



# **Business Continuity**

## **Seeing your firm through Covid 19**

**DG Legal Webinar**  
**March 2020**



**Matt Howgate**

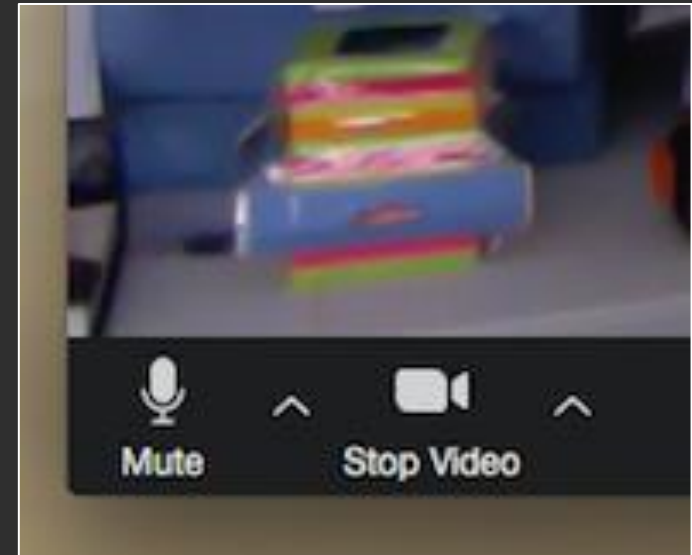


**David Gilmore**

# House-keeping

**Please ensure that you have muted your microphone during this seminar. At certain points we will invite questions. At that point you can un-mute your mic and ask a question.**

**Also drag the presenter video box to the corner of the screen so that you can see the slides.**



You can find the mute control in the bottom left of your Zoom panel.

# What we'll cover...

- Should you close your office?
- Managing home working
- Supporting existing clients
- Staff furloughs
- Suggested free software
- Government financial support
- Business continuity plans



## Helping your firm through Covid 19

This note is intended to help you think about how to operate and sustain your firm through the Covid 19 arrangements. We realise that the lock-down and safety measures are causing huge disruption and may have a significant impact on your staff, clients and business.

We are here to help in any way that we can and this note will be updated as Government guidance changes.

**Warning:** Many of the Government's support packages have been announced but, at this stage, lack any real detail. This guidance seeks to identify potential assistance, but YOU MUST check the latest Government guidance before deciding on whether any particular package is relevant to you, your firm or your staff. DG Legal Ltd is not liable for any loss or damage arising from your following any of the advice in this document.

The team at DG Legal will be working throughout this crisis and you can reach us at:

[retainer@dglegal.co.uk](mailto:retainer@dglegal.co.uk)



# Should you close your office?

## Keeping your business open

With the exception of [some non-essential shops and public venues](#), we are not asking any other businesses to close – indeed it is important for business to carry on.

However, you should encourage your employees to work from home unless it is impossible for them to do so.

Sometimes this will not be possible, as not everyone can work from home. Certain jobs require people to travel to their place of work – for instance if they operate machinery, work in construction or manufacturing, or are delivering front line services.



## Key Workers

The Government's current list of key workers in the context of the legal services sector includes:

- Advocates (including solicitor advocates) required to appear before a court or tribunal (remotely or in person), including prosecutors;
- Other legal practitioners required to support the administration of justice including duty solicitors (police station and court) and barristers, solicitors, legal executives, paralegals and others who work on imminent or ongoing court or tribunal hearings;
- Solicitors acting in connection with the execution of wills; and
- Solicitors and barristers advising people living in institutions or deprived of their liberty.

Therefore, **ONLY** legal practitioners who work on the types of matters, cases and hearings on this list will be classified as a key worker.

