

The purpose of this quick guide is to help organisations focus on key issues that impact viability and sustainability now the UK has “unlocked” and continues to do so.

It is unlikely that things will return to normal for some time, but in terms of adapting to the new normal and getting back to “business as usual,” each business will firstly have to assess what shape the business is in now, what it will look like in the future and adapt, change or restructure the business model to fit the “new normal.” In addition to the ‘new normal’ businesses must also consider what impact Brexit might have at the end of 2020. Many issues highlighted in this guide will also be relevant to that.



### Cash Flow and Financing

Directors should prepare new cash flow forecasts for best and worst case scenarios (i.e. a second wave or localised lockdown), considering any expected changes to supply and demand, any changes to operational costs and factoring in any deferrals of historic liabilities, and any new debt which has been taken on. Forecasts and projections should be continually reviewed and updated to reflect changes in the market, lessons learnt and expected government changes.

#### Repayment of borrowing

- Use of government schemes (e.g. CBILS, CLBILS, Future Fund, etc.?)
- Other additional borrowing from existing lenders
- When and how will payments be met?
- Is there a need to restructure debt?

#### Rent

- Rent holiday/reduction agreed?
- Ability to meet future (and missed) rent payments
- Restructure future rent turnover or similar arrangements
- Aggressive action from landlords when restrictions are lifted (stat demands, forfeiture, winding-up petitions)

#### Deferred payments

- Paying deferred VAT payments/rent/suppliers
- Meeting tax payments under time to pay agreements

#### Government restrictions

- Impact of localised lock-down on supply chain and demand

#### Forbearance

- Repaying existing lenders – forbearance may end and payments need to resume
- Impact of protective measures lifting, after 30 September 2020 i.e. restrictions on forfeiture and winding up petitions
- Availability of government support

### Cash Flow Pressures

#### Suppliers

- Catching up on payments to suppliers
- Agreeing and abiding by new terms
- Ability to meet future obligations – increased costs?

#### Employees

- Impact of second wave
- Phased return to work and “unfurloughing” – impact of required employer contributions for furloughed staff
- Point at which payroll will need to be funded as usual (i.e. end of Coronavirus Job Retention Scheme) and end to contractual variations for paycuts
- Is a redundancy programme going to be necessary? If so, when does any consultation need to start?

#### Debtors

- Have debtor days slipped during COVID-19?
- What action can/should be taken to address any potential bad debt issues?
- Reduced credit terms/payment on delivery/increased prices/credit insurance

## Supply and Demand

### Operational

- Identify key suppliers: business critical and projected spend
- Staggered approach to resuming supply
- Able to meet expected demand
- Changes to delivery timescales
- Alternative sourcing? Costs consequences?

### Pricing and payment

- Changes to payment terms/cost (e.g. cash on delivery)
- Financial health of suppliers
- Ability to obtain credit

### Stock

- What existing stock is available?
- Goods stranded in distribution network
- Future import/export tariffs and taxes

### Termination of existing contracts

- *Force majeure*
- Material adverse change
- Termination rights

### Government restrictions

- Impact of future localised restrictions on supply chain

### De-risking the supply chain for the future

- Review of whole supply chain
- Look to achieve greater diversity in supply chain
- Potential investments in technology



### Shape of demand

- What demand is there now restrictions have lifted?
- Timing of return to (new) normal

### End-user/customer

- Decrease in consumer confidence
- Cash-strapped customers

### Changes to product and offering

- Changes to consumer habits (e.g. e-commerce and importance of home delivery)
- Increase in appetite for online suppliers and delivery services

### Pricing and payment terms

- Review pricing structure, are pre-COVID-19 margins still achievable?
- Consider credit terms and customer insolvency risk
- Is credit insurance still available?
- Is invoice discounting an option to improve working capital?

### Government/Other Restrictions

- Impact of potential local lockdown e.g. reduced/no footfall
- Impact of future restrictions e.g. self-isolation following travel
- Impact of social distancing measures e.g. reduced operating capacity

## Employee Considerations

### Business requirement/need

- Does the business need the same number of employees in light of any changes to supply/demand/business model? Are redundancies necessary? Cost implications
- Strategy for “unfurloughing” – assess skill set and business need (a staggered approach may be necessary)
- Re-allocation of resource according to business plan

### Availability/Costs

- Impact of employees refusing to return to work (fear of infection, childcare responsibilities, self-isolation, or shielding etc.)
- Will there be any permanent changes to working patterns/habits that impact operational costs? i.e. increase in homeworking and decrease in office space
- Psychological support – assisting employees to adapt, support with bereavement – costs?

