

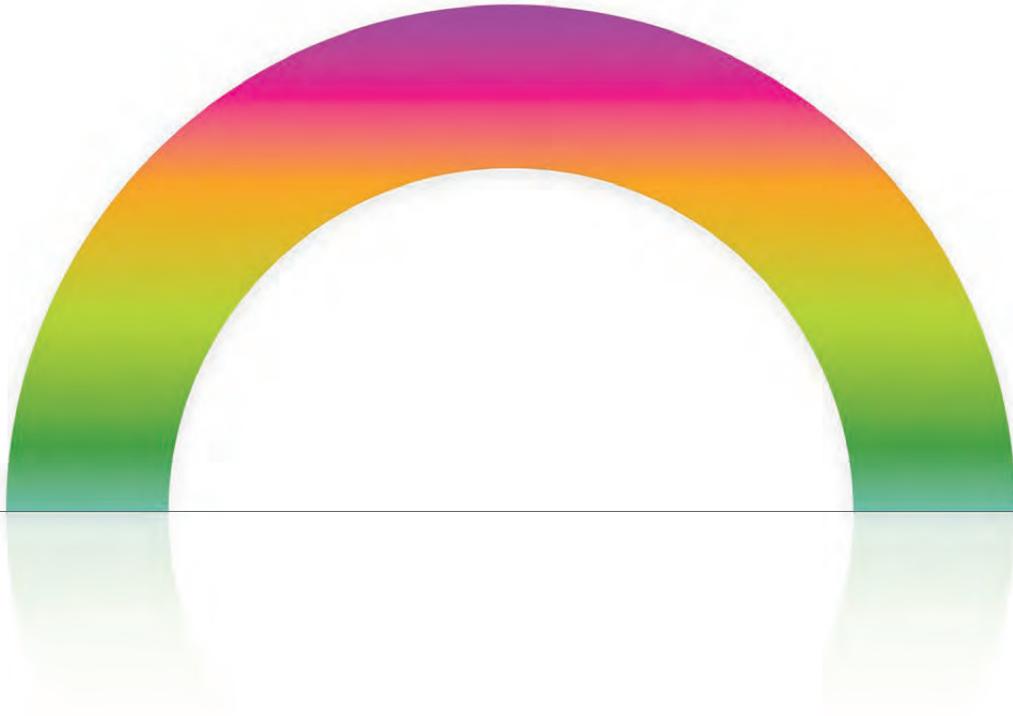
BUSINESS FIRST

- > Pull the brakes on burnout
- > Feel at home with hybrid
- > Reap the diversity dividend



**FEEL GOOD,
PERFORM BETTER**

ALSO IN THIS ISSUE > COLUMNIST STEPHANIE HENDERSON > RETHINKING RELATIONSHIPS > COVID SAFE
> RIP: LIBOR > PREPARING YOUR BUSINESS FOR SALE > POINTS FOR A CONVERSION > ZERO CARBON



A new dawn for law services across Devon

Our diverse team of brilliant people provide the full spectrum of legal services and specialist expertise across private and commercial matters. We have over 140 of the brightest minds, ready to advise you on everything from property to probate and divorce to dispute & litigation. And because we operate across the whole of Devon, we are highly connected to and fully engaged with the community around us.

WOLLENS

Full spectrum law

wollens.co.uk



Tapping into technology

BUILDING BETTER RELATIONSHIPS WITH THE KIT WE DEPEND ON



By the summer of 2020 there was a solid body of evidence that the pandemic was worsening the mental health and wellbeing of employees across the UK. One year on and HR and risk management professionals are identifying mental health as the UK's main workplace risk.

This elevation of mental health as the new, leading concern for UK businesses reflects the considerable progress made in recognising and destigmatising mental health issues in the workplace. But it also presents enormous challenges as staff are asked to return to the office or adopt a hybrid working model that will undoubtedly feature many unsettling changes to old working practices.

Just as technology enabled static workforces to mobilise and become effective remote workers, technology can help businesses address these new challenges. However, its over emphasis, with workers being glued to devices for the majority of the day does require a team of internal HR, mental health and

digital specialists to develop a holistic approach to improving workplace wellbeing.

Company-wide challenges that help workers build a better relationship with technology have been proven to improve wellbeing and productivity. Unfortunately, a panicked response to homeworking resulted in many businesses investing in employee monitoring software – an approach that has damaged trust around HR tech. It's therefore vital that businesses, supported by government policy, are transparent and open to avoid potential accusations of employer monitoring.

Business focus should be on tapping into technological advancements, creating healthy relationships with technology, and not creating mistrust



Challenges that help workers build a better relationship with technology have been proven to improve wellbeing and productivity"

with workers feeling monitored. Ultimately, any transformation should be underpinned with the goals of improving individual and team performance, resilience, and strong mental and physical health.

Stephanie Henson
FOUNDER OF TECHTIMEOUT

READ MORE IN MERCER MARSH BENEFITS STUDY:

<https://www.uk.mercer.com/newsroom/uk-firms-rank-deteriorating-mental-health-and-cybersecurity-as-top-people-related-risks-merc-marsh-benefits-study.html>



In this issue...

STOP PRESS

As we go to press the success of the Coronavirus vaccines have given businesses and individuals freedom and confidence to tackle the uncertainty of the "new normal." Covid has shaped almost everything about the way we work and this is likely to continue through the winter and beyond. Your law firm is here to offer legal support and advice when you need it, keeping you up-to-date with the latest developments and helping your business to navigate these difficult times.

BUSINESS ESSENTIALS

Rethinking relationships	4
You're fired... and rehired	5
Safe and healthy at home	5

PEOPLE MANAGEMENT

Reap the diversity dividend	6
Feeling at home with hybrid	8
Too much, too soon?	10
The Covid safe workplace	12
Long-Covid	14



 A recent survey of 2,000 UK employees by Boston Consulting Group indicated that **67%** of those working remotely want to be able to split their time between the office and home.
see page 8



REAP THE DIVERSITY DIVIDEND...

Creating a diverse, inclusive workforce has long been recognised as essential for running a successful business.

see page 6



SAFE IN YOUR HANDS...

If the ICO considers the breach to be serious enough or is dissatisfied with the response to the breach, it can impose fines of up to **£17.5 million** or **4%** of annual global turnover.

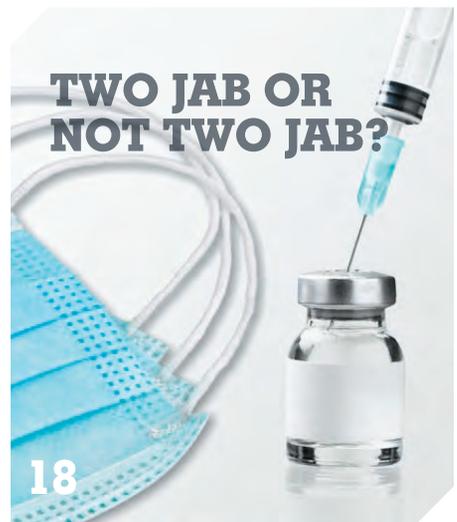
see page 19

FINANCE

RIP: LIBOR	16
------------	----

COMMERCIAL LAW

What's mine, isn't yours	17
Two job or not two job?	18
Safe in your hands	19



BUSINESS DEVELOPMENT

Everyone has their price	20
--------------------------	----

EMPLOYMENT

Navigating the end of furlough	22
--------------------------------	----



26

COMMERCIAL PROPERTY

Hybrid working... 24

Points for a conversion 26

CORPORATE SOCIAL RESPONSIBILITY

Build back greener 28

The zero-carbon office 30

Recent reports have warned that temperatures in the UK could regularly top 40 degrees within the next decade.

see page 30

CONTRIBUTORS

Contributors to this issue 32



EDITORIAL

It's time to hit reset

As the pandemic enters a new phase of caution paired with quiet confidence, this autumn's Business First brings optimism to the workplace with a clutch of bright ideas for building your business back better.



People, as always, remain front and centre with articles on supporting them to navigate hybrid working, protecting against burnout and making the most of diversity to create agile, creative teams. Along with tips on rekindling client relationships after a long time without 'face-to-face', we also include suggestions for managing changing employment terms and the end of furlough.

With the virus stubbornly still with us, pieces on staff vaccination policies, keeping the workplace COVID-safe and recognising the long COVID challenge offer further insights.

Elsewhere there's no shortage of reading to help you plot your next business steps – from advice on protecting data and intellectual property, through to converting older commercial buildings, selling up and relocating out of town. And sustainability retains its rightful place, with practical recommendations for making a real difference as the Net Zero countdown ticks ever-louder to 2040.

Make the most of autumn re-entry.

With very best wishes
Tim Trout – Editor





Rethinking relationships

TOP FIVE WAYS TO IMPRESS YOUR LONG-STANDING CLIENTS



From lifestyle changes to mass uncertainty, the last 18 months have proved testing for many business-client relationships. Here, **Amy Hickman** looks at five ways to keep long-standing clients happy.

1

Reward them for their loyalty

It's important to make your clients feel appreciated after they buy – even a simple but genuine 'thank you' email can go a long way.

Keep track of important dates such as birthdays or business-client anniversaries, and send a personal note to mark these occasions. If your client is celebrating a big event (say a marriage or a new baby), why not send them a gift?

2

Ask for feedback and act on it

Plan a quarterly or biannual meeting to discuss what your client thought about a particular service or product, and whether there are any issues or areas for improvement. Then prove to your client that you're willing to do whatever it takes to ensure they're happy by implementing these changes.

Even if your client is satisfied, asking for feedback shows that you care about them and value their custom.

3

Be transparent

We're all human and mistakes will happen occasionally. If something goes wrong, own up and apologise – and do it fast. Delaying bad news only complicates the situation further, and makes it difficult to earn back your client's trust.

It's also important to be transparent when training your client on how best to use your service or product. They will appreciate your time and effort in going above and beyond your original scope of work, and you may also open the door to new opportunities together.

4

Be prepared for how you can help

Understand what drives your client, what keeps them awake at night and what keeps them in business. If you can assist with any of these, they will recognise the value of doing business with you. Don't think about trying to sell them the next product or service. If you act with empathy, the numbers will take care of themselves.

