

Employment Tribunal Claims – Our Service and the Costs

Making a claim against your Employer

As daunting as it may feel to bring a claim against your Employer or former Employer, here at Peacock & Co, we can guide and advise you every step of the way with a view to making it as simple and as cost effective as we can.

Our fees are determined by the complexity and nature of your case, and we can assess this in our initial conversation or meeting with you.

We aim to identify the type of claim or claims you may have against your employer/former employer and gauge the prospects of your claim or claims succeeding.

Normally, the stronger your claims the likelier the chances of the claim settling the claim earlier in the process and the greater the likelihood of avoiding the matter going to Tribunal.

Whilst no two cases are the same, they vary in terms of complexity, and we have tried to give an accurate estimate range as set out in the table below.

Type of claim	Average Legal spend
Simple Cases E.g. Wrongful dismissal (breach of contract), unlawful deduction of wages	£7,000 to £10,000 plus VAT
Medium Complexity E.g. Unfair dismissal	£12,000 to £25,000 plus VAT
High complexity E.g. Discrimination/Whistleblowing	£30,000 to £70,000 plus VAT

All figures in the table exclude 20% 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.

Our costs are calculated by reference to the hourly rate of our head of employment law, Omar Qassim, who charges £295 per hour (exclusive of VAT at 20%) and our solicitor Daniel Bolster, who charges £205 per hour (exclusive of VAT at 20%).

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 claims. 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.

Service – Key Actions

- Take your initial instructions and review your paperwork
- Explore whether settlement is an option, importantly at an early stage so as to minimise costs
- Give you advice about the chances of successfully making or defending a claim
- Prepare and issue your claim
- Review and advise on the response from your employer/former employer
- Prepare your schedule of loss, detailing your losses/what you seek to recover if your claim succeeds
- Prepare and attend preliminary hearing where appropriate, this can add approximately £3,000 to £5,000 (exclusive of VAT at 20%)
- Exchange documents with the other party and agree a bundle of documents
- Prepare a bundle of your documents for exchange with your employer/former employer and review their documents.
- Prepare your witness statement and that of any other witness you call and review and advise on their 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 your initial instructions to the final resolution of your matter depends 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. Such preliminary steps could include advice on a grievance, disciplinary, performance management or redundancy procedure; or seeking to negotiate an early settlement without the need for issuing a claim.

All claims/defences will vary and, of course, we will give you a more accurate estimate once we have 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 prepare fully 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 fee for arranging these checks is £10 (plus VAT at 20%).

Information on Average Fees

The following factors will make a case more complex:

- Making a costs application
- Dealing with complex preliminary issues at a preliminary hearing
- The number of witnesses
- If whistleblowing is a factor in the claim

- If the claim includes 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.

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 (exclusive of 20% VAT) for preparation and the first day of the hearing, plus £1,000 to £2,500 (exclusive of 20% 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 (exclusive of 20% VAT) per hour (depending on experience). These estimated fees assume that a King's Counsel (KC) 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 (exclusive of VAT at 20%) 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 (exclusive of VAT at 20%) per day. Generally, we would allow 1 to 5 days for a final hearing, depending on the complexity of your case and whether, if your claim succeeds there may be a remedy hearing.

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.

Insurance

Insurance can help to cover some or all of these costs, so you should check at the earliest opportunity whether your home insurance, car insurance, credit cards, premium bank accounts and any trade union or professional body membership offers you insurance cover.

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