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STATUTORY INSTRUMENTS

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**2020 No. 350**

**PUBLIC HEALTH, ENGLAND**

The Health Protection (Coronavirus, Restrictions) (England)  
Regulations 2020

**Restrictions on movement**

**6.—**(1) During the emergency period, no person may leave the place where they are living without reasonable excuse.

- (f) to travel for the purposes of work or to provide voluntary or charitable services, where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living;

# Keeping the office open...

- Public Transport: Avoid all non-essential use of public transport when possible
- Social Distancing: Ensure that desks are spread out and 2 metres away from each other
- Hand Sanitizer: Ensure, where possible, that hand sanitizer is available and used
- Hand Washing: All staff should ensure they frequently wash their hands
- Appointments : Should only be conducted face to face if there is no viable alternative and the matter is urgent
- Cleaning: All surfaces should be cleaned thoroughly and disinfected each morning and after use each evening
- Waste Bins: Empty all waste bins from the office and kitchen each day and place in external bins
- Illness: Anyone with a persistent cough or fever, should leave the office immediately and follow the Government guidance to self-isolate for 7 days
- Health & Safety: Undertake all normal checks



# Managing Home Working

- Undertake a home working workplace risk assessment
- Think about data security
- Think about tech (hardware and software) and phone access
- Think about the cost to your employees
- Think about what will happen if your employee gets sick whilst in possession of client files
- Think about video conferencing (MS Teams, Zoom, Skype etc.)
- Think about supervision – especially for legal aid
- Keep in-touch with your staff
- Think about billing...

## Home Working Risk Assessment Checklist

Staff Member: \_\_\_\_\_

Role: \_\_\_\_\_

Address: \_\_\_\_\_

Home Tel: \_\_\_\_\_

Mobile Tel: \_\_\_\_\_

Please answer 'yes' or 'no' to all of the below questions. Do not be concerned if you cannot answer 'yes' in every case and it is essential that you answer the questions honestly. The firm will use the answers to conduct a risk assessment. As part of this process, it will decide if it needs to provide any further equipment or determine if any other measures need to be implemented. The firm may need to contact you to discuss your answers further and to discuss how any measures may be implemented.

### Working Environment:

Tick ✓ or insert N/A if not applicable:	Yes	No
Do you have a separate working area away from the rest of the living space where you can work without disruption?		
Do you have a suitable table/desk and chair which enables you to sit comfortably?		
Can you adjust your equipment to a comfortable viewing position?		
Is the working area ventilated by a sufficient quantity of fresh or purified air?		
Is the working area of a reasonable temperature?		
Is the working area suitably and sufficiently lit?		
Does your working area allow for adjustments to be made to minimise disturbing glare and reflections on your monitor screen or other equipment?		
Is the working area clear from obstructions or tripping hazards?		
Are you aware of the Firm's policies and procedures for Health and Safety and, in particular, do you know how to report work related accidents or health and safety concerns?		

## Covid-19 Home Working Policy

This Policy has been implemented to ensure that all temporary homeworking arrangements required as a result of the government's measures to deal with the Covid-19 pandemic are dealt with in a controlled manner. In particular, we want to implement a structured approach to home working as part of the business continuity measures that we are needing to put in place to deal with the outbreak.

The aim of this policy is to:

- provide a basis for a clear understanding of the arrangements being made for home working at this time
- make clear both the responsibilities of the Firm and of each staff member
- ensure all work conducted at home is done in a secure and safe manner with preventative measures to mitigate against risks

Due to the limited timeframe, the Firm has had to make some urgent decisions to deal with more pressing operational demands. As part of the Firm's business continuity arrangements, this Policy has been implemented at a time of ongoing change and it may need to be adjusted as the global situation develops. It is being implemented primarily as a temporary measure to deal with the current emergency situation so as to ensure that we can continue to operate all aspects of our business in the short term. However, the Policy can be extended so that we can ensure that we remain fully operational for as long as possible.

This Policy is not intended to be a replacement for our Flexible Working Policy and Procedures for more permanent and formalised changes to a staff member's working arrangements. Any requests that are deemed a statutory request for flexible working arrangements, for instance, requests for changes to a staff member's working arrangements on a more permanent basis (and which may necessitate a formal change to the staff member's contract of employment) will still be considered in accordance with the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 as more particularly detailed in the firm's Flexible Working Policy.

## Supporting existing clients

- Let them know you are still open and working on their cases
- Let them know about the impact of court closures & adjournments or the move to online / video hearings
- Let them know how they can contact you
- Let them know how they can get documents to you (if needed)
- Make sure you can keep on top of their cases (including key dates and limitations)
- Have a back-up plan in case the staff member dealing with that case gets sick.