5

Make their lives easier

Strive to give your clients more than what they expected. If you have the capacity, under promise and over-deliver from time to time to show your clients that you're committed to your work – and that you're prepared to go the extra mile.

If you can save your client time, energy and money, they'll remember the experience and trust you with the next issue that arises – and may also recommend you to their friends and family.

Above anything else, do what you said you were going to do. The first step to keeping your clients is not upsetting them in the first place. And remember to always keep your clients updated and well informed – good communication is key to every successful relationship.



If something goes wrong, own up and apologise – and do it fast."



YOU'RE FIRED... AND REHIRED

As businesses recover from the pandemic, 'fire and rehire' has become a popular way to change employees' terms of employment. But, as changes are usually

negative for the employee, there are numerous risks involved. **Karen Cole** explores the key issues.

It may be controversial, but the 'fire and hire' approach can be used legally and fairly if businesses take the following steps:

Decide what term to change for example pay, hours or benefits and identify a legitimate business reason for the proposed change(s).

Check whether there's a flexibility clause within the employee's contract. If there is, employee consent is not required. That said, it's always best to discuss any changes with your employee so they are aware and understand the reason for your decision. This clause may also state that notice must be given or a particular process followed to vary a term in the contract.

Be cautious. If a flexibility clause exists, it's incredibly unlikely that such a clause will extend to varying salient clauses such as pay. Any ambiguity in the interpretation and scope of a flexibility clause will typically be decided in favour of the employee.

Discuss the proposal. If there is no flexibility clause, or the clause doesn't cover the proposed change, speak with the employee and seek agreement. In consultation, you can explain the possible consequences if they don't agree with the change – for example, this may include redundancy. In an ideal world, the employee will agree to the change to avoid potentially adverse consequences. Bear in mind, however, we rarely live in an ideal world.

If the employee does not agree, follow the correct procedures which include fairly dismissing the employee, providing notice and offering re-engagement on the new terms. This is not a step which should be taken lightly. An employer should consider the risk of legal action (claims for unfair dismissal, for example) as well as workplace morale.

While it is legally possible, the 'fire and rehire' method should be a last resort once all other options have been exhausted. If you are an employer in this situation, it's important you seek legal advice before taking any of the steps above. A little forward planning can avoid significant legal consequences.

Are your employees safe and healthy at home?

As reported in 2019 by The Office for National Statistics, **over 25% of UK workers already had home-working experience.** The pandemic saw this figure dramatically increase, with companies large and small planning to maintain home-working arrangements

– either fully or in a hybrid version. Businesses must remember that they have the same health and safety obligations for home workers as they do for company-based staff. Here are three areas to prioritise to get things right:



1 Communicate to ensure safety and wellbeing

It's vital that home workers are kept in the loop and supported just as they would be in a conventional working environment. Support should be based on the complexity and pressure associated with the work they're carrying out as well as their experience. Any calls for help or signs of stress should be investigated immediately.

2 Consider home computer users as if in the office

All employers must protect workers from the health risks of working with display screen equipment (DSE) such as workstations, laptops, tablets and smartphones. Home workers must be provided with appropriate equipment and advice on appropriate risk control measures. DSE risk assessments should be informed by user checklists (available free of charge from HSE).

The law is the same if users are working at a fixed workstation or at home. Whatever the location, display screen equipment – including seating – should be suitable and adjustable. Where necessary, workers should receive guidance on correct set-up. Footrests, headsets and graphics tablets may also be offered as appropriate. Assessments must be re-evaluated and reviewed regularly in line with general risk management if equipment or processes change.

3 Keep stress and mental health top of mind

Working away from support mechanisms can add to work-related stress. Without daily workplace companionship, home working may also increase a feeling of social isolation. Setting up a helpline, which home workers can call in an emergency, or share any concerns can ease stress and other conditions.

Additional fire risks should be considered with the increased electrical equipment in domestic situations, especially where sheds and outbuildings are converted into home offices. Also, working from home may affect insurance cover, some policies will exclude all items used for "business or professional purposes". Insurance cover should be checked before commencing home working.

While England's Covid-19 guidance is changing to 'a gradual return to the workplace', (at the time of publication) the other UK nations are still advising 'work from home if you can'. Whatever the recommendations, many workers country-wide will continue working from home for the foreseeable future. It's the responsibility of employers to ensure that they stay safe – and that their health does not suffer.



REAP THE DIVERSITY DIVIDEND



Creating a diverse, inclusive workforce has long been recognised as essential for running a successful business. To achieve this the environment must be one in which everyone feels able to take part, be valued and fairly rewarded. **Manzurul Islam** discusses the importance of promoting inclusion and diversity in your business beyond simply compliance.

It's easy to feel that diversity is top of the agenda for every HR director or manager. But what can you do as an employer to move beyond ticking boxes and show your employees and customers that diversity really does matter?

1 REDUCE PREJUDICE

Ignorance is often a fundamental cause of prejudice. If an individual has no direct contact with a particular group, they are more likely to be guided or influenced by stereotypes. Interacting with people of different backgrounds and characteristics helps to dispel negative assumptions.

Without this knowledge and awareness, unconscious bias can become a real problem. Look into training to start the hard work of reversing its negative effects.

2 INVESTIGATE

Identify the problem so it can be addressed. Look at what proportion of your workforce is disabled or from a non-white background. Is there under-representation? Are you paying staff from white and ethnic minority groups the same for doing an equivalent role? As well as hiring more diverse staff, you need to commit to valuing everyone equally too. If you're known for being a fair, diverse and inclusive employer, it will enhance your reputation with customers and prospective employees alike.

Consider applying for formal recognition by meeting recognised standards – such as BSI, ISO or Investors in People quality marks – to help stand out from competitors.

3 FOCUS ON RECRUITMENT

If you haven't been able to fill an old vacancy, blaming it on talent shortage is an easy excuse. More likely the talent is out there. You just need to know how to find it – and the starting point is recruitment and advertising. Look at how your advert

is written. Words such as 'dynamic' and 'energetic' may suggest a bias towards the young.

Consider going direct to educational establishments or under-represented communities to cherry pick the best talent and train them yourself. Individuals who feel their employer values them and is prepared to invest in them tend to be more loyal.

4 KNOW YOUR CUSTOMERS

The chances are your business will have a wide customer demographic. Do the research to discover who you aren't connecting with – and think about how best to reach those under-represented groups.

What better way to cater for the needs of French speaking customers than to employ someone French speaking? Likewise, the UK's 11.9 million disabled people are said to have disposable income collectively worth £80bn (BBC News). Ignore them at your peril.



Employee wellbeing post pandemic



The pandemic has brought employers' provision of benefits into sharp focus –

alongside how companies are supporting staff wellbeing. Historically, 'physical' health may have been prioritised through private medical and group life assurance. However, it would appear that employees may now be looking for a more holistic approach to wellbeing packages, including additional mental health support.

Gareth Thomas explains:

The Chartered Institute of Personnel Development (CIPD) highlights HSE figures from 2019 showing mental health-related absence as the most common cause of long-term sickness absence in UK workplaces. Work-related stress, depression or anxiety accounted for 44% of work-related ill health and 54% of working days lost, in 2018/19.

It's unclear what the full mental health impact of the pandemic will be. The CIPD also points to recent Office for National Statistics (ONS) data that reveals around 1 in 5 (21%) adults experienced some form of depression in early 2021 – more than double the figure pre-pandemic (10%).

The knock-on effect is that more companies are looking to support their employees' mental health.

And the good news is that there are increasing options for them available from holistic employee benefits advisors. One cost effective

and accessible option is an Employee Assistance Programme (EAP), a CIPD-recommended route for assisting return to the workplace post-pandemic.

EAPs offer proactive, preventative employee support from professional counsellors by phone. They're designed to help organisations assist employees to address wide-ranging issues that could affect home or work life, health and general wellbeing. Most services operate 24/7/365 and may also provide face-to-face counselling.

Some organisations' existing benefits packages may already include an EAP, without their being aware of it. Products such as group life assurance often feature some form of EAP at no additional cost. It's vital, therefore, to review any current benefits and fully understand what's already available to employees.

If no EAP is in place, implementing one is extremely cost effective, with average prices around £8 – £10 per employee per annum.

When seeking advice regarding employee mental health, you should look for a company that offers a holistic approach to employee benefits tailored around requirements. Some providers offer a no-obligation consultation to understand your business needs and the products already in place. Above all, you should be looking for a bespoke solution that enhances and improves your company's employee benefits.



“Diverse teams are more creative and solve problems faster.”

5 BREAK THE RULES

For every rule, be prepared to make an exception. Enforcing rules rigidly can lead to bias and discrimination. For example, setting fixed working hours and place of work disproportionately impacts women, as they're more likely to have caring responsibilities. Encouraging agile and remote working will help you find talent from further afield.

6 REAP THE BENEFITS

Research by Harvard Business Review in 2017 shows that diverse teams are more creative and solve problems faster than teams of people with similar backgrounds. This is largely because the more people have in common, the more like-minded they are. By bringing together a diverse workforce, you're gaining more unique perspectives and ideas – and that can deliver lasting business benefits.

Sources and further reading

<https://www.peoplemanagement.co.uk/experts/advice/changes-challenges-covid-has-brought-employee-benefits#gref>

<https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/articles/coronavirusanddepressioninadultsgreatbritain/januarytomarch2021>

<https://www.cipd.co.uk/knowledge/culture/well-being/supporting-mental-health-workplace-return#gref>





Feeling at home with hybrid



For many businesses, hybrid working is here to stay. A recent survey of 2,000 UK employees by Boston Consulting Group indicated that 67% of those working remotely want to be able to split their time between the office and home. How can employers accommodate this change and thrive in this flexible new world? **Katie Ash** explores the legal responsibilities.



