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:**

**Off sick with stress after bullying**

PRIVATE & CONFIDENTIAL
[Name]
[Employer]

E-mail: [Email]
[Date]

Dear [Name]

Reference  [Name]
WITHOUT PREJUDUCE AND SUBJECT TO CONTRACT

We have been instructed by [Name] in relation to issues at work that have given rise to her having to raise a grievance to the business which she did on 7th July this year and which we understand has only partially been addressed.

We have seen and considered the notes of the initial meeting and the action taken by the business in relation to our client’s line manager and her inappropriate use of Facebook in posting detrimental comments about our client, made at a time when our client should have been supported in her return to work and the phased return from a period of sick leave.

Further, we have seen the various memos from Occupational Health regarding our client’s health and the effects of the increased workload placed upon her. As we understand it, our client is currently signed off from work until tomorrow, but it is clear to us that our client does not consider herself to be sufficient recovered to return to work at the end of her current certificate. Our client will of course consult with her GP in this regard.

As you will have appreciated, this has been an extremely difficult time for our client and the impact on her health of the conduct by her line manager and the excessive workload has been very serious indeed causing her to have to be absent on sick leave for a substantial period of time.

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

Firstly, our client has completely lost trust and confidence in her line manager’s ability to properly and fairly support her in her return to work and in there being a working relationship between them. The feelings expressed in the Facebook comment about our client and the comments made in an open office about the availability of a post in Bristol suggests that her line manager is seeking to dismiss or have our client resign from her post.

Further, our client is not confident that enough will be done by the business to ensure that her workload changes significantly so as to ensure that her 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, the payment of her contractual benefits, including a payment in lieu of notice and any accrued but untaken holiday pay. In addition, our client seeks to receive an ex gratia payment from the business reflecting the pain and suffering that she has had to endure because of the issues of complaint and for her loss of office.

It is likely, having regard to the deterioration in our client’s health that it will be a little while before she is fit enough to start the process of finding alternative work and unlikely, therefore, that she will be able to just walk into another job. You will appreciate that this has been a very difficult decision for our client as, prior to the increase in her workload, she had been doing very well in her position and she now finds that she 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 a meeting scheduled for tomorrow, 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
[Lawyer name]

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