MONACO SOLICITORS

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Dear Sir or Madam

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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:**

**Mishandled grievance and unfair constructive dismissal**

[Manager Name]

[Company Name]
[Address]

Sent by email only to: [Manager e-mail address]

**WITHOUT PREJUDICE AND SUBJECT TO CONTRACT**

[1 March 2019]

Dear Sirs,

**RE: [Employee]**

We have been instructed by our above-named client in relation to issues at work that have given rise to him having to raise a grievance to the business and attending a meeting to discuss this on [2 February 2019]. The grievance remains unanswered and our client finds himself in an extremely difficult position regarding his health and employment.

We have seen and considered the notes of the initial meeting and the action taken by the business. There has been a delay in the process that has only compounded our client’s stress and anxiety – in addition to his financial situation.

As we understand it, our client is currently signed off from work and it is clear to us that our client does not consider himself to be sufficiently recovered to return to work. Our client continues to consult with his GP in this regard.

As you will have appreciated, this has been an extremely difficult time for our client and the impact on his health due to the conduct clearly set out in his grievance.

The purpose of this letter, therefore, is to communicate on our client’s behalf his views about his continued employment with the business and the concerns that he has in that respect.

Firstly, our client has completely lost trust and confidence in the company’s ability to properly and fairly support him in his return to work and in there being a working relationship between them. Although it is acknowledged that our client has been approached to attend a grievance outcome meeting, the anxiety our client has, just with the thought of what will be said and then the prospect of having to appeal any subsequent outcome (as he is in no doubt that his grievances will not be upheld), our client is not confident that enough will be done by the business to ensure that his workload changes significantly so as to ensure that his health does not suffer again in the future.

In our view, our client would have sufficient evidence to support a claim of constructive unfair dismissal.

Accordingly, we are instructed to propose terms of a Settlement Agreement which would provide for the termination of our client’s employment and the payment of his contractual benefits, including a payment in lieu of notice and any accrued but untaken holiday pay. Our client has also missed the opportunity to receive a bonus payment due to being off work, this was a payment of £5000. In addition, our client seeks to receive an ex gratia payment from the business reflecting the pain and suffering that he has had to endure because of the issues of complaint and for his loss of office. This has already been discussed by telephone and there was a deadline set of [28 February 2019] to provide an offer once others within the Company were consulted.

It is likely, having regard to the deterioration in our client’s health, that it will be a little while before he is fit enough to start the process of finding alternative work and unlikely, therefore, that he will be able to just walk into another job. You will appreciate that this has been a very difficult decision for our client as he now finds that he is having to leave and find something else.

Our client’s suggestion of a fair and reasonable ex gratia payment in the circumstances would be a payment representative of 6 months’ salary. Our client will also expect to be provided with a favourable reference to assist her search for future employment.

We should be grateful if the contents of this letter could be considered by the business and that a response is sent to us as soon as possible, please.

In the meantime, we understand that our client has been requested to attend an occupational health meeting and also a grievance outcome meeting in the next 2 weeks, but would prefer, having regard to the contents of this letter and the proposals contained in it, that the meeting be postponed until you have had an opportunity of coming back to us on this matter.

We await hearing from you accordingly.

Yours faithfully

**MONACO SOLICITORS**