67%

of those working remotely want to be able to split their time between the office and home

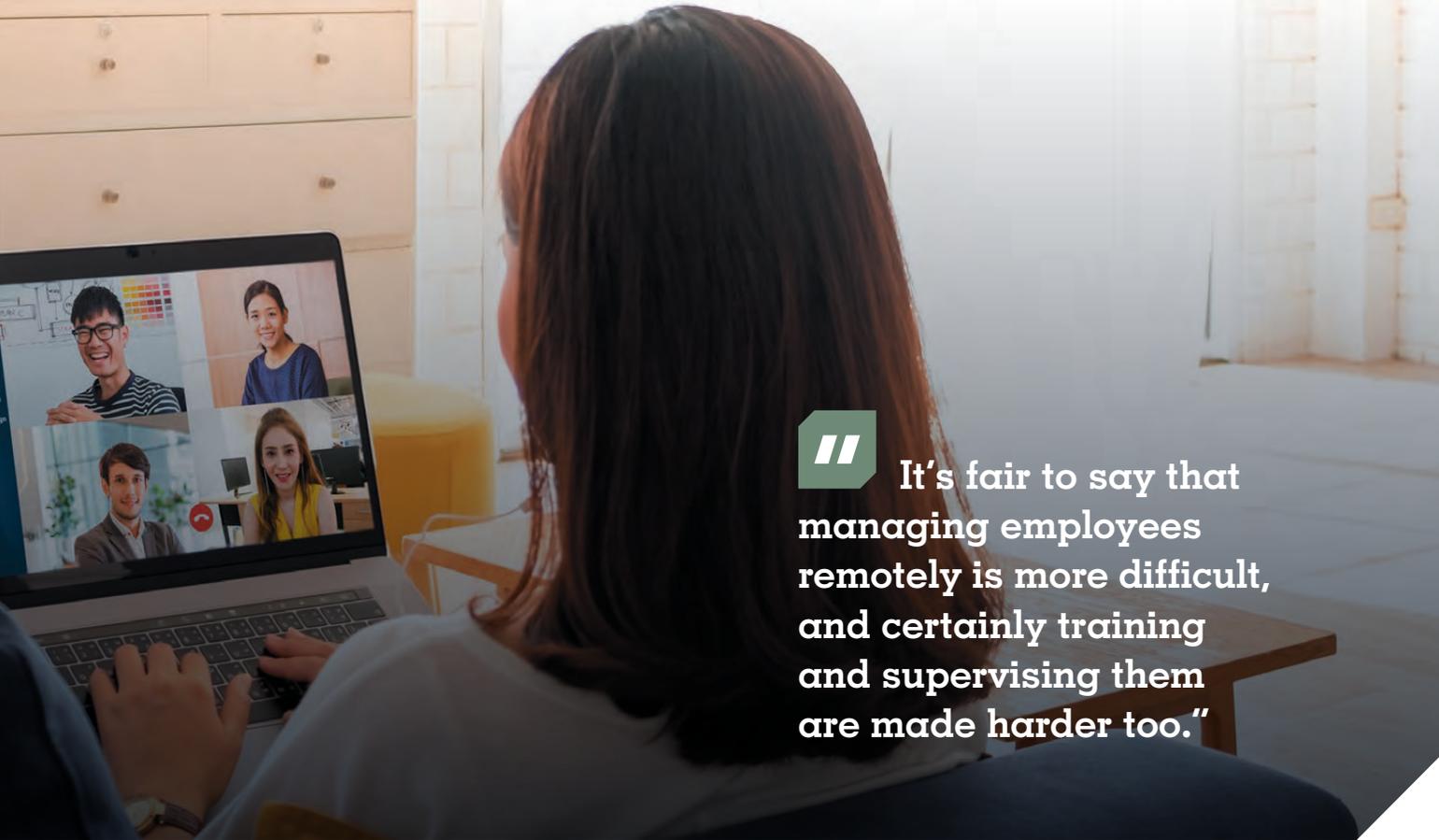
As a starting point, it's important for employers to remember that while the term 'hybrid working' is new, flexible working is not. Hybrid working is simply a type of flexible working. Most employers should be familiar with flexible working given that there has been a statutory regime covering the subject for almost two decades. The statutory regime allows any employee with more than 26 weeks' service to request to work flexibly and sets out a framework that an employer must follow in response.

A WAIT AND SEE APPROACH

At the moment, with the 'work from home if you can' instruction removed, many employers are looking to offer hybrid working on a temporary basis until they can assess how their business will need to operate in a post-Covid world. Although many can see the benefits of hybrid working in terms of employee morale and engagement, plus the ability to reduce overheads and absence levels, they also want to be sure that this model works for them in the longer term.

It's important that employers continuing with a temporary hybrid model communicate regularly with their staff about how this is working and when reviews will be held to assess whether it will continue.

In the longer term, employers need to consider their flexible working policies and procedures and decide whether these should be updated to include hybrid working as a particular type of flexible working, or whether there should be a specific policy for it. Line managers dealing with requests should be trained to ensure that they understand the processes that will apply.



“ It’s fair to say that managing employees remotely is more difficult, and certainly training and supervising them are made harder too.”

MAKING A PERMANENT CHANGE

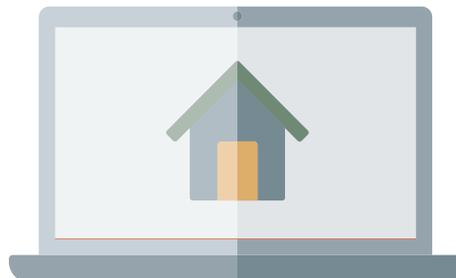
Whatever is decided, it’s important to understand that if hybrid working is agreed on a permanent basis, this will be a permanent change to the employee’s terms and conditions, and a new contract should be issued to the employee. The contract should cover the following issues too:

- Where the employee will work
- What hours the employee will work – and when
- How expenses will be dealt with, including travel to the employer’s premises
- Confidentiality and security obligations on the employee, including with regards to GDPR
- Dealing with who is responsible for insuring what in terms of the employer’s property
- Giving the employer a right to enter the employee’s home on reasonable notice.

Employers also need to ensure that a risk assessment is undertaken in respect of employees working from home. And whilst there is no obligation to provide particular equipment to an employee to enable them to work from home unless the employee is disabled, employers may

wish to consider whether providing equipment is in their interests to ensure an employee can work productively and efficiently.

It’s fair to say that managing employees remotely is more difficult, and certainly training and supervising them are made harder too. However, if, after agreeing to allow an employee to work hybrid, either on a temporary or permanent basis, an employer finds that an employee’s performance is not as it should be, then the normal rules of managing performance apply. Any employer identifying such issues will need to discuss these with the employee and give them a reasonable opportunity to improve, including providing support to them where necessary.



IN SHORT

Hybrid working is a type of flexible working and is covered by a statutory regime

If made permanent, it will mean making changes to an employee’s contract

If an employee’s performance dips, the normal rules for managing performance apply: identify issues, discuss them, give the employee a reasonable opportunity to improve before taking disciplinary action.



Too much, too soon?

PROTECTING YOUR WORKFORCE FROM BURNOUT AS WE ALL GET BACK TO WORK



Very few people have come through the past 18 months without facing challenges. As employees start making their way back into offices and businesses start functioning full-time again, **Jane Crosby** explores how employers can help pave the way for a healthy and happy return.

UNDERSTANDING EVERYONE'S EXPERIENCES

Employees have had to adapt to working from home, often juggling family challenges such as home schooling or looking after elderly parents, all whilst attending countless Zoom work meetings. Some employees have even lost family members due to COVID-19 and then returned to work in an office environment where they may not believe they are safe.



Companies have had to adapt quickly to a rapidly changing economic environment. There have been enormous pressures placed on business owners, both financial and emotional. They've had to make difficult decisions such as who to furlough, with many having to make redundancies to ensure the business survives.

This situation has sometimes led to a breakdown in communications where decisions have been made quickly, with employees left in the dark about why certain decisions were made. Businesses that haven't communicated their decisions effectively have had to rebuild trust with their employees.



In much of the recent media coverage about the pandemic, mental health has quite rightly featured much more prominently than it had previously. Switched-on businesses are embracing this positive change in our culture and recognising that a toxic work environment doesn't help anyone thrive.

APPRECIATING CONCERNS ABOUT RETURNING TO WORK

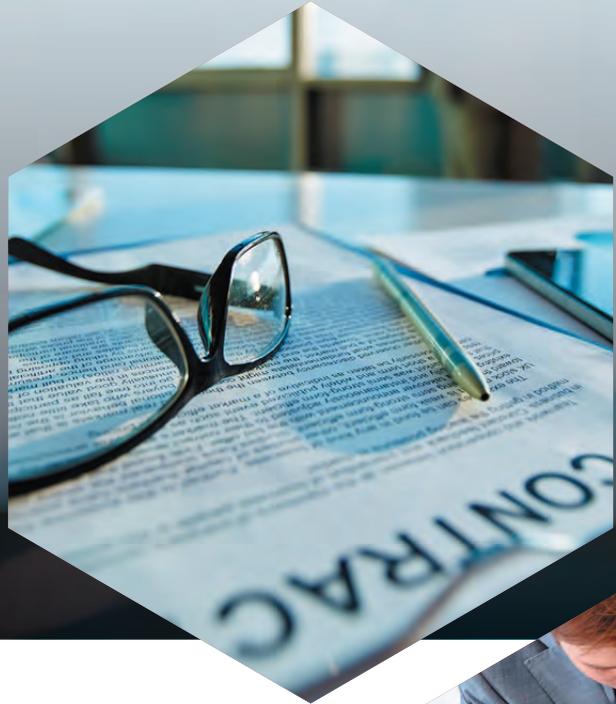
Businesses will have to be more mindful than ever about their employees' mental health. The range of worries will likely be broad – from the practicalities of returning to the office and managing workloads to wider anxieties around loved ones and potentially contracting COVID-19. It should never be a stigma for anyone to admit they're not coping either at work or at home.

Wellbeing may be further placed under pressure as many people won't have used their full holiday allowance over the past year. Often employees have felt an obligation to keep working through the pandemic rather than take their allocated holidays, perhaps because of concerns about losing their jobs.

There may also be employees who are suffering the effects of personal relationships that have broken down as a result of the current situation.

Balancing the needs of keeping a company afloat and looking after the needs of their staff is not a simple task for business owners. But employers who have benefited from a loyal workforce throughout the pandemic can avoid losing team members to burnout now if they pay particular attention to the wellbeing of their employees as normal life is resuming.

“ It should never be a stigma for anyone to admit they’re not coping either at work or at home.”



TAKING POSITIVE ACTION

It's important for companies to empower their managers to show a genuine interest in their employees so they can credibly encourage staff engagement. Recognising achievements can help employees feel more appreciated. Employee successes could be shared in an internal newsletter or the team could be treated to lunch. Often a simple thank you from a manager and an acknowledgment that they are important to the team can mean a lot to an employee who is struggling.

