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 no.4 in series:**

**Response from employer to employee's solicitor**

**Without prejudice and subject to contract**

Dear [Company Lawyer],

Thank you for your letter of [19th September 2016], the content of which is noted.  It is useful to understand [Employer] position in respect of my Client’s claim.  However, it must be said that the analysis provided is not one which is accepted by my Client and whilst I do not consider that it is worthwhile to address all points of disagreement, it is important that I underline a number of points.

Your summary of the matters in dispute appears to have not given due regard to the multi-layered nature of my Client’s original grievance and, now, the content of the appeal.  The conduct of [Line Manager] is relevant as the starting point of this discussion but it appears that there has been a wholesale failure to understand the issues that [Employee] has outlined in her grievance and appeal.  Crucially, this relates to the way that her concerns were addressed by [Employer], and [Employer] failure to put appropriate measures in place over the course of an extended period which would have ensured that this damaging and volatile working environment was appropriately managed.  In terms of the grievance itself, the Company’s approach showed a shallow and blinkered review of the evidence and reached conclusions which, as my Client has articulately, argued are biased, fundamentally flawed, largely without foundation, and did not properly address the matters that were at the core of her Client’s grievance.

In terms of your comments about my Client’s conduct during the grievance process, my Client has conducted herself properly at all times –  she acceded to be seen by the Company’s Occupational Health Doctor, disclosed relevant medical notes and records, attended meetings and at all times, engaged properly in the process.  It is completely refuted that she has ever been unreasonable.  It is quite clear that she has never objected to any suggestion put forward by [Employer].  Indeed, it is more than clear that she has merely sought to find a constructive way forward.  At all times, her greatest desire was to return to good health and further her career within the business.

It is appreciated that [Employer] wish to take a sensible approach to the resolution of this, evidently difficult situation, and it is recognised that the offer submitted attempts to find some middle-ground.  As I outlined in my letter of [5th September 2016], my Client has a long road to recovery ahead of her, and in engaging in this without prejudice discussion she wishes to explore settlement that will compensate her for her past losses, the damage to her health, her contractual entitlements and an ex gratia sum for the loss of employment.  Taking into consideration all matters, my Client has instructed me to submit the following counter proposal:

1. An ex-gratia compensation payment of £30,000 as indicated in your letter of [19th September 2016];
2. Re-payment of salary for the five months @ 75%, subject to deduction for tax and national insurance deductions;
3. Payment of accrued 30 days’ holiday pay;
4. Pay in lieu of four weeks’ notice; and
5. Agreed reference as outlined in my letter of [5th September 2016].

I trust that it will be appreciated that this is a genuine attempt to find some common-ground and resolve matters to the satisfaction of all parties.  I look forward to hearing from you in due course.  I am available on my mobile to discuss.

Yours sincerely,

[Employee’s Lawyer name and signature]