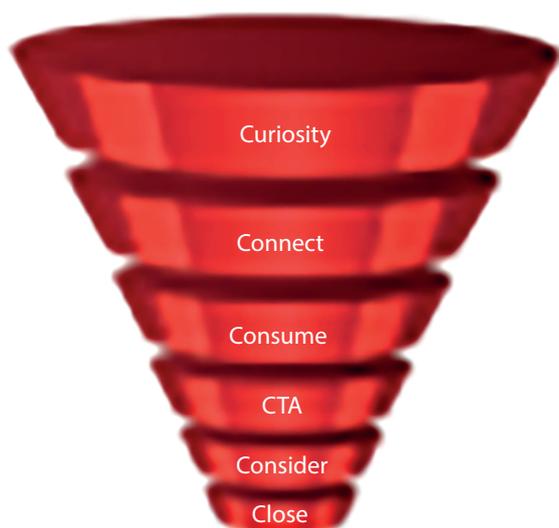
<https://www.shepherdneame.co.uk/>

<https://www.copperrivetdistillery.com>

Curiosity – Closing

The Journey of a Lead

My Lead Generation Marketing Funnel plots the journey of a lead. The colder leads come in at the top with their initial curiosity and then go through all your magic to close when they make their first purchase. Getting them into your funnel as a lead and then having your world set up to nurture and convert them is the key to creating a stream of quality leads that convert to sales. Some arrive direct to you warm and ready to buy what you are offering, they need what you are offering and want you to sell to them (they come in lower down the funnel).



Let's take a look at the journey a lead takes

Curiosity - Content here is educational and full of value, you are almost, if you can, showing them a small step to make an improvement. You are building the famous know, like and trust.

Connect - This is where they actually become a connection by agreeing to give their details (usually an email address) in exchange for some piece of knowledge. Eg, free ebook, download, webinar.

Consume - they follow your content on social media and via direct marketing. They are a connection and they expect to hear from you. Have case studies, testimonials, how you have helped others like them, style stories and content.

Call To Action - You have to ask for the sale, in fact you must ask for the sale, that is your job!

Consider - follow up, follow up and follow up again creating great connection as they move to close to a sale. If they do not go to consider your offer they simply continue to consume and stay in the nurture area of your funnel.

Close - they buy!!!! Now they are on the customer onboarding journey. They get your very best attention so they come back for more and tell all their friends about you!

Do I need active or passive leads? You need to generate both types of leads and have a great nurturing plan in place to work across a mix of platforms (inclusive of your web, social and direct marketing). Because of the longer journey and interactions, passive (or cold) leads generally become the stronger client, give longer more profitable lifetime value and tell all their friends and provide you with ongoing referrals. Active (or warm) leads which seem initially much more attractive will eventually dry up, undertaking purely sales targeted marketing is exhausting and doesn't allow the know like trust to build, and ultimately this route becomes a price driven competition as your competitors set out to undercut you.

Lead generation is an ongoing tweak and review - the driveway to your door needs constant weeding, watering and nurture.

Referrals are not enough, you need systems in place to consistently generate leads and have your world in order to convert them to sales. I offer "Done For You" retained marketing contracts and have a "Done With You" marketing programme which supports you or a nominated team player to implement your marketing.



Laura Greenwood



I would be great to connect:
 Email laura@yourleadgeneration.co.uk
 Linked In <http://bit.ly/2kmGe68LauraG>
www.yourleadgeneration.co.uk

Working from home after Covid-19

What do employers need to know?

Following the further relaxing of the government's lockdown restrictions and with most businesses now permitted to re-open (subject to compliance with social distancing rules), it is important for employers to know their rights and to keep up to date with their obligations towards their employees, particularly those working from home during the continuing Covid-19 pandemic. In this article we cover the current legal position and look at some of the trickier home working issues.

Employees who can work from home should continue to do so

On 24 June 2020, the government published new 'social distancing after 4 July guidance', which has applied since 4 July 2020. The current position remains that employees who can work from home should continue to do so. If there is already an established requirement to work from home where appropriate or where instructed to do so, then there is unlikely to be an issue in applying that obligation in an effort to stop the spread of Covid-19. If not, imposing home working would arguably amount to a variation of the employment contract requiring employee consent. Notwithstanding this, where an employee is faced with either being on Statutory Sick Pay or receiving no pay as an alternative, they are very likely to consent to working from home.

The clinically vulnerable should be allowed to continue to work from home

It is understood that the government may legislate to give employees the right to work or continue to work from home where they feel it is unsafe for them to return to work. This is likely to become even more pertinent as more employees return to work following the end of furlough leave on 31 October 2020 under the Coronavirus Job Retention Scheme. An employer should also give serious consideration to allowing those employees classed as clinically vulnerable to continue to work from home. The government's 'shielding guidance' in both England and Wales already advises employers to allow clinically vulnerable individuals to be allowed to work from home until 1 August 2020 (in England) and 16 August 2020 (in Wales). This recommended period for shielding vulnerable individuals may of course be extended and is very likely to be extended should a second spike occur.

Employers have legal obligations to keep their workers safe

Employers should also be aware of their responsibilities for ensuring the health and safety of their workforce and their legal obligations under the Health and Safety at Work Act 1974, which states that an employer is responsible for an employee's welfare, health and safety, "so far as is reasonably practicable". This means that employers must conduct a suitable and sufficient risk assessment of the work activities carried out by their employees, including home workers, to identify hazards and assess the degree of risk arising from Covid-19.

Employers would be well advised to review their employment policies

Employers should review their employment policies, in particular those relating to performance management, disciplinary action and the handling of grievances to ensure they can be applied to homeworkers fairly and consistently.

Home workers with carer responsibilities have specific rights

Employers should also consider how they plan to handle home workers who have responsibilities for childcare or caring for elderly or sick relatives. Employers should also be aware of an employee's statutory right to time off to care for a dependent, although this is unlikely to be used by an employee on a long-term basis as it unpaid leave.

For advice or further information on complying with your legal obligations following Covid-19, call Henry Doswell of Doswell Law Solicitors on 01233 722942. Alternatively, email Henry at henry@doswell-law.com

Disclaimer: Whilst every reasonable effort is made to make the information and commentary contained in this blog accurate and up to date, Henry Doswell takes no responsibility for its accuracy and correctness, or for any consequences of relying on it. The information and commentary in this blog does not constitute legal advice to any person on a specific case or matter. You are strongly advised to obtain specific, personal advice from a lawyer about your case or matter.



Henry Doswell



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Recession proof

your business by creating your own banking facilities

While more people have headed back to work in non-essential areas and pubs, restaurants and hairdressers are about to re-open, the alert level has only just been reduced from four to three.

That means the epidemic is still in general circulation and we have a long, slow process ahead for businesses to get back on their feet and to reach anywhere near the new “normal”.

The government has helped cushion the financial impact of lockdown on firms with a range of grants and help, but it will not be able to protect the cashflow squeeze many will continue to suffer for some time to come.

Graeme Price, Chief Executive of Jarrovian Wealth, says while banks have lent hugely during the crisis via a variety of mechanisms, they are likely to be more selective in what funds they make available, and to whom, going forward.

What should business owners do at times like these? Our answer is the same for all, whether you need them now or not, create your own banking facilities and reduce your reliance on the high street lenders for your funding.”

But how can businesses go about this? Graeme explains: “Loans into businesses, outside of bank borrowing, fall mainly into two categories – shareholder or director loans and pensions loans.”

Shareholder/Director loans

This is where you invest your own capital into the business. You can charge an interest rate, which in turn is a deductible expense on your profit and loss account (the same as a loan from your bank). You set your interest rate - for private companies this is usually between 2% to 10%. The disadvantage of this is the tax charges you may incur to get the money into your company in the first place. Plus, the interest you make will be taxable at your highest marginal rate of income tax, although this is normally deferred as your company is deemed to pay back the capital first.

One area worth exploring if you are going to give your business a loan is ISAs. The flexible ISA, introduced in April 2016, allows you to withdraw and repay in those funds in the same tax year with no impact on your annual allowance. Check your ISA is flexible and, if not, move funds to one that is.

If you have larger investments that may suffer a tax hit if you draw upon them, ask your adviser if you can borrow against these funds, rather than dip in. Known as Lombard Lending, you are effectively taking out a mortgage against your investments, avoiding the tax charges you would incur if you cashed them in.

Pension Loans

The most common type of lending is where the owner of the business has a pension known as a Small Self-Administered Scheme (SSAS). This type of pension allows you to lend up to 50% of its value to your business. Loans, capital and interest, are normally repayable over a maximum of five years. The interest rate needs to be commercial and is a deductible expense from your profit and loss account. The interest payment counts as a return on investment and will not impact your annual pension allowance - so worth reviewing the pension arrangements of your business.

More mature businesses can inject cash into the firm using the director’s pension scheme to purchase commercial property, owned by the business.

A commercial mortgage can be raised by the pension fund for up to 50% of the scheme value. A fund worth £400,000 could raise a £200,000 loan for a deposit to buy a property of notionally up to £600,000 in value - to move from the company to the company pension scheme. Your firm pays rent to the company pension scheme to cover the interest and capital repayment on the loan.

Once the loan is cleared, the rent is an investment return on the assets of the pension scheme - and does not impact your annual pension allowance.

Graeme adds: “In summary, it is worth reviewing all of the facilities that you have at your disposal and if your short list doesn’t cover some of Jarrovian’s suggestions, seek advice from your financial adviser to check if any of these mechanisms are suitable to be put in place to make your business not only survive but to thrive going forwards”.

About Jarrovian Wealth

JW was established in 2017. Our team of skilled and experienced financial planners does more than just look after the numbers for clients around pensions, investments and protection – both personal and business. We get to know and understand the deeper motivations and aspirations, so we can challenge people to think bigger.



Graeme Price



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