Managers also require help and support in carrying out their roles, so having a mentor who is available to support them is important.

In the past, employers may have used attendance bonuses to improve staff attendance rates and increase productivity. Now, businesses need to reward not just turning up, but also taking proper breaks and using full holiday entitlement to avoid burnout.

Sickness policies should be reviewed to consider whether any enhanced sickness payments are possible. When employees have been working under increasing strain, taking time out can be a positive step. Paying attention to the Working Time Regulations has never been so important for addressing how long employees can safely work for.

Employers also need to consider that a safe physical environment helps employees feel secure. It's important to carry out health and safety risk assessments of office facilities and establish whether it's practical for employees to socially distance or if it's necessary for everyone to wear masks. Consultation is also an important factor in any decision-making process. Ensuring all employees have the chance to give their opinions and are supported to do so is key.

LOOKING TO THE FUTURE

A workplace should be a setting where everyone is able to thrive. If employees have good physical and mental health they'll be able to return to normal working life refreshed and reenergised. Motivated and committed employees will not only be happier but perform better and contribute more to a business' success.

Our world has changed in many ways and one of the most positive shifts has been a focus on showing more kindness and consideration within the communities in which we live and work. If we can carry this forward into our roles in the workplace, it will help companies become more resilient as they face the future.





Under the Health and Safety at Work Act 1974 employers must take steps to protect employees, whether in the workplace or acting offsite in a work capacity. These are statutory duties and apply whether we are in a pandemic or not."

THE COVID SAFE WORKPLACE



As the third wave of COVID-19 passes and UK businesses plan for recovery and growth, employment law expert **Julia Fitzsimmons**, explores the many challenging ethical and legal questions facing employers in a post-pandemic workplace.

The impact of the Covid pandemic on businesses the length and breadth of the country is almost unmeasurable. Businesses have shown incredible flexibility and adapted throughout the pandemic – Covid-safe working practices needed to be enforced and infection control became a priority to protect workforces.

Now, as the success of the vaccination programme is beginning to be felt, and staff start to return to workplaces, employers face a host of unprecedented issues in a post-Covid era.

Can you force people to return to the workplace, even if they feel unsafe? What adjustments, if any, are needed if a fourth wave materialises over the winter? And possibly the biggest question of them all – can you compel your employees to get their Covid jab?

Returning to the workplace raises differing views

Vaccination is not compulsory, and some people may have medical or ethical reasons that stop them being vaccinated. Nor is the vaccine roll-out an overnight process, with boosters required for millions before the end of the year. But employers are hungry to enjoy the full advantage it can bring to the recovery of their businesses and the wider economy.

The debate around employers demanding that staff get vaccinated was sparked by Charlie Mullins, Founder and CEO of Pimlico Plumbers, who announced his company would rewrite contracts stipulating vaccination as a condition of employment and deal with non-compliance on a case-by-case basis.

It's a bold assertion and perhaps not a surprising one from such a flamboyant business personality, but it has little basis in employment law.

For starters, it is not government policy to legally require anyone to have a COVID – or any other – vaccine. It is a moral rather than legal obligation to take up the government's offer of vaccination – why then, would an employer take a more severe line?

What are the issues with making vaccination compulsory?

Making vaccination a condition of continuing a member of staff's employment is in many respects akin to current guidance on both drug and alcohol testing, and also right of search. In those instances, an employer cannot physically submit an employee to what would be, technically, assault if they did not agree to drug or alcohol testing or a physical search. Vaccination should be no different.

Any dismissal on the grounds of refusal to be vaccinated would likely lead to an unfair dismissal tribunal where an employee has two years or more service. Additionally, there could be discrimination complaints if there are health, religious or ethical beliefs that lead to an individual choosing not to take the vaccine.

How else can employers promote Covid-safe practices?

Businesses are perhaps better placed working with staff to discuss the potential benefits that the vaccine could have on mental and physical wellbeing; they could offer paid time off to travel to some of the larger vaccination centres; and they could use this time to engage with staff to understand their concerns and worries.

This is the same advice we'd give to employers on Covid-safe workplaces too. With the virus still present in society there will still be many people worried about becoming ill, passing infection on to vulnerable relatives and dealing with wider

ongoing mental health issues which have been brought about by the pandemic.

Employers have a duty of care to their employees

Under the Health and Safety at Work Act 1974 employers must take steps to protect employees, whether in the workplace or acting offsite in a work capacity. These are statutory duties and apply whether we are in a pandemic or not.

For most employers, the primary concern is how to ensure the safety of their employees and customers. By consulting employees and understanding their worries around coronavirus, strategies can be developed to help keep everyone safe. Workers can be reassured that they're employed in a Covid-safe workplace.

Addressing concerns with empathy and action will create a positive environment for people to return to work, and encourage everyone to play their part in helping to operate your business safely.

IN SHORT

It is not government policy to legally require anyone to have a COVID vaccine, so employers should not look to take a more severe line

Any dismissal on the grounds of refusal to be vaccinated would likely lead to an unfair dismissal tribunal where an employee has two years or more service

A more reasonable approach may be to promote the potential benefits of the vaccine to employees, and work with them to make the workplace as Covid-safe as possible.



LONG-COVID

The long and the short of it



Long Covid is fast becoming the next big issue for employers. Faced with an entirely new phenomenon, for which nobody knows the long-term prognosis, businesses are having to make some difficult decisions. Here, **Danielle Lister** explains the background and how employers should prepare.



One of the problems with Long Covid is that there's very little evidence around the duration of the illness."

What is Long Covid?

The National Institute for Health and Care Excellence (NICE) defines Long Covid as a condition where "signs and symptoms that develop during or after an infection consistent with COVID-19 continue for more than 12 weeks and are not explained by an alternative diagnosis."

How many people are affected?

The Office for National Statistics (ONS) suggests more than 1 million people in Britain have suffered or are currently suffering from Long Covid.

What are the symptoms?

These range from extreme fatigue and breathlessness, to chest pains and problems with memory/concentration. Symptoms can vary from the minor to very severe and can be completely debilitating for some people.

How long does Long Covid last?

Currently, experts don't know. ONS data shows that around 385,000 people in the UK are estimated to have been suffering for more than a year.

What steps should an employer take?

If an employee confirms they have Long Covid, the first step should be to discuss the situation and find out how the business can support them. As an employer, you need to ensure there's an open line of communication, and that the employee has the opportunity to speak to their manager or HR team on a regular basis.

Is Long Covid a disability under the Equality Act 2010?

Not necessarily – but maybe. There are so many unknowns about this illness, it really does depend on individual circumstances. Employees who have serious and long-lasting symptoms could fall into this category. The test set down in the Equality Act 2010 has to be met for Long Covid to be considered a disability. This states it needs to be:

"A physical or a mental condition which has a substantial and long-term impact on your ability to do normal day to day activities."



385,000

PEOPLE IN THE UK ARE ESTIMATED TO HAVE BEEN SUFFERING FOR MORE THAN A YEAR.

“Long-term” means that the condition lasts or is likely to last for 12 months or more.

One of the problems with Long Covid is that there’s very little evidence around the duration of the illness. This makes it difficult to determine whether or not someone with it is or might be categorised as a disabled person.

The advice to employers is to proceed with caution. If symptoms have a substantial impact on an employee’s ability to carry out normal day-to-day activities, then the first criteria is satisfied. The longer an employee suffers with Long Covid, the greater the likelihood they have of satisfying the second.

If you’re an employer, what can you do to prepare for managing Long Covid in the workplace?

- 1 Train managers and HR** – ensuring key people in your organisation are aware of the issues, symptoms and challenges around Long Covid.
- 2 Check and update policies** – making sure you’re familiar with your Sickness Absence and Equality/Anti-Discrimination policies as these may come into play in the event an employee is affected. You should ensure your policies are up to date and fit for purpose.



- 3 Obtain guidance from Occupational Health** – given the significant amount of uncertainty, it’s best to obtain guidance from Occupational Health. This will help you reach decisions, but will also show you are being a prudent and supportive employer in seeking professional opinions before making long-term decisions affecting your staff.
- 4 Consider reasonable adjustments** – although the requirement for reasonable adjustments only applies when employees are covered under the disability provisions of the Equality Act, it is prudent to consider requests for adjustments. This is especially the case given the uncertainty around the illness and the risk that an employee could ultimately be considered to be a disabled person.

- 5 Follow official guidance and updates** – ACAS has produced helpful guidance. However, this is a new illness, so guidance and information are likely to continue to develop over the coming weeks, months and even years. As the medical world becomes more knowledgeable about the illness, employers should continue to seek updates.
- 6 Take specialist advice** – if in doubt, seek specialist advice in managing employment issues. This is particularly recommended where there is a risk of Employment Tribunal claims. This could be the case in situations involving employees who have Long Covid but who feel they have been unfairly treated or discriminated against as a result.

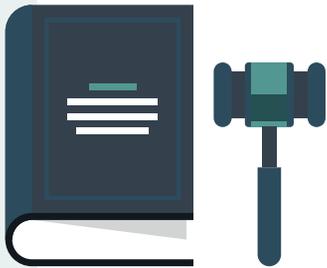


RIP: LIBOR



On 31 December 2021, the mainstay of financial markets LIBOR – the globally accepted benchmark rate of interest at which banks lend to each other for short-term loans – will be discontinued. Who will be affected? And what should businesses do to prepare, asks **Evangelos Kyveris**.

Following widespread allegations of LIBOR manipulation and numerous fines imposed on several international banks, the validity and accuracy of LIBOR was questioned. With panel bank support, it was eventually decided to be sustained until the end of 2021. LIBOR is due to be replaced by the sterling RFR (risk-free rate), known as SONIA, following a transition period that should end in 2023.



LIBOR underpins over US \$350 trillion contracts in relation to banks, corporate entities, insurers and investment managers. It also affects everyday consumers as the interest rate is used for products such as credit

cards, car loans and adjustable-rate mortgages. The transition from LIBOR to SONIA has key implications for the financial markets impacting contracts, syndicated loans, bonds/floating rate notes and derivatives.

