

ATTENDANCE NOTE

CLIENT & MATTER NO	
DATE	

Questions and answers

1. I am considering terminating the employment of a long standing employee on the grounds of gross misconduct. How do I go about this without risking an employment tribunal claim?

It is essential that you look at your disciplinary rules and grievance procedures before undertaking any disciplinary action. Look at the contract of employment to ensure that there is a definition of gross misconduct so that you know what conduct falls within that definition. It is essential that you record relevant matters and pay particular attention to the contents of your letter of dismissal.

2. I'm selling a property with an existing tenant. The tenant is not sure that he can leave by the completion date.

This is often a problem that arises in conveyancing and there are no easy answers. Options include negotiating the completion with a sitting tenant, or agreeing a retention for any possession proceedings that maybe required. Always look at the tenancy agreement to see how best vacant possession can be obtained and the quickest way.

3. I'm involved in long litigation case. The court insists we mediate. The other side are very aggressive and I do not want to show weakness. Mediate?

It is advisable to mediate if given the opportunity. Mediation is not a sign of weakness. Often litigation cases can be resolved by discussion and sometimes parties are closer to settlement and they realise. Always take the option of mediation as it could save considerable costs. It is also very useful to explore the strengths and weaknesses of each side and mediation is a very good opportunity for this. Knowing the weakness in your case as well as the strength enables you to reach a favourable settlement.

4. I've just bought a flat. The service charge bill is very high. What do I do? Consider obtaining a full breakdown and documents in support from the managing agent. You have rights to apply to the leasehold valuation Tribunal to assess the

reasonableness of the charges. Consider also whether all tenants are in a position to buy the freehold and manage the block themselves.