



CASE:

My client is AXXX.

She was an employee of company PXXX, under director PXXX.

My client was informed she was being made redundant and did not believe this was appropriate, but did wish to leave the building.

Her manager had recently left the business after a relationship with the director PXXX. His wife LXXX was also a director of the company.

My client believed she was being 'made redundant' due to her reluctance to take a side following the 'affair'.

My client had been subject to poor procedures, potentially illegal procedures and bullying by director LXXX.

During the course of proceedings company PXXX began 'investigation' proceedings against my client for failing to turn up for work. My client states she was told to work from home due to the distressing time that was taking place in the work place.

We made representation that director LXXX should be removed from proceedings, due to the bullying that had been taking place. They agreed to this request. They did refuse reasonable adjustments for my clients mental state of allowing meetings to take place over Zoom and insisted she attend in person.

My client refused to attend her 'disciplinary' in person, and this letter is her written representation.

As it stood at the time of this letter 'company PXXX' was offering my client 6 weeks pay in exchange to leave.

RESULT:

The meeting proceeded without my client and the investigation was dropped as a result of this letter.

She was ultimately made redundant in her absence at a further redundancy meeting and was granted the month she had worked, a month in lieu, 3 weeks redundancy pay and holiday pay.

From: AXXX <aXXX@hotmail.co.uk>
Date: 28 July 2021 at 12:27:20 BST
To: PXXX <pXXX@pXXX.co.uk>
Subject: Today



Dear PXXX,

Without Prejudice

As per your instruction, I aimed to attend today, but when I arrived at the building, I had another panic attack and couldn't speak. I was aware this may happen, so I had already prepared a written response. I telephoned NXXX and asked him to come and collect the letter from me. NXXX was very kind; said he was happy to take notes in the meeting and I said I would need him to do that on my behalf. I wasn't going to go in the building. He asked if 'I was, ok?', I told him I wasn't. I was in tears and told him 'I just can't go in that building'. NXXX then took my written response and left.

I would like to point out I have been highly distressed again by this morning, and I believe it was entirely unnecessary. Another torturous process inflicted upon me by PXXX.

I'm providing a digital copy of my response.

The following representation is made in my absence of the meeting to be held on July 28th 2021 at 11.30am. I request that in my absence notes are taken as to the points I have made; the meeting is held entirely between PXXX and NXXX. I also require the minutes of the meeting, and responses to all points I am about to raise, prior to the 'redundancy meeting', which is being held on July 29th 2021.

Intention to bring further grievance – Failure to make reasonable adjustments, 'Equality Act 2010'.

During email discussions with PXXX on the evening of July 27th 2021, it became apparent I was once again not being offered 'reasonable adjustments' for the meeting by way of a representative of my choice.

I have previously stated I have been bullied by PXXX and subjected to controlling and coercive behaviour by LXXX. Given LXXX lives with PXXX, I believe she compiled the email where I refused the attendance of RXXX. I believe LXXX is continuing her coercive and controlling behaviour by not allowing RXXX to support me. You have both been aware my circle of family and friends is incredibly small. You are also aware my partner works full time, and as per his employment restrictions, he is required to give 7 days' notice as the minimum for any time off required.

- You have said 'RXXX is not allowed to attend the offices or contact the directors. It is my belief this is because of her relationship with PXXX and ultimately LXXX, controlling his contact with her. Unfortunately, on this occasion, it is to my detriment and I am an innocent victim in this situation..

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BURNLEY: The Landmark School Lane, Burnley, Lancashire. BB11 1UF
MANCHESTER: Swan Buildings, 20 Swan St, Manchester. M4 2JQ

- In line with your employee handbook. I would like to draw your attention to pages 13 and 14. The handbook states;

'The company fully endorses a working environment free from discrimination and harassment', 'Employees are encouraged to raise questions or concerns about discrimination in the workplace', 'acts of discrimination, harassment or victimization against colleagues are disciplinary offences', 'discrimination, bullying or victimization may constitute gross misconduct and could lead to dismissal'.

'Good Faith'

I have also made various representations to show this process is not being conducted in 'good faith'.

I put it to you that this meeting being held was a 'smoke screen'. There was no intention from PXXX to allow me to sufficiently represent myself given my disability, and ill health. Certification is attached.

You knew I would not be able to have a family member support me, given I only have two, at such short notice. You also know that I absolutely would not attend PXXX again, after the torturous meeting I was subjected to last week, and as a mental health organisation, you have preyed on my weakness.

You have continuously tried to control who I can have at the meeting, making it an unfair and disadvantageous process.

PXXX, life and wealth have therefore failed to make reasonable adjustments, this process is unreasonable and unfair and I will be now adding this to the list of grievances I have against the company and will be making a formal complaint. I have already lodged an unofficial complaint with the charity trustees and intend to bring one to the charity commission, BXXX, UXXX and FXXX. Should these matters not be rectified amicably.

Gross Misconduct Investigation

You have, so far, provided no evidence to support your allegation of 'gross misconduct' and you have frustrated proceedings to the extent that I have been denied a fair process to represent myself.

You have mentioned in your letter that the investigation for 'gross misconduct' is taking place because I have not 'attended PXXX offices', and this is now being viewed as I have 'not turned up for work.'

- My first submission to this point is that I have not been in PXXX offices, as per a management instruction. I have however been ready and at your disposal to work. Work has not been provided, which I am not responsible for.
- Staff at PXXX have always worked with a degree of flexibility. I was never held to 'specific hours' and we were always told we could work from home if we wished. There were never stipulations on me to work in the PXXX office - other than the period of time when it was encouraged by LXXX in defiance of COVID19 government measures.
- There is no policy or procedure to show office working was mandatory.
- The last 6 months at PXXX have been torturous, due to the rollercoaster of events and decisions that have been made by you both. The departure of RXXX and KXXX also seemed to be a significant turning point. Since June, when RXXX and KXXX left, life in the office became entirely unbearable. They were a huge support for me, and if I'm honest, being left alone with you both was fearful for me.
- I have not had a copy of the handbook you have sent to me, and I have not signed anything except a 'new starter form', which RXXX had me sign two months ago - when I have worked for XXX for over 3 years.

- There have never been any active policies or procedures that I have signed at PXXX. Please provide evidence where I have been given your 'employment handbook', which was sent to me on July 26th 2021.

The following events I list to demonstrate why PXXX gave me the guidance to 'work at home' and at times 'told me' I 'had to work from home'. Over the last six weeks.

- The first Monday when problems with RXXX became apparent was June 14th, I was asked to go into the office with PXXX on my own. He informed me with his head in his hands 'I don't know where to start', at this time RXXX was still a PXXX employee, no one knew of the affair PXXX had with RXXX, including his wife LXXX. PXXX proceeded to verbally assault RXXX and make me doubt my relationship with her. He said 'RXXX had her claws in me', 'be careful of her because she will turn on you too, she draws you in to bring you down', 'RXXX blows up', 'This is what she does', you said she had 'looked at your diary and blown up', I 'need to be careful', she wasn't a trustworthy person because she 'never liked KXXX' and had 'only been friends with her for two months'.
- I then became aware of the affair, and during a meeting a week later with LXXX, PXXX admitted what had really been going on. Stating how it was 'all his fault' and he was 'sorry for everyone involved'. I now believe the conversation on the Monday previously, and the distressing things he said about RXXX were being done to 'get me on side'. PXXX confirmed that in the meeting when he asked me to 'pick a side'. I understood this to mean between RXXX and LXXX / PXXX.
- I was then called into the kitchen with you both shortly after, you had also asked SXXX, but dismissed him. You demanded to know if I had spoken to RXXX, you again both reiterated that I was not allowed to speak to her because it is 'a legal process'.
- I obviously was highly distressed and emotional. I had been constantly crying throughout both the meeting with PXXX alone and then in the confrontation in the kitchen.
- I was left shaken, disturbed and isolated. I had lost both of my best friends within two weeks and now I was being controlled into believing one of my best friends was a bad person who I couldn't trust.
- I was so distressed I asked PXXX if I could go home and he agreed. He did not ask me to work on the Wednesday either.
- I constantly asked for work to be completed at home, however I was given very minimal to do. Regardless to being in or out of the office.
- I was so concerned with what was happening I sent you both an email on the 16th of June expressing my worry and anxiety. I asked to meet you both to discuss my future, and you ignored me. To be clear, I was having many sleepless nights at this time and to be ignored felt very hurtful. I would like a response specifically to this point. I was left feeling entirely unimportant and insignificant and I still feel upset by this.
- Around the time of this email you were both in the kitchen with DXXX and I can only describe once again that the three of you were 'verbally assaulting RXXX', bad mouthing her, and entirely venomous about her. By my own admission 'I lost it' at this point. You knew how distressing I was finding the way you spoke about her, but you continued to do it and to various other staff members. BXXX was also party to this discussion and witnessed my breakdown. By this point it had been going on for a few weeks, and it seemed relentless. I was so upset I had to leave the building and go to Sainsbury's for my dinner, earlier than I usually like to take it. I was crying and had to ring my partner for support. Whilst I was out, LXXX rang me and told me to return to PXXX immediately, where they called me into the office. LXXX chastised me for how upset I was and said 'we can't keep having you behave like this' and I was sent home. I would like to remind you of the company handbook and how again, this falls into discrimination of a co-worker. RXXX was still employed at the time. I did nothing wrong and should not have been subjected to these personal attacks because of PXXX relationship with her.
- During the course of the 16th of June there was a lot of muttering and going backwards and forwards. It made life very uncomfortable and again I was constantly on the verge of tears. I kept getting told to go home, 'work from home' because the tensions were too high and unliveable.
- During the next days and weeks, I was phased out and often ignored.
- On Monday July 5th, I had been in the office and was so distressed NXXX took me to Starbucks to calm me down.