To add to these, LIBOR and SONIA feature technical differences including the way they're calculated. LIBOR is a forward-looking term rate (i.e. the rate is known at the start of the period). SONIA is an overnight rate that can only be produced looking backwards.

These key points cannot be overlooked, particularly by corporate entities who wish to manage the transitional period properly.

It would therefore be prudent for businesses to take active steps to prepare for the transition given the associated potential risks and large amount of work involved. These include:

- 1 Understanding impact**
Analysing the impact of the transition to their business and creating firm-wide risk assessments are vital first steps. In practice, this would require developing mitigants for the risks identified and creating 'future-proof' documents.
- 2 Developing a LIBOR transition roadmap**
Due to the potential risks, delay is not an option. There are likely to be large volumes of documents, products and processes which will need to change.
Transition demands that businesses become less reliant on LIBOR and better understand SONIA.
Internal awareness of the transition should be raised throughout the business, so that staff are prepared for the change.
Companies' accounting and operational systems will need to be modified to handle both existing LIBOR loans and new loans under SONIA, as they are not currently set up to calculate interest on overnight rates.
- 3 Identify and convert**
Existing contractual agreements which concern LIBOR-based loan products extending beyond 2021 must be identified and converted to SONIA. Lenders are now actively offering loan products based on SONIA or alternatively LIBOR-based loan products with contractual arrangements to facilitate the move to SONIA.
- 4 Manage expectations**
Managing client expectations is key. Engage investors and counterparties, educate them about the transition process, and explain the impact it will have on the business. Also, share new product information with customers.

What's mine, isn't yours

HOW TO PROTECT YOUR IDEAS IN A WORLD WHERE EVERYTHING'S UP FOR GRABS



Figures show that 80% of the value of an average business lies in its intangible assets or intellectual property (IP). **Rina Sond** explains how to avoid common problems and protect those precious ideas.



1 First, establish what IP rights are available. Essentially, patents protect new inventions; trade marks protect brand identity; design rights protect product appearance; copyright protects literary, dramatic, musical and artistic work; and database rights protect compilations of information.

2 Once you discover which IP is registerable, assess whether it's actually worth registering. Registration of IP rights can give you exclusivity over your brand and put you in a stronger position in the event of any infringement, often making it easier and cheaper to enforce. Registered IP can also attract investment and create revenue for a business.

“Registering IP rights can give you exclusivity over your brand and put you in a stronger position in the event of any infringement, often making it easier and cheaper to enforce.**”**

3 According to the UK Intellectual Property Office, 75% of businesses are unaware of who owns the copyright on work created by sub-contractors. Seek to retain all IP by ensuring clear contracts are in place with freelancers and employees. Also date and keep written records as evidence of your work.

4 When establishing a new brand, it's important to ensure that you are free to use the proposed name, and that it doesn't clash with any existing business. It's also vital to continue to monitor the competition, to ensure that no-one steps on your toes.

5 Avoid jeopardising rights to exclusivity or legal protection of IP rights by keeping details of your idea confidential until sufficient IP protection is in place. Ensure you use confidentiality agreements from early-stage discussions onwards.

6 Seek appropriate specialist advice from professional advisors, as they can add value to help you reach your business goals. For example, you may be unaware of IP tax reliefs, such as R&D tax relief and patent box, that can provide more comprehensive reliefs than many businesses realise.

7 Finally, assess your options and seek to commercialise your IP, whether through selling, licensing, franchising or joint ventures. This will assist you in deriving an income from your IP. Deciding on which commercialising method to use will depend on your business objectives, the forms of IP available, the markets in which you intend to operate and your skills and financial resources.





TWO JAB OR NOT TWO JAB?



As the vaccine drive continues and businesses return to a new normality, many managers are asking the same question: can employers require employees to be vaccinated and wear face coverings? **Josh Fresle** shines some light on this polarising subject.



Whatever route employers choose, they should remain respectful of those who cannot or do not want to be vaccinated."

The big vaccination question

As of 22nd August 2021, NHS England confirmed that 88.6% of the population aged 18 and over had received at least one dose of the Covid-19 vaccine. It has been a monumental achievement. Yet, despite this success, there are many people who cannot, or do not want to receive the vaccine. Facing this, are employers able to stipulate that employees must be jabbed? The simple answer is, no. Doing so could risk employees bringing a claim for discrimination and/or unfair dismissal.

What makes it 'discrimination'?

The Equality Act 2010 provides protection for employees that suffer discrimination from their employer on the basis of a 'protected characteristic'. The three protected characteristics most relevant here are: Disability, Religion or Belief, and Pregnancy and Maternity. An employee may not be able to have the vaccine because of a medical condition or genuinely held religious beliefs.

It may be possible, however, for an employer's vaccination policy to constitute a reasonable management instruction. For example, in the healthcare sector it may be considered a 'reasonable management instruction' to request an employee have the vaccine if they are unable to socially distance.

But the legality of this is questionable and employers should be mindful of inadvertently discriminating against people.

The exceptions to the above are Care Quality Commission registered care homes whose workforce must, by law, unless exempt, be vaccinated against Covid-19.

That said, while employers are unable to force employees to have the vaccine, they are under a duty of care to ensure the health and safety of their workforce, so they can encourage their workforce to accept the vaccine.

If this is a route employers choose, they should remain respectful of those who cannot or do not want to be vaccinated.

What about wearing face masks?

While there's no longer any legal requirement to wear a face mask in public, in the workplace this remains a matter of business discretion, based on their own risk assessments. Because employers are required to protect their workforce and customers, they are allowed to implement measures they believe are reasonably required to do so.

Although this is ultimately left for employers to choose, they should remain mindful that some people are unable to wear face coverings. In these cases, employers should respect and support the needs of each employee and make reasonable alternative adjustments to protect their health and safety.

SAFE IN YOUR HANDS

Data protection and why it matters to your business



While many businesses take extensive steps to safeguard the data they handle, inadvertent acts of human error remain a very real risk. **Toby Kippax** looks into why it pays to take data protection seriously.



Previously there was a requirement for a claimant to show financial loss arising from a data breach, but that requirement is no longer present."

Awareness of data protection has grown gradually over the last decade, increasing further in 2018 after the Data Protection Act and the General Data Protection Regulations (GDPR) came into force.

WHAT HAPPENS IF A BREACH OCCURS?

Inadvertent data breaches can incur significant fines from the Information Commissioner's Office (ICO) and potentially lead to compensation claims against the entity that has allowed the breach to occur.

Examples of an inadvertent data breach include:

- Sending personal data to the wrong recipient via email;
- Loss of laptops or other mobile devices which hold personal data; and
- Loss or theft of hard copies of documents which include personal data.

Upon notification of a data breach, the ICO will undertake a preliminary investigation to determine whether any further action is required. The ICO will be looking at whether the breach could and should have been prevented had proper policies and procedures been in place to avoid the risk of such an incident occurring. If the ICO considers the breach to be serious enough or is dissatisfied with the response to the breach, it can impose fines of up to £17.5 million or 4% of annual global turnover.

A GROWING TREND IN DATA BREACH CLAIMS?

A further concern is the rise in law firms looking to represent claimants on a 'no win no fee' basis in bringing claims for damages arising from personal data breaches. Previously there was a requirement for a claimant to show financial loss arising from a data breach, but that requirement is no longer present. This means that claimants can now bring claims purely for the "distress" caused by inadvertent disclosure of their

data. The concept of "distress" can be difficult to assess and damages can be hard to quantify as a result. Legal costs will also likely be claimed.

WHAT ACTION CAN BUSINESSES TAKE?

A business should be able to significantly reduce the risk of inadvertent disclosures by putting appropriate policies in place, as long as staff fully comply with such policies. Other risk-reducing measures include peer-checking of emails and letters, an encrypted email system, and verifying an address before sending anything in the post.

Should a claim be intimated or threatened by a claimant whose data has been the subject of a breach, businesses may wish to contact a specialist firm of solicitors that can assist with responding to the claim with a view to reducing the levels of compensation or costs payable.



Everyone has their price

HOW TO PREPARE YOUR BUSINESS FOR A FUTURE SALE



Selling a business you've worked hard to build up is a huge step. **Nilam Dave** offers advice to guide you through the whole process from detailed planning through to a seamless handover.



// The business needs to run smoothly until the completion of the sale to maintain its value, so don't neglect the day-to-day running."

1 PLAN PLAN PLAN

All business owners will be looking to maximise the business' value and ensure a high level of interest when the time comes to sell. You'll need to take several steps to make sure your business is an appealing asset, including keeping the thriving parts of your business going strong whilst identifying and improving on the weaknesses. Your ability to show evidence of growth and a healthy forecast for future growth will be key to a good sale.

Take the time to make considered and informed decisions to increase the potential of achieving your aspirational exit value, rather than rushing a sale and realising that you have missed out on considerable profit.

