MONACO SOLICITORS

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Dear Sir or Madam

**Free Legal Letters and Documents: Templates and Examples**

Many thanks for visiting Monaco Solicitors’ website. We attach copy of the document that you asked for and hope you will find it useful.

If we can be of any further help, please do get in touch by ‘phone or via our website.

Yours faithfully

Monaco Solicitors

**MONACO SOLICITORS - Without prejudice letter no.2 in series: Response from employer to employee's solicitor**

From: [Employer]

Sent: [19th September 2016]

To: [Employee’s Lawyer]

Subject: Without Prejudice Your Client [Employee]

**Without Prejudice**

Dear [Employee’s Lawyer],

Thank you for your time on the phone last week.  Thanks also for your Without Prejudice Letter of [5th September 2016], where you set out a settlement proposal on behalf of your client.

As promised, I am writing to give an overview of [Employer] position in relation to the points you raise, in the context of exploring whether there is a way forward in this matter, which might allow both sides to avoid further grievance or legal proceedings.

From [Employer] perspective:

Delays

* your client's grievance has been brought very late after the occurrence of the facts and matters of which your client complains
* this has made it more difficult to investigate these matters
* perhaps more detrimental is the negative impact the passage of time has had on options to resolve and deal with issues promptly with a view to re-building the relevant relationships
* as soon as your client raised her grievance [Employer] has responded to investigate and hear her grievance as fully as possible, including accommodating various requests by your client around who was to accompany her and to secure a very senior and independent hearing manager
* from a claim perspective (should your client choose to initiate proceedings), her claims are, on the face of it, out of time, which will be a significant hurdle to get over
* your client has given no sensible explanation as to why she chose to wait so long before raising her grievance

Your Client's Claim

* your client's grievance in relation to [Line Manager] appears to continue past her having any day to day contact/ exposure to him (which ceased in [May 2015]), this is implausible.
* your client’s case is confused - on the one hand she wishes to have her role upgraded, and/ or to take on a more senior position; on the other hand, she is concerned about workload, which it is unclear would be compatible with a more responsible role (in terms of exposure to stress/ pressure situations)
* your client talks about [Employer] failure to make reasonable adjustments to accommodate her health conditions - yet when [Employer] sought to make arrangements ([October–November 2014]), your client appears to complain about being sidelined
* much of your client's grievance appears to relate to a mismatch between the role she was employed to fulfil (PA) and the work she aspired to do (coaching, events management)

Your Client's approach to resolution of the grievance

* in terms of organising and responding to your client's grievance appeal, your client has raised objections at every turn to reasonable suggestions made as to the hearing of the appeal.  In the circumstances, it is difficult to see that your client is truly seeking to resolve matters constructively
	+ you will note that your client's grievances were not upheld, as no evidence was found to support your client's assertions.

Whilst I appreciate that your client is appealing these findings, your client should bear this in mind.

Given the difficulties above, it is in both parties’ interests to see if there is a resolution to be found outside further proceedings, whereby your client's employment ends.  We have no desire to enter a prolonged further appeal hearing with the associated costs and disruption for, and the associated distress to your client.

Your client's claim as set out in your letter is vastly inflated.  If your client persists in putting forward a claim at this level then we will have to proceed with the appeal/ court proceedings.

However, I will put forward the following proposal as a means of resolving the issue swiftly:

* + [Employer] will pay to your client the sum of £30,000 on an ex gratia basis (giving your client the maximum benefit of this sum) in full and final settlement of all claims, subject to contract.
	+ Your client's employment to end on [30th September 2016].
	+ This offer is pitched at what I believe is a generous level from [Employer] perspective (motivated by a desire to resolve matters without prolonged to and fro negotiations.  I would ask that you communicate this to your client in the strongest possible terms.
	+ This offer remains open until [18:00 GMT] on [Wednesday 21st September].

Perhaps you can discuss with your client and come back to me.  Please feel free to call me if this would be helpful.

To confirm, as discussed we will hold off making preparations for the appeal hearing for a short period to allow us to explore settlement options.

Regards,

[Company Lawyer name and signature]