

BETWEEN:

BRIAN DAUGHERTY

Claimant

and

HAMPSHIRE COUNTY COUNCIL
(Henry Cort Community College)Defendant

DEFENCE

1. The correct Defendant is Hampshire County Council
2. It is denied that Hampshire County Council (the Council) is liable for the sum claimed by the Claimant.
3. It is admitted that the claimant was employed by the Council, as an Adult Education Tutor at one of their schools namely, the Henry Cort Community College (College)
4. It is further admitted that the Claimant was employed under two part time contracts of employment with the place of employment being the College. It is also admitted that under the claimant's first contract of employment that he was employed as an Astrology Tutor for Autumn Term 2008. And that under the claimant's second contract it was orally agreed that he was to be employed to tutor the maths class for the Autumn term. However, it is admitted that the Claimant only taught this class for one week (one X 2 hour session) on the 23rd September 2008.
5. Subsequent to that session the Claimant was then dismissed from teaching the mathematics class.
6. The reason for his dismissal from this class was that there were a number of adult students making it who made it very clear that they would not participate in his lessons.. And as a result of this dismissal the college found a replacement teacher to teach the Maths class. During a meeting following the first maths class, the Claimant was orally advised by the College's Community Manager Mr K Austin as to the reason for his dismissal.

7. Following this dismissal on 25 September.2008, in a letter sent to the college on 1st March 2009, the Claimant queried his pay amongst other issues.
8. The college replied on 2nd April 2009 detailing how his paid was calculated and itemising the sums properly due to him. They advised him that there were no outstanding sums due to him
9. In fact the Court is advised that the claimant was overpaid in that he received payments totalling £564.30 gross and not as not as stated by the claimant, the sum of £496.60 gross (this was an overpayment of £64.70 for three hours). The college did not seek to recover this sum nor do they seek to recover it at this point. However, should the claimant persist with his claim then the college reserves the right to counter claim for this sum.
10. This explanation as to the fact that no further sums were due to the claimant was not acceptable to the claimant, so the college arranged as detailed in their explanatory letter (2nd April 2009) for him to contact Hampshire County Council payroll services for them to further explain (the reason for this being 1. the Council provided the payroll services for the College and 2. the issue was complex because he had two contracts which amounted to an overpayment on one and an underpayment on the other but a net overpayment.
11. Following that explanation no further contact and /or correspondence was received from the claimant. Nor did the college and /or the Council receive any letter before action from the Claimant.

The Defendant believes this defence to be true and I am duly Authorised to sign it on the Defendant's behalf

Signed..........

Dated this 6th day of March 2010