2 PERFECT YOUR SALES PROPOSITION

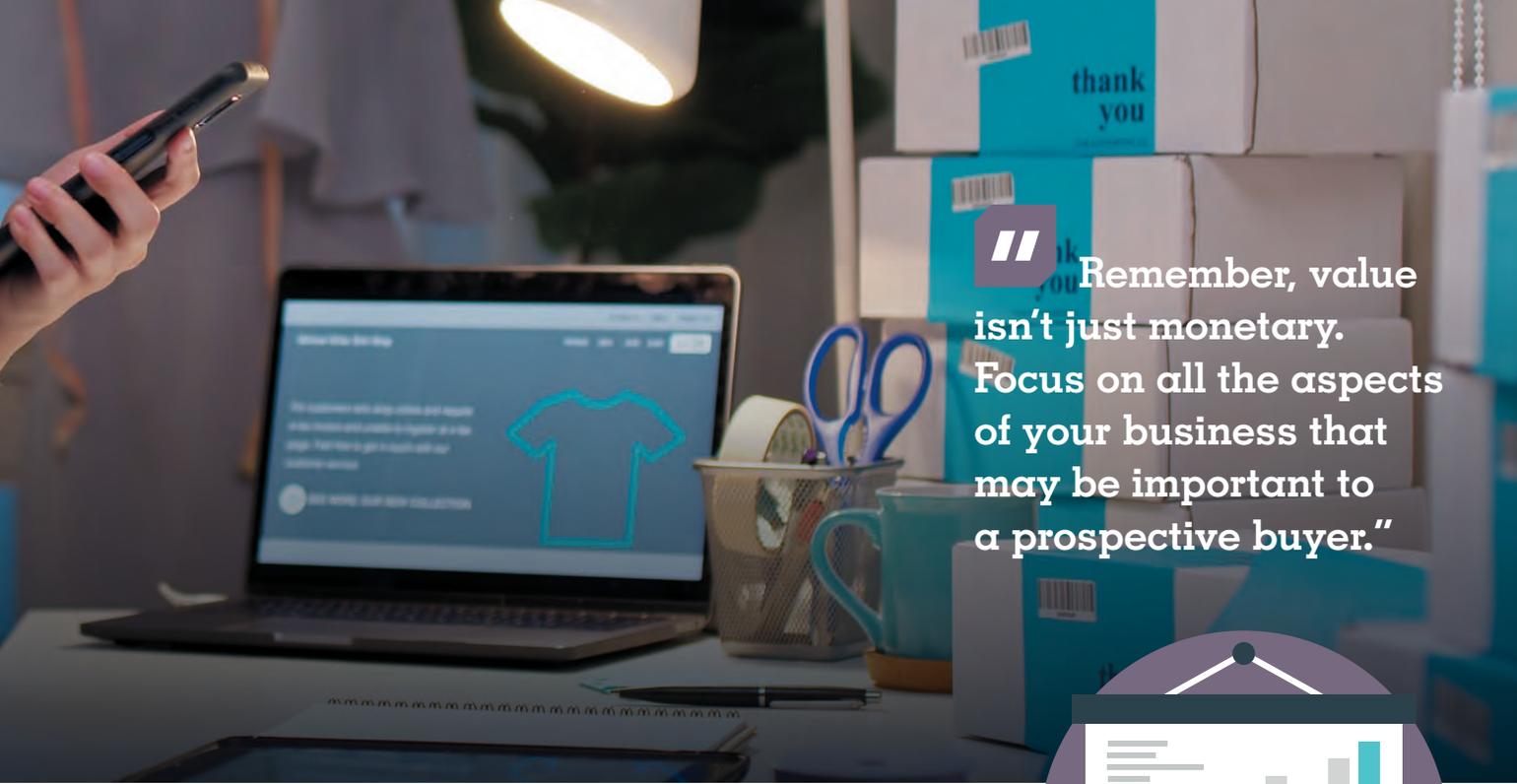
Remember, value isn't just monetary. Focus on all the aspects of your business that may be important to a prospective buyer. For example, having an environmental, social and governance (ESG) strategy is becoming increasingly sought after as more companies are taking an ethical stance.

3 UNDERSTAND YOUR PROSPECTIVE BUYERS

Private equity or trade entity? The main objective of private equity buyers is to create a return for their investors. They will therefore be looking for evidence of consistent earnings growth and a strong business model. Trade entities are companies that are usually competitors, suppliers or customers of a business. They want the newly acquired business to fit into their own.

4 FIND THE RIGHT BUYER

It's a good idea to get help from an intermediary. An investment banker or broker that understands your market, can introduce you to the right potential buyers and advertise on your behalf. If you have a broker, they'll usually also include a professional valuation in their service. This helps guarantee you're selling for the right price and will provide evidence of the value to your buyer.



“Remember, value isn't just monetary. Focus on all the aspects of your business that may be important to a prospective buyer.”



5 TAKE TAX ADVICE EARLY

It's easier to structure or mitigate potential liabilities at the outset rather than at the eleventh hour, so speak to your advisers to help you fully understand the tax position. While keeping tax liabilities as low as possible is generally advisable, it's important not to let the tax dictate, or even jeopardise, the sale.

6 PREPARE FOR A SMOOTH TRANSACTION

Finding a buyer is just the beginning; what comes next is the real graft. The power of negotiation shifts from the seller to the buyer once the heads of terms are signed and you'll need to focus on the following key areas to ensure everything runs smoothly.

a. Get all documentation in order

Good housekeeping is essential so that both parties are covered from liabilities. Have in place employment contracts with your employees; contracts with any other staff (e.g. casual workers and self-employed consultants); and a staff handbook which satisfies at least the minimum legal requirements.

Legal contracts, such as supplier and client contracts, leases, licence agreements and permits, will be scrutinised by the buyer during the due diligence process of the sale. Ensure that all of these documents are up-to-date and organised clearly so that buyers can inspect them. Include any intellectual property as the buyer will want to use these freely once they take over.

b. Keep your business ticking over

During the sale process it's important to sustain the business. It's easy to get bogged down with the laborious tasks related to the sale of the business, but you have advisers (accountants, lawyers and tax advisers) in place so utilise them. The business needs to run smoothly until the completion of the sale to maintain its value, so don't neglect the day-to-day running.

c. Full disclosure

A buyer doesn't want to pay for a business where the value leaves when you do. Make sure you provide all information and share any intricacies of the business so that the transition from you to the buyer is seamless.

IN SHORT

As early as possible, start running your business with an understanding of how to make it valuable and ready to sell

Get help from an investment banker or broker that understands your market to help you find a buyer

Don't get so focused on selling the business that you lose sight of how to keep it running smoothly.



NAVIGATING THE END OF FURLOUGH



With the furlough scheme having ended on 30 September 2021, it's inevitable that some employers will face the difficult prospect of having to reduce their workforce to save their business. **Michael Pope** provides a summary of the key considerations for employers looking to make redundancies in light of the COVID-19 pandemic.

Redundancy is a form of fair dismissal, provided that it satisfies various procedural requirements. An employee can be made redundant when the work they are doing is no longer required, where fewer people are needed to do the work or where the business closes down in a particular location or stops trading altogether.

Sadly, this will be the case for businesses hit hardest by the pandemic. Redundancy can also be established where there are changes to what the business does, where the work is done or how it is done – for example, following the introduction of new equipment or technology. These are all called 'redundancy situations'.

Having established that a redundancy situation exists, there are a number of steps required to ensure the process is deemed fair. These steps are required to reduce the risk of claims for unfair dismissal.

ONE

The selection process and consultation

Firstly, an employer will identify employees who may be affected by the redundancy – 'the selection pool'. This will usually consist of employees doing the same or very similar roles. While employers are required to use a fair, transparent and objective method to select employees for redundancy, there is some latitude as to how they do this. For example, employers should score employees using a set criteria. In some cases, they may interview employees for the roles remaining available. Employers must not select employees on discriminatory grounds or unreasonably exclude people from 'the pool'.

It's important that employers consult with employees about the reason or reasons for the redundancies and the extent to which they may be avoided. Consultation should also include consideration of the selection process and the alternatives. Employers should always consider ways to avoid redundancy, such as changes in working hours, reduced pay or benefits, or identifying cost savings elsewhere. When facing redundancy, employees are sometimes willing to be more flexible than employers expect.



“Employers should always consider ways to avoid redundancy, such as changes in working hours, reduced pay or benefits, or identifying cost savings elsewhere.”

In normal times, a formal face-to-face meeting would take place between a representative of the employer and the employee. Although it may be that there are occasions where meetings can take place by video with the employee's consent, face-to-face meetings with both parties present is still the safest approach.

For 20 or more redundancies, collective consultation regulations apply. The consultation should last at least 30 days for up to 99 redundancies, and at least 45 days for more than 100 redundancies. Some employers may already have made a start on consultations well before furlough ended.

Failure to properly consult or use a fair procedure and the right consultation procedures may result in claims being issued by aggrieved employees in the Employment Tribunal.

TWO

Suitable alternative employment

Employers can offer suitable alternative employment as a way to avoid redundancy. Employers should consider:

- How similar the role is to an employee's current role (e.g. duties, responsibilities and work)
- The terms of the new role (e.g. hours, pay, status, benefits and location)
- An employee's skillset/qualifications to perform the role.

Employees can be given a four-week trial period to establish whether an alternative role is suitable.

THREE

Notice

Employees being made redundant are entitled to notice. The minimum notice requirements are one week for less than two years' employment, and one week's notice for each year of employment over two years (capped at 12 years). If an employee is entitled to receive more than the statutory minimum, notice must be given in line with their employment contract instead.

Employees can be required to work all their notice or they may receive a payment in lieu of notice, with termination effective immediately or during the notice period.

FOUR

Statutory redundancy pay

Employees will normally be entitled to statutory redundancy pay if they have been employed continuously for two years or more. For employees on furlough, redundancy pay is based on an employee's 'normal' earnings. If an enhanced contractual redundancy policy applies, redundancy pay should be calculated in line with the policy in place.

FIVE

Potential claims and compensation

If an employee has been selected for redundancy unfairly (for example, no genuine redundancy situation exists, a fair and non-discriminatory selection process has not been carried out, consultation has not been properly undertaken, alternative employment has not been carefully considered, or the employee was selected for redundancy on unlawful grounds), an employee may issue a claim for unfair dismissal at the Employment Tribunal. If successful, a basic award of up to £16,320 (based on weekly pay, age and length of service) and a compensatory award of up to £89,493 could be made. If a discrimination claim is successful, compensation is awarded at the Tribunal's discretion and this could be substantial. Failure to comply with the collective consultation regulations may result in an award of up to 90 days' gross pay to each affected employee – which is also potentially a very substantial sanction for failure to comply with the law.

Care needs to be taken to treat employees properly and to ensure the redundancy process is fair from start to finish. Many employers will never have been through it before. Taking timely legal advice could therefore be the difference between a successful outcome and a compensation claim that's damaging to the business.



Hybrid working...

PRACTICALITIES AND PITFALLS OF MOVING OUT OF TOWN OR SHARING PREMISES



Big cities have always been a prime hotspot for corporate-based office cultures. But with many city-based companies now rethinking the way they operate, **Julian Pyrke** explores the benefits of relocating to smaller offices beyond the bustle, or simply sharing space with another business.



The success of remote working during lockdown has paved the way for a 'new normal', with many firms embracing a hybrid model"

LET'S START WITH THE BENEFITS

Financially beneficial

It's common knowledge that rent prices are considerably cheaper outside of city centres. So if you are a business looking for a bigger office, you're still likely to find one cheaper if you move out of town. Equally if you decide to share space with one or more businesses you may find economic benefit in sharing the cost with others.