**Understanding the Legal Aid Contract  
and LAA Covid 19 Guidance  
(Version 2)**

This guidance is based on the LAA's guidance as at **5pm on the 27<sup>th</sup> March 2020**. All contract references are to the 2018 Standard Civil Contract Specification (unless stated).

You must read and consider the latest Covid 19 Guidance from the LAA at:

<https://www.gov.uk/guidance/coronavirus-covid-19-legal-aid-agency-contingency-response>

**Financial Support**

The LAA has just published some guidance on financial support for legal aid practitioners. Don't get excited, for now it just reminds providers to make POA applications (in Civil Certificated cases) or apply to make interim claims or request for hardship payments in the Crown Court.

You can find that guidance at:

[https://www.gov.uk/guidance/financial-relief-for-legal-aid-practitioners?utm\\_source=38207ccc-e9ad-4123-93ca-29d6bd16957f&utm\\_medium=email&utm\\_campaign=govuk-notifications&utm\\_content=immediate](https://www.gov.uk/guidance/financial-relief-for-legal-aid-practitioners?utm_source=38207ccc-e9ad-4123-93ca-29d6bd16957f&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate)

It's also worth checking out the main Government guidance on support for employers and business at:

<https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-support-for-businesses>

We've been working closely with LAPG and have drafted legal aid guidance for them at:

<https://lapg.co.uk/wp-content/uploads/LAPG-LAA-Contract-and-Covid19-Guidance-27-March-2020-V2.pdf>

The LAA's own latest guidance is at:

<https://www.gov.uk/guidance/coronavirus-covid-19-legal-aid-agency-contingency-response>

# The Government Job Retention Scheme: Staff Furlough

“Furlough” basically means temporary leave of absence. The purpose of the scheme is to help employers to retain employees on paid temporary leave rather than making them redundant. Through HMRC, the Government will pay the earnings of furloughed employees (up to 80% of pay, capped at £2,500 per month per employee).

- Staff must be employed (full time, part time or on agency contracts);
- The must be fully furloughed and cannot work part time
- You must continue paying your staff member
- Government payments won't be made until late April
- The minimum period of furlough is 3 weeks
- The scheme will initially last for 3 months but may be extended
- They haven't designed the claiming or payment mechanism yet
- Warning: We haven't seen the full rules yet...

## Covid-19 Furlough Leave Agreement

YOU MUST check the latest Government guidance and determine if you need to take individual employment law advice before deciding on whether you can implement the Government's Job Retention Scheme, the means by which you do this or whether the scheme or other package or support is relevant to you, your firm or your employees. DG Legal Ltd cannot provide any legal or other advice on whether or how you should implement the scheme. DG Legal is not liable for any loss or damage arising from your use of the template. The template may need to be amended to suit your particular circumstances.

Employee's Name

Address

|

Date

Dear [name of employee]

### Proposed Changes to your Contract of Employment as a result of the Covid-19 pandemic

As you are aware, our Firm has had to make some drastic changes to its business due to the ongoing Covid-19 pandemic and the current restrictions which the Government has imposed on us all. Unfortunately, we are not in a position to operate our business as normal.

Instead of making redundancies which would otherwise be inevitable and with the aim of retaining as many jobs as possible during these challenging times, we are proposing to implement the Government's Coronavirus Job Retention Scheme. As a result of this, we need to make a number of changes to your Contract of Employment dated [date of contract] ("Contract of Employment") including placing you on temporary furlough leave for a minimum of three weeks (but this may be longer as set out below).

### Relevant Dates

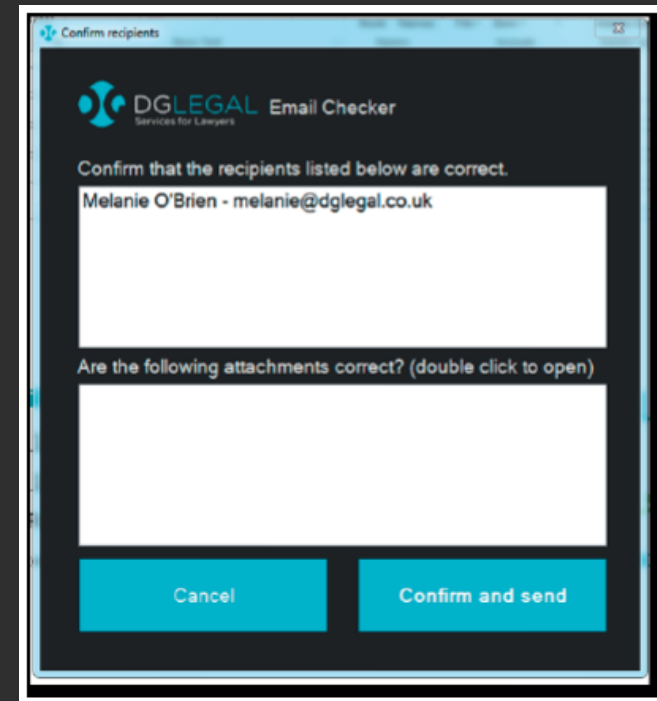
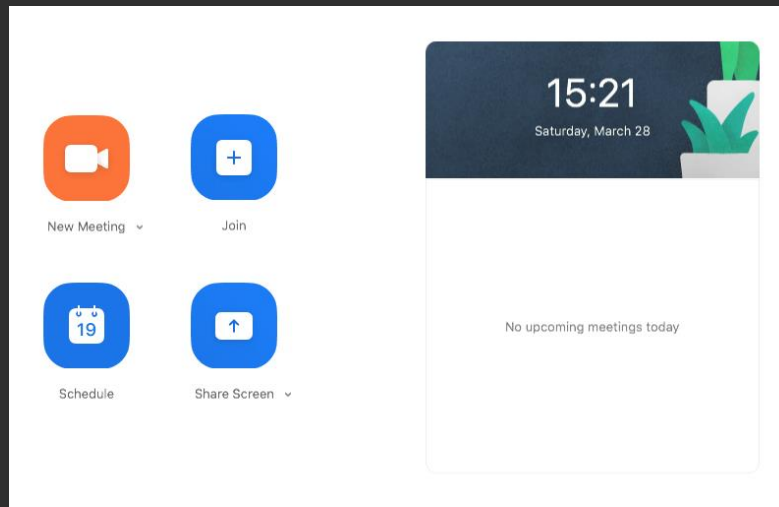
We propose that, in your case, these arrangements will commence with effect from [date] and last for an initial period of [three months] up to and including [end date] ("the Leave Period"). However, the Leave Period may have to be extended or reduced (but not less than the three-week minimum) as the need arises.

The Leave Period will end if:



## Useful Software

- MS Teams, Zoom and Skype
- **DG Legal Email Checker**
- RMail





Guidance

## **Financial relief for legal aid practitioners**

Options available to practitioners facing cash-flow problems when carrying out legal aid work.

- **Civil Certificated Payments on Account (all disbursements and up to 75% of profit costs)**
- **Crown Court: Interim claims and / or hardship payments**

Guidance

# COVID-19: support for businesses

Updated 26 March 2020

- **The Job Retention Scheme (discussed earlier)**
- **Deferring VAT and income tax (VAT automatically deferred for 1 quarter, but you must cancel your direct debit)**
- **Small Business Grant Scheme (£10k for firms receiving SBRR - administered by local authority)**
- **Government backed loans – but through commercial banks. Government guarantee loan and pay first 12 months interest.**
- **Self employed – same as furlough but the Government will sort afterwards**
- **Time to pay**
- **Protection from eviction – but you will still have to pay your rent eventually...**

# Business Continuity Planning

- How can you cope financially if this situation continues?
- Have you undertaken medium term and longer-term financial forecasting?
- Where are you getting clients from if your office may be closed for some months?
- Are you fully using social media and advertising?
- What is this telling you about the way your firm works?
- Should you be increasing the speed with which you move to paperless working?
- Do you have the right tech solutions?
- Should you transition to laptops?
- Could you embrace home-working and agile working to reduce costs and attract staff?
- Remember to think carefully about what is working and what isn't and how you should be amending and adapting your Business Continuity Plan.

# Thank you & goodbye

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