



Outcome for the Business

Business most likely to find a solution to cash flow/solvency challenges and can trade though. Business will likely survive.

Business in financial distress but the business is still viable, and its value can be preserved by a sale of the shares/assets. Business will likely survive.

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Administrators appointed who will take over management and control of the business.

Liquidator appointed
Business ceases to trade
Liquidator will investigate the reasons for the business failure.

Options for Management

- Agree informal or formal compromises with creditors
- Agree time to pay agreement with HMRC
- Close unviable operations or sell loss-making divisions
- Restructure the workforce
- Tighten debt recovery processes
- Increase existing working capital facilities or refinance
- Consider invoice discounting/factoring/asset based lending
- Private equity funding
- Debt for equity swaps

Most options are still available. Although value in the business is likely to have reduced by this point there is still a viable business to save and management can control the outcome.

Most options are probably still available however an RP is likely to be reasonably expensive and requires creditor approval and court sanction which management cannot control. For businesses that are carrying significant HMRC debt, the options will be driven more by HMRC's attitude than management's views.

Time constraints, cash constraints and HMRC's attitude will limit the options.
A CVA requires a majority of independent creditors to approve, and management cannot control the outcome.

The Administrators will decide on the outcome for the business. No options for management other than they may be able to buy the business back by pre-pack sale.
Director's conduct investigated and may face personal liability.

No options business has ceased to trade.
Director's conduct investigated and may face personal liability.

In simple terms, the earlier a business identifies when it is (or is likely to) face a period of distress the more options there are for management to address any challenges.

The further down the distress/stress curve the business gets, the less control management have, the more professional fees that are likely to be incurred in trying to find a solution, the opportunity to trade through the difficulties is reduced/extinguished and the risk of personal liability for management increases.

Contacts



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



Deborah Brown
Partner, Birmingham
M +44 754 511 0790
E deborah.brown@squirepb.com



Jon Chesman
Director, Leeds
M +44 754 511 0783
E jon.chesman@squirepb.com



Helena Clarke
Director, London
M +44 782 723 8537
E helena.clarke@squirepb.com



Jenny Cooper
Associate, Birmingham
T +44 772 907 9697
E jenny.cooper@squirepb.com



Jennifer Jones
Senior Associate, Leeds
M +44 789 499 1076
E jennifer.jones@squirepb.com



Sabina Khan
Senior Associate, London
M +44 754 593 5645
E sabina.khan@squirepb.com



Monika Lorenzo-Perez
Partner, London
M +44 778 572 0439
E monika.lorenzo-perez@squirepb.com



Rachael Markham
Professional Support Lawyer, Leeds
M +44 754 511 0781
E rachael.markham@squirepb.com



Charlotte Møller
Partner, London
M +44 788 180 4970
E charlotte.moller@squirepb.com



Chris Paschali
Associate, Leeds
T +44 772 907 9687
E chris.paschali@squirepb.com



Chris Roberts
Partner, Manchester
M +44 773 647 9569
E chris.roberts@squirepb.com



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



Vanessa Stuart
Director, Manchester
M +44 782 594 2711
E vanessa.stuart@squirepb.com



Rebecca Terrace
Senior Associate, London
M +44 782 453 6723
E rebecca.terrace@squirepb.com