Greater outdoor space

An office beyond the city centre or a shared space is likely to come with outdoor areas for staff to use. Employee health and well-being is more important than ever, especially as businesses look for ways to improve the office environment amid hybrid working. Fresh air and a view of nature have been proven to have a positive effect on employee well-being and productivity.

Reduced overheads

The success of remote working during lockdown has seen many firms embrace a hybrid model where employees rotate their days in the office. Reduced numbers working onsite requires a re-think of the space your business needs. Many are opting for a reduced number of desks mixed with collaborative working spaces and social areas for informal meetings. This can mean a reduction in square footage and cutting down associated overheads.

Cut down commutes

One of the more tedious aspects of working in a city is the commute. Moving out of city centres can shorten commuting times, help employees save on monthly costs, increase productivity and encourage a healthy work-life

balance. Additionally, cycle and walk to work schemes can be more easily implemented in decentralised workplaces where cycle routes and paths are less busy and dangerous.



PITFALLS OF SHARING OFFICE SPACE

Some care needs to be taken when allowing a third party to occupy business premises as one of the main considerations that any would be landlord needs to consider is the impact of the Landlord & Tenant Act 1954 Part II.

The 1954 Act sets out that a business tenant who occupies business property and has exclusive possession will obtain ongoing security of tenure at a property. The Act provides that a business tenant that obtains security of tenure is entitled to a new Lease at the end of the contractual term. It is perhaps sobering to remember that a commercial Lease need not be in writing and could be created due to circumstances and a tenant occupying the property.



Too often businesses enter into arrangements with third parties, sometimes they are "good friends and there will not be a problem", only to find that further on down the line there is.

Before allowing a third party to occupy your property you should take some time to reflect on the ongoing implications of this course of action and the possibility that such occupier obtains the security of tenure afforded by the 1954 Act. Can you ask them to vacate when you need to? If a tenant yourself, will you be in breach with your landlord? If the property is charged then what about the bank and their requirements?

With the right legal advice you can mitigate risk. Specialist commercial property solicitors are able to put in place short term letting documents. These are designed to sit outside the 1954 Act or, put in place a commercial Lease which contracts out the security of tenure provisions set out in the 1954 Act.

Taking advice ahead of making key decisions can pay dividends in the long run since all too often problems arise due to parties agreeing the terms on a "handshake".



“ It’s always best to check with the council before completing any works.”

POINTS FOR A CONVERSION

How to approach turning old buildings into new commercial spaces



Remodelling old buildings can be cheaper and more sustainable than new builds, while also bringing benefits to communities and city centres blighted by old, uncared for buildings. But before you start a commercial conversion project, be sure to do your groundwork, says **Emma Allen**.

One of the raft of changes to the planning system that came into force in 2020 has effectively recategorised commercial property into one single use class (Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020). This makes it easier for buildings to change between different commercial uses without the need for planning permission. This doesn't mean all commercial uses, but we won't go into the finer details here.

So, if the changes have persuaded you to consider converting an old building into new office space, or other commercial space, here's a checklist to help you plan your project.

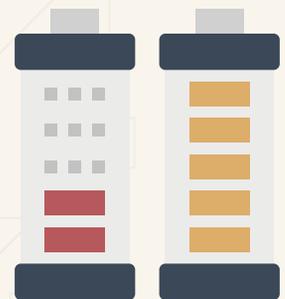
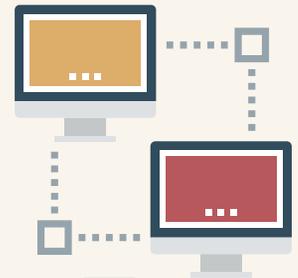
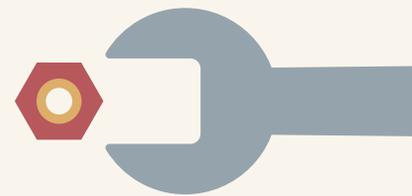
 **CHECK CONSENTS**
You may need consent to make any changes to an old building, especially an historic one. Planning permission from the local council may also be required. It's always best to check with the council before completing any works.

 **EQUALITY OF ACCESS**
UK legislation promotes equality of access for employees and visitors. So, it's a good idea to consider whether the building is currently compliant with the Equality Act 2010 or can be adapted with permission to make it compliant.

 **ENERGY EFFICIENCY**
Older buildings tend to have single pane windows making them inefficient in energy usage. Double or triple glazed windows would improve this, however larger windows to let in more natural light are also beneficial, so it may not be a simple job of just replacing the old with the new. With older historic buildings repair is sometimes better than replacement, but that doesn't mean you can't make them more energy efficient. Conduct an energy audit and ask your contractor to assess specific ways to maximize the energy efficiency of the building.

 **HEATING, VENTILATION AND AIR-CONDITIONING (HVAC)**
You'll need to ensure that the building's HVAC ducts and plumbing are up to modern code and will meet the needs of the business. To assist the HVAC technicians in laying lines appropriately, it would be ideal to have an idea of the finished layout of the building.

 **TECHNOLOGY**
Fast, reliable internet is considered by many a fundamental requirement, so check the building can be connected to adequate internet for business requirements. You'll also need to look into future proofing for developing technologies by ensuring you can adapt the building at a later date. It may also be worth noting whether there are any Wi-Fi black spots in or around the building where accessing the internet could be difficult.



 **With older historic buildings repair is sometimes better than replacement, but that doesn't mean you can't make them more energy efficient."**



Build back greener

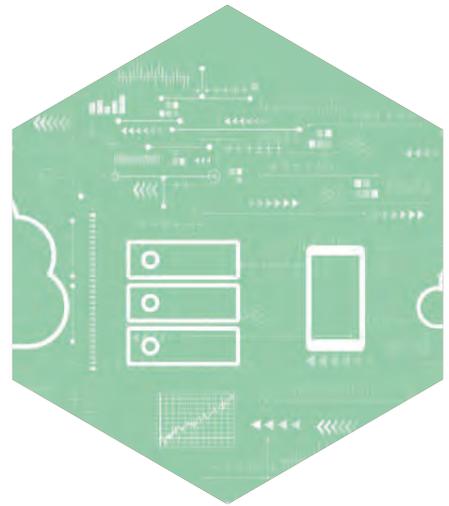
A SHORT GUIDE TO CREATING
A MORE SUSTAINABLE FUTURE



After the hottest year on record, **Victoria Holland** explains how to get business back on track the eco-friendly way and mitigate the effects of climate change.



Many companies are superficially “eco-friendly” – but in practice they do little towards achieving the goal of a sustainable future.”



With pandemic news dominating the headlines, 2020's record breaking temperatures might have slipped under your radar. But as businesses begin to recover we all have an opportunity to take control of our companies' sustainable practices. Here are some steps every business can take to start making a difference:

BE A BEACON FOR SUSTAINABILITY

Sustainability must form part of the company's core values. Many businesses are superficially 'eco-friendly' – but in practice they do little towards achieving the goal of a sustainable future. What's more, by adopting and promoting sustainable practices companies can become more attractive to customers. According to Unilever research, 33% of consumers seek to buy products from brands they perceive as 'good'.

REDUCE, REUSE RECYCLE

Reduce environmental impact by reusing and recycling products and waste. Upcycled and second-hand furniture can be a good way to keep down company costs while avoiding unnecessary landfill.

MORE THAN JUST A PAPERLESS OFFICE

Technologies like cloud computing reduce paper use – something we are already seeing in retail stores that send receipts by email. And with technologies like 3D printing becoming commonplace, there are more opportunities than ever for tech to help boost eco-friendly goals.

ASSIGN A SUSTAINABILITY CHAMPION

Companies should consider including sustainability in the remit for decision makers across their businesses. They could set targets and introduce initiatives, such as issuing staff with reusable water bottles or providing environmental training for teams.

CUT THE COMMUTE

Since a large percentage of professionals started working from home the transport sector is much closer to meeting its climate goals. Introducing a part-time work-from-home policy would lower transport emissions and reduce office electricity usage and supplies. Video calls have also proven to be a successful addition to the way we work, and the reduction in domestic and foreign business travel for conferences and meetings has had an undeniably positive effect on the environment.

As companies adapt and change their practices following the pandemic, they can benefit from this opportunity to protect the planet from further climate change. After all, in the words of Natura's CEO Robert Marques, you cannot run a business in a dead planet.

33%

of consumers seek to buy products from brands they perceive as 'good'.

IN SHORT

Promote sustainable practices and make your business accountable

Think outside the box when it comes to recycling products and waste

Utilise your tech to make your business greener

Put someone in charge of setting targets and introducing eco initiatives

Consider the environmental benefits of a partial work-from-home policy.



The Climate Pledge is calling for urgent change to businesses; now is the time to reduce your environmental impact, says **Tamzin Mandelli.**

THE CLIMATE PLEDGE
[...] REQUIRES ITS
SIGNATORIES TO
PLEDGE NET ZERO
CARBON EMISSIONS
BY 2040

THE ZERO- CARBON OFFICE

How small steps can
create big changes



Recent reports have warned that temperatures in the UK could regularly top 40 degrees within the next decade. With extreme weather events potentially affecting how we live, work and access life-essential supplies like food and water, climate change has never been more important to address.

While individuals and businesses are taking increasing action to stop and reverse their effect on the climate, the harsh reality is clear: it has taken decades to get to this position and there are no quick fixes. But there are options to turn the tide, both in our homes and our businesses.

ZERO EMISSIONS BY 2040

The Climate Pledge, which currently has 112 big business names signed up, requires its signatories to pledge net zero carbon emissions by 2040. Each company will be responsible for monitoring and reporting their carbon emissions and the actions they take to reduce them. Smaller businesses have a role to play too: small changes like staff engagement and a 'reduce, reuse, recycle' policy can help reduce their carbon footprint. Physical changes to premises might also be considered – such as high-spec insulation and heat exchange systems.

WHAT'S YOUR EPC RATING?

The owners of all commercial premises are required by law to produce an energy performance certificate (EPC), before selling or letting the premises. They must also achieve a minimum "E" rating before a new lease can be granted, meaning that buildings with poor ratings cannot be let out or renewed without remedial works. Some lenders will even refuse to

lend on such premises. With many owners only carrying out the bare minimum work to achieve an EPC rating, it is likely that regulations will continue to be tightened in coming years. As it is, a property assigned an "E" rating five years ago is unlikely to achieve one today. What's more, EPCs are generally only valid for ten years – a ticking time bomb for "E" rated premises.