- Thursday July the 8th, LXXX was in a terrible mood and I was ordered to go home again. For what reason I did not know.
- Monday July 12th, I was ignored all day. LXXX did not even say 'hello' or 'goodbye'. Again, I was told to leave early.
- Wednesday July 14th, LXXX again aggressively ignored me all day, but spoke to everyone except me. I sat on my own, isolated, neither PXXX or LXXX could even look at me. Before LXXX left, she told me to finish a task and leave.
- During a conversation with PXXX he informed me I could work from home due to all of these events.
- You failed to provide sufficient work for me to complete.
- I remained at your disposal the entire time I was at home.
- You also failed to provide reasonable management guidance as to what and where I should be.
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I believe the behaviour displayed to me at that time was to force me into resigning. Making life so uncomfortable and unbearable, this is another reason I believe I was bullied during my time at XXX. This will also be added to my grievance mentioned above.

'XXX Labs'

Your email details attending 'XXX Labs' at XXX.

- As mentioned on various occasions, the meeting last Wednesday was highly distressing. The recording is evidence of that.
- After the meeting I left the building traumatised. The next few hours and day is blurry to say the least. I began walking the streets of XXX until I wasn't sure where I was. I was crying the entire time and explaining what had happened to my partner MXXX. He was unable to leave work, and I knew XXX was close because she works a few doors away from XXX. I called XXX in what she called 'hysterical tears' and she had to come and find me. I couldn't even explain to her where I was. I then attended the doctors surgery where I was given a note to sign myself off sick for the next 7 days. I also now have another sick note from the doctor sighting 'workplace stress' as the reason.
- Following that, and due to the concern of all my family and friends who know what I am going through, which as a very private person is very limited, I sought to stay close to people for support. XXX was one of them.
- When I am alone I often have panic attacks, at all times of the day and night. I am frequently woken up by them and have been sick through the stress and anxiety that I have been caused. One technique I have been using over the last week is to listen to songs and say the words as they are being sung, aiming to distract my mind, but it only lasts so long. To be clear, I am currently mentally very unwell. As a mental health organisation and charity, I would expect support for this rather than being forced to justify how I feel.
- On Thursday, I was still highly distressed and spent from the early morning in panic and tears.
- I don't have many friends, and any friends I do have don't have flexible working patterns. Meaning that no one I know other than XXX has a flexible business schedule and works locally. Therefore, she was the only person available to support me that day.
- XXX was attending an event for 'XXX Labs', which I didn't know when I arrived at XXX. She came to reception to get me and told me to come up, it was being held in the public bar, the team were very friendly, a late breakfast was being provided and to sit with her until it was over, to take my mind of what was happening. This is exactly what I did.
- My sick note covers this day, and leaving the house when you are too mentally unwell to work with stress caused by your employer is not an offence (Mr C Kane v Debmatt Surfacing Ltd 2501862/2020).
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Up until this point, I followed a management instruction to work from home and have not completed an act warranting 'gross misconduct', under any circumstance.

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Emails

- You are yet to furnish me with proof of the 'emails I have sent myself', leaving me unable to provide a full and frank response to the allegation.
- I can say that during the course of my time at PXXX it is common practice for employees to send emails to their personal email addresses.
- I was encouraged at times over the course of 3 years to do this, due to the computer I work on in the office. The computer systems at PXXX are old, slow and not of the same quality as the MacBook Pro I have at home. As a 'marketing manager' and professional in the area of graphic and web design, there are far more programs for my disposal using the MacBook and this has always been known and encouraged by PXXX. Over three years I have repeatedly sent myself various emails, because they often contained graphics or documentation I had to edit – far easier to do on a MacBook than a PXXX computer.
- I have never been warned in any capacity that this behaviour is not allowed.
- I also can state that various employees also did exactly the same practice, because all of the PXXX computers are old. To my knowledge no member of staff has ever had this problem raised to them. Should these proceedings continue, I request to know how many PXXX staff have been verbally warned or warned in writing regarding sending emails to themselves.

