

### Employment Tribunal claims – Our Service and the Costs

Our estimated price for bringing or defending an Employment Tribunal claim is set out below.

Type of claim	Simple case	Medium complexity case	High complexity case
<b>Wrongful dismissal</b>	£7,000 to £10,000	£10,000 to £12,000	£12,000 to £15,000
<b>Unfair dismissal</b>	£12,000 to £18,000	£15,000 to £25,000	£20,000 to £30,000
<b>Breach of contract or unlawful deductions from wages</b>	£7,000 to £10,000	£10,000 to £12,000	£12,000 to £15,000

All figures in the table exclude VAT and any expenses we incur on your behalf, such as Counsel’s fees to conduct a final hearing. The estimates are the same whether we are acting for an individual/claimant or a business/respondent.

The costs are calculated by reference to the hourly rate of our employment law associate solicitor, Clare Chappell, who charges £285 per hour (plus VAT) and our solicitor Daniel Bolster, who charges £175 per hour (plus VAT).

You should note that the number of hours spent on your matter depends on the number of documents; whether anything is missing; and how long it will take to obtain the missing documents.

You should also note that unfair dismissal and/or wrongful dismissal claims often include other types of claim. If, for example, there is an additional claim for breach of contract or unlawful deduction from wages, extra costs will apply, because it takes more time to deal with such additional claims, even where they arise from the same situation.

If the claim includes a claim for whistle blowing and/or automatically unfair dismissal and/or discrimination, it is likely to be an upper medium or high complexity case for the purposes of the above table of costs.

## The Service

### **Bringing or defending a claim for unfair and/or wrongful dismissal in the Employment Tribunal**

As part of this service we will:

- Provide you with a dedicated and experienced employment solicitor to work on your matter
- Discuss your circumstances in detail
- Take your initial instructions and review the initial papers
- Confirm whether this is the most appropriate method to defend/bring a claim or any other options that may be available to you
- Give you advice about the chances of successfully making or defending a claim
- Give you advice on the merits and likely compensation (this is likely to be revisited throughout the matter and subject to change)
- If you do not currently have a strong case/defence, whether this can be overcome and how
- Consider the supporting evidence you provide
- Where necessary, help you to obtain further evidence (such as medical/training/HR records), including statements of any witnesses
- Enter into pre-claim ACAS Early Conciliation where this is mandatory, to explore whether a settlement can be reached
- Prepare your claim/response to a claim in relation to unfair dismissal and/or wrongful dismissal and submit it on your behalf
- Review and advise on claim or response from other party
- Explore settlement and negotiate settlement throughout the process
- Prepare or consider a schedule of loss
- Prepare and conduct case management conference
- Prepare and conduct a preliminary hearing where appropriate (this can add approximately £3,000 to £5,000 plus VAT)
- Exchange documents with the other party and agree a bundle of documents
- Take witness statements, draft statements and agree their content with witnesses and Counsel where appropriate
- Prepare bundle of documents
- Review and advise on the other party's witness statements
- Agree a list of issues, a chronology and/or cast list
- Instruct Counsel to conduct the final hearing
- Prepare for and attend final hearing and remedies hearing (if separate)

The time that it takes from taking your initial instructions to the final resolution of your matter depends largely on the stage at which your case is resolved. If a settlement is reached during pre-claim ACAS Early Conciliation, your case is likely to take 6-16 weeks from termination of employment. If your claim proceeds to a final hearing, your case is likely to take a year or more, depending on when the Employment Tribunal can hear your claim and whether the case is dealt with in full, including decision and remedies, within the final hearing, or whether a separate remedies hearing is held.

Please note the anticipated number of hours and fees are a general estimate and not based on the specific facts of your case.

In addition, the above does not include preliminary steps prior to commencement of Acas Early Conciliation or issue of an Employment Tribunal Claim/preparation of a Response to Claim. Such preliminary steps could include advice on a grievance/disciplinary/performance management/redundancy procedure; or seeking to negotiate an early settlement without the need for litigation.

All claims/defences will vary and, of course, we will give you a more accurate estimate once we have more information about your specific case and as your matter progresses.

The stages set out in the "Service" are an indication and if some stages are not required, the fee will be lower. You may wish to handle much of the claim yourself and only have our advice in relation to some stages. This can also be arranged depending on your individual needs, although we would still need to take full instructions and fully prepare for any stages of work that we were instructed to deal with.

The exact cost will be dependent upon individual circumstances. Please see sections below regarding "Information on Average Fees" and "Potential Additional Costs".

You should note that for all new clients of the firm, we will conduct an electronic ID search for Anti Money Laundering compliance. The administrative fees for arranging these checks is £10 plus VAT.

### **Information on Average Fees**

The following factors will make a case more complex:

- If it is necessary to make or defend applications to amend a claim or response or to provide further information about an existing claim, which can add £1,000 to £3,000 plus VAT
- Defending claims that are brought by litigants in person
- Making or defending a costs application

- Dealing with complex preliminary issues such as whether the claimant is disabled (if this is not agreed by the parties) or whether the claimant is entitled to bring their claim, which can add £2,000 to £3,000 plus VAT
- The number of witnesses
- If whistle blowing is a factor in the claim
- If the claim includes any allegations of discrimination

Your fee will reflect the time spent on the service, so where we spend more time on your matter than average, or if developments require us to spend additional time on your matter, your costs will reflect the time spent to provide the service to you.

### **Likely disbursements**

These are costs related to your matter that are payable to third parties. We handle the payment of disbursements on your behalf to ensure a smoother process.

- Counsel's fees of approximately £3,000 to £5,000 plus VAT for preparation and the first day of the hearing, plus £1,000 to £2,500 plus VAT per each subsequent day of the hearing (depending on experience of the barrister) for preparation and conducting an Employment Tribunal hearing; plus fees for a conference with Counsel to advise on witness statements, strategy etc., usually charged at Counsel's hourly rate of approximately £275 to £450 plus VAT per hour (depending on experience). These estimated fees assume that a Queen's Counsel (QC) is not instructed, which would significantly increase Counsel's fee rates.
- Independent expert reports e.g. medical reports (if applicable)
- If we are attending interviews with you or witnesses away from our offices, our travel/mileage costs

### **Potential Additional Costs**

We generally recommend that the solicitor dealing with your case, or at least a junior member of staff, attends the Employment Tribunal hearing, in order to advise and assist. Our fee to attend a hearing is a fixed fee of £1,200 plus VAT per day for the solicitor dealing with your case to attend, assuming that the claim is being heard in one of the London Employment Tribunals. We normally have a junior member of staff attend whether or not the solicitor dealing with your case is attending, in order to assist and take notes, at a fixed fee of £650 plus VAT per day. Generally, we would allow 1 to 5 days for a final hearing, depending on the complexity of your case.

### **Bespoke fee estimates**

We always provide clients with a fee estimate at the start of each new matter, therefore if you would like a bespoke estimate for your particular matter/case please contact us to provide full details and discuss.

If your case involves unexpected complications, we will always inform you of any changes to time estimates, chances of success/successfully defending the claim, including any additional fees that may apply, so that you can make an informed decision as to how to proceed.

**17 May 2021**