OWNERS: CHECK YOUR LEASE

Commercial property owners are, of course, free to make improvements to the building – but this comes at a cost. Where buildings are tenanted, owners should check their leases to establish whether they can recoup any of the cost from the tenant – and the scale of the work that the lease permits.

WHAT CAN TENANTS DO?

A tenant, unless they have a lease on a whole building, is unlikely to be permitted alteration of the main structure – just their part of the building. Generally, most works require a landlord's consent, which likely cannot be withheld or delayed. The tenant will have to pay both party's costs for the consent, plus monitoring and sign-off by a surveyor. On completion, the tenant will likely need to obtain a new EPC at their own cost. Most leases contain a requirement for tenants to comply with statutes. Over the next decade it is likely that the Government will require further positive steps to reduce the environmental impact of buildings. In this case, tenants might be required to carry out those works – but would still need formal consent from their landlord.



EPCs are generally only valid for ten years – a ticking time bomb for "E" rated premises."



IN SHORT

There is no quick fix to climate change: businesses and individuals need to reduce their carbon footprint

The Carbon Pledge is aiming for zero emissions by 2040

Commercial buildings need to bring their EPC rating above "E"

Owners and tenants should check their lease before making eco-friendly alterations to their building.



PAGE 1

Tapping into technology**Stephanie Henderson**

Techtimeout
01743 627007
info@techtimeout.co.uk

PAGE 4

Rethinking relationships**Amy Hickman**

Clarkson Wright & Jakes Solicitors
01689 887827
amy.hickman@cwj.co.uk

PAGE 5

You're fired and rehired**Karen Cole**

RIAA Barker Gillette (UK) LLP
0207 299 6909
karen.cole@riaabg.com

Safe and healthy at home**Norman Faulkner**

Enable Academy
07811 265246
learning@enable-academy.uk

PAGE 6

Reap the diversity dividend**Manzurul Islam**

Mullis & Peake LLP
01708 784020
manzurulislam@mplaw.co.uk

PAGE 7

Employee wellbeing**Gareth Thomas**

Aldermont Group
0121 392 6760
gareth.thomas@aldermont.co.uk

PAGE 8

Feeling at home with hybrid**Katie Ash**

Banner Jones Solicitors
01246 560519
katieash@bannerjones.co.uk

PAGE 10

Too much, too soon?**Jane Crosby**

Hart Brown Solicitors LLP
01483 887742
jzc@hartbrown.co.uk

PAGE 12

The Covid safe workplace**Julia Fitzsimmons**

FBC Manby Bowdler LLP
01952 208420
julia.fitzsimmons@fbcmb.co.uk

PAGE 14

Long-Covid**Danielle Lister**

Chattertons Solicitors
& Wealth Management
01522 551181
danielle.lister@chattertons.com

PAGE 16

RIP: Libor**Evangelos Kyveris**

RIAA Barker Gillette (UK) LLP
0207 299 6949
evangelos.kyveris@riaabg.com

PAGE 17

What's mine, isn't yours**Rina Sond**

Longmores Law
01992 300333
rina.sond@longmores.law

PAGE 18

To jab or not to jab?**Josh Fresle**

Gepp Solicitors
01245 493939
freslej@gepp.co.uk

PAGE 19

Safe in your hands**Toby Kippax**

Wolferstans Solicitors
01752 292272
tkippax@wolferstans.com

PAGE 20

Everyone has their price**Nilam Dave**

Gepp Solicitors
01245 228144
daven@gepp.co.uk

PAGE 22

The end of furlough**Michael Pope**

Grant Saw Solicitors LLP
0208 305 3540
michael.pope@grantsaw.co.uk

PAGE 24

Hybrid working**Julian Pyrke**

GL Law
0117 906 9400
j.pyrke@gl.law

PAGE 26

Points for a conversion**Emma Allen**

Fishers Solicitors
01530 412 167
emma.allen@fisherslaw.co.uk

PAGE 28

Build back greener**Victoria Holland**

RIAA Barker Gillette (UK) LLP
0207 299 6922
victoria.holland@riaabg.com

PAGE 30

The zero-carbon office**Tamzin Mandelli**

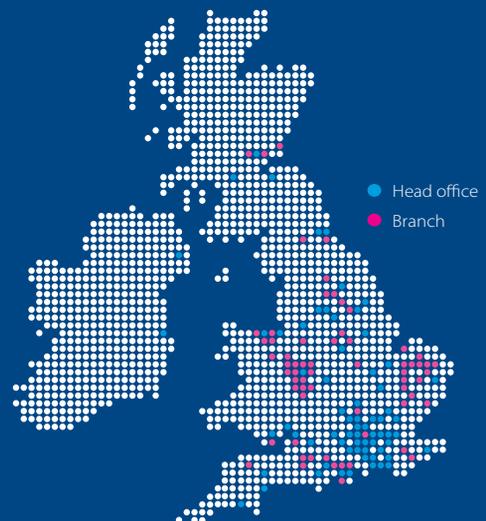
Hart Brown Solicitors LLP
01483 887766
tpm@hartbrown.co.uk

**QUALITY ASSURED****LawNet was created in 1989 to set new standards in legal services.**

The Group now represents over 70 independent law firms in the UK and Ireland. Pooling resources enables members to offer a comprehensive, personal and cost-effective service comparable with the biggest firms in the country.

Membership is by invitation only. All member firms are ISO 9001 accredited and committed to an overall standard of excellence that is tested and monitored by LawNet.

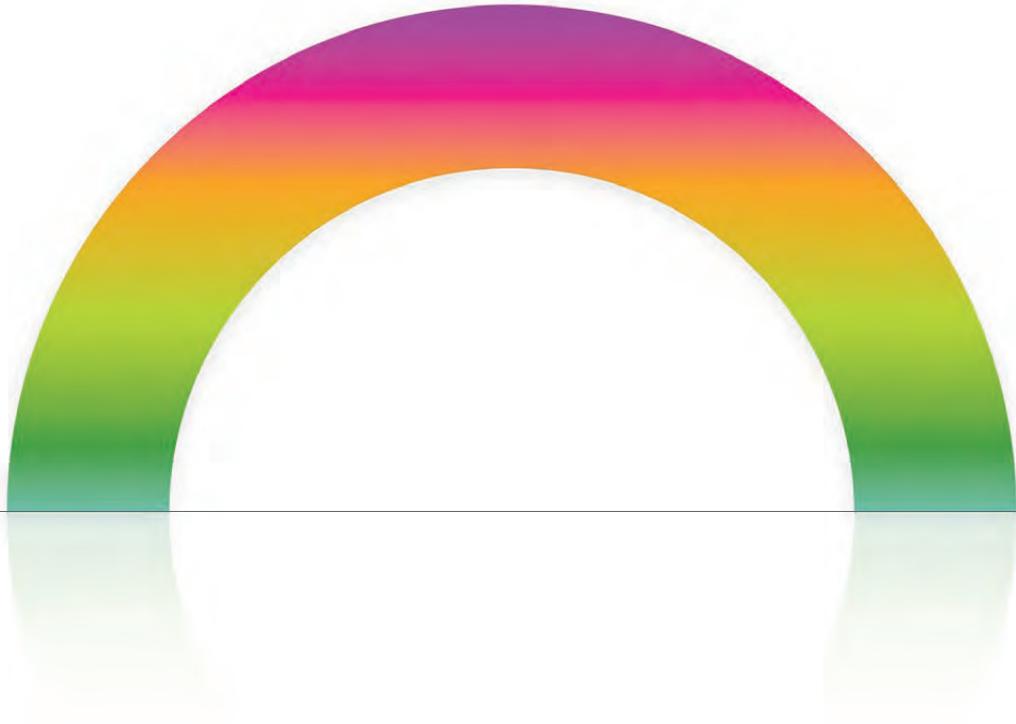
It all adds up to greater confidence and peace of mind for member clients – whatever their legal needs.



© 2021 LawNet Limited

Business First is a LawNet publication designed and produced by DNA Brand and Design, Tel: 01225 481800. Editor: Tim Trout e: tim@inkcopywriters.com. Editor in Chief: George Coombes e: gcoombes@lawnet.co.uk. LawNet Ltd 01926 886990. While every care has been taken in producing Business First, neither LawNet nor the editors or the authors can accept responsibility for any liability arising from any information contained in it and readers are strongly advised to seek professional advice before acting on that information in any way. Views expressed in Business First are not necessarily those of either LawNet, the editors, authors or any firm that is a member of the LawNet group. Printed by Park Lane Press on FSC® certified paper, using fully sustainable, vegetable oil-based inks, power from 100% renewable resources and waterless printing technology. Print production systems registered to ISO 14001, ISO 9001 and over 97% of waste is recycled.





A new dawn for law services across Devon

Our diverse team of brilliant people provide the full spectrum of legal services and specialist expertise across private and commercial matters. We have over 140 of the brightest minds, ready to advise you on everything from property to probate and divorce to dispute & litigation. And because we operate across the whole of Devon, we are highly connected to and fully engaged with the community around us.

WOLLENS

Full spectrum law

wollens.co.uk



Wollens is a member of LawNet, the UK's leading group of law firms. LawNet member firms are all committed to the provision of legal services of the highest quality.

Membership provides access to resources normally only available in the largest law firms. This ensures that the quality of service you receive is second to none.

WOLLENS

Full spectrum law

South Devon: At Harbourside, 67 The Terrace, Torquay, Devon TQ1 1DP • Tel: 01803 213251

North Devon: Avery House, Liberty Road, Roundswell Business Park, Barnstaple EX31 3TL • Tel: 01271 342268

Exeter: 22 Cathedral Yard, Exeter, Devon EX1 1HB • Tel: 01392 274006

- Corporate and Commercial • Dispute Resolution • Family Law • Children Law • Child Protection • Private Property • Commercial Property
- Wills, Probate and Private Client • Accident and Personal Injury • Agriculture Law • Charity Law • Clinical Negligence • Employment • Financial Planning
- Landlord and Tenant • Leisure & Tourism • State Aid • Funding & Procurement • Licencing & Gaming • Marine Law • Notary Public

www.wollens.co.uk