### Long-term changes to contracts and remuneration

- Flexible remuneration plans
- Agree reductions in salary and bonuses
- Lead from the top!



## Operational Costs

### Licences

- Renewals/periodic fees payable to ensure licence continuation
- Inability and capacity of named individuals/licence holders/trained individuals to carry out role (e.g. furlough, redundancy, long-term absences)
- Licence amendments to reflect changed trading arrangements (e.g. changes to hours or activities)

### Increased health and safety costs and compliance with social distancing

- Strategies for effective social distancing – screens, changing shift patterns, use of different parts of premises, monitoring symptoms, track and trace, etc
- Travel to work and transport
- Sanitisation and cleaning programmes

### Changes in operational practices and procedure

- Changes to real estate footprint to accommodate changes to employee and working practices (e.g. reduced office space or larger warehouses)
- Investment in technological capabilities to accommodate changes
- Greater automation of processes (or parts of processes)

## Directors' Duties

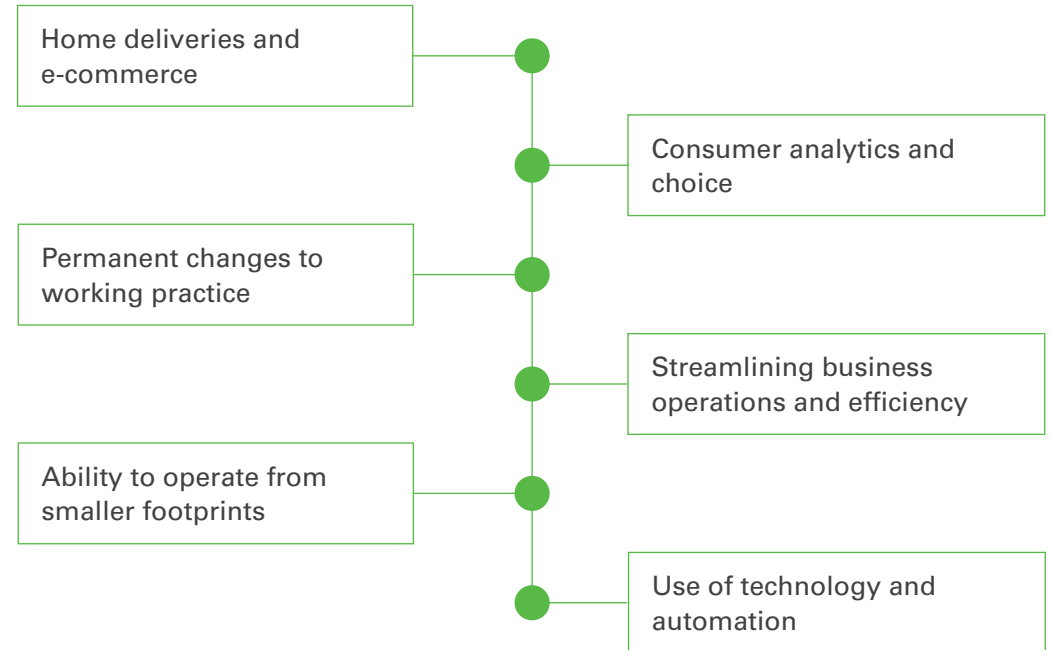
Directors should be mindful that they ensure that they comply with their directors' duties. An essential part of complying is ensuring that they understand the financial health of the business now and moving forward and take appropriate professional advice. Key financial and other stakeholders should be kept updated and their buy-in sought at each stage and as any changes to future plans become necessary. Our quick guide to directors' duties can be accessed [here](#).

For the latest updates on legal issues and business risk during COVID-19, subscribe to [Restructuring GlobalView](#) and our [COVID-19 Resource Hub](#).

## Opportunities and Lessons Learnt from COVID-19

Statistics show that most consumers do not want a return to "normal" and we can expect significant behavioural changes.

Many businesses have already made changes to their day-to-day operations, many changes will be permanent or will require further adaption to meet new government guidelines but all will impact on future cash requirements.



## Key Contacts



**John Alderton**  
Partner, Leeds  
T +44 788 505 8896  
E john.alderton@squirepb.com



**Russ Hill**  
Partner, Birmingham  
T +44 792 160 0409  
E russell.hill@squirepb.com



**Susan Kelly**  
Partner, Manchester  
Cross Border Restructuring  
Practice Co-Chair  
(UK & Europe)  
T +44 161 830 5006  
E susan.kelly@squirepb.com



**Devinder Singh**  
Partner, Birmingham  
T +44 772 139 9625  
E devinder.singh@squirepb.com