Witnesses

Should these proceedings be dropped during this 'investigation meeting', I will not require to invoke the next step. Should proceedings carry on to a disciplinary stage, I would like to draw your attention back to your 'employee handbook'.

'If either party intends to call relevant witnesses to give evidence at the hearing, they are required to give a reasonable amount of advance notice'. Also, 'The employee must be given a reasonable opportunity to ask questions, present evidence, and call relevant witnesses. They should also be given an opportunity to raise points about any information provided by witnesses'.

- Page 22 of the employee handbook states 'due consideration will be given to all of the circumstances including; the spirit of the company rule that has been breached, the employee's previous record, and consistency of approach'.
- I intend to call upon witnesses in regard to the 'gross misconduct' allegations of failing to turn up to work, they will demonstrate the flexibility at PH7 and the standard I have always been held to. They are also willing to vouch for sending themselves emails with no repercussions, unlike I am currently being targeted for. Some witnesses are also happy to be a witness to the bullying, controlling and coercive behaviour I have been subjected to. Almost all of the following people have claimed the same torturous behaviour has also happened to them too.

As a gesture of good will, I have already notified you of the witnesses I intend to call, each one with relevant information and statements for various points and degrees. To clarify, my witnesses are:

- KXXX
- MXXX
- ZXXX
- RXXX
- DXXX
- CXXX
- KXXX

KXXX is a new addition to the list from yesterday.

Having sought legal advice, I am allowed to call each former PXXX member mentioned as a witness.

Documentation Request

As per page 23 of your handbook. 'The employee should be given copies of all documentation, statements, etc., gathered during the investigation.' Please provide all evidence and statements before a formal meeting, within 48 hours. Including the minutes of today's meeting.



Further Grievance

I wish to point out that I believe various reasonable adjustments have failed to be made for this process, due to my disability. The failure to continue proceedings in writing, the failure to hold meetings over zoom. I will be formally raising these points; I simply wish to highlight more elements of my case.

Redundancy Proceedings

Should PXXX refuse to make reasonable adjustments for my 'redundancy hearing' being held tomorrow, as they have failed to make them for this meeting, I will again not be attending. XXX is happy to accompany me, or should that reasonable adjustment be denied again, I am happy to hold the meeting over zoom.

I remain firm in my believe the redundancy proceedings are not valid and will warrant a claim against PXXX . Should a mutually agreeable decision not be reached.

At this moment in time, I have been offered '6 weeks' pay' to conclude matters and this is not legal, due to employment status, exemplary working record and length of service.

I will reiterate once more, the offer I would accept to take 'redundancy'.

- My standard pay on August 1st. I will accept my contracted hours, which total £XXX per month, and not the hours I averaged including over time during the course of the year.
- A month in lieu of notice on September 1st of £XXX
- An enhanced redundancy payment of £XXX on October 1st.

In 2018, when I had been at PXXX a couple of months and I was given 10 days paid holiday entitlement. Ultimately, I was only granted 3 weeks leave pro rata in 2018, so there is 2.6 weeks still outstanding as per working time regulations. This is why I propose an enhanced, but reasonable payment to cover this matter.

Should this offer not be accepted following your meeting by 5pm today, I reserve the right to alter and increase the payments I am requesting.

In Closing

May I draw your attention to the 'company mission statement' sent to me in the 'employee handbook'.

The PXXX organisation 'promises to do you no harm'.

I, and 90% of the people who have gone before me at PXXX have absolutely been 'caused harm'.

This has been possibly the most distressing time of my life, but you are aware of that. I am deeply hurt and upset by how this process has been conducted and the behaviour displayed towards me.

I cannot put in words how awful this has been for me. I have great concerns that PXXX is allowed to work with the public and are supposed to be a 'XXX beacon' when I have watched the mental health of numerous people be entirely destroyed, including my own.

The culture at PXXX is nothing short of a 'cult' and I hope everyone who has had a similar experience to myself recovers as quickly as possible. Sadly, I believe years of damage have been caused to an incredible amount of people for such a small organisation.

I do not wish for anyone to go through what I have, and I please ask you to not put anyone through what you have with me.

Yours Sincerely,
Axxx