

## GUIDE TO BRINGING AND DEFENDING CLAIMS FOR UNFAIR OR WRONGFUL DISMISSAL IN AN EMPLOYMENT TRIBUNAL, COSTS AND TIMESCALES

### Our legal fees and payment to third parties

Simple case: £3,500-£6,000 (plus VAT)

Medium complexity case: £6,000-£12,000 (plus VAT)

High complexity case: £12,000-£20,000 (plus VAT)

### Factors that could make a case more complex:

- If it is necessary to make or defend applications to amend claims or to provide further information about an existing claim.
- If it is necessary to make or respond to other applications to the tribunal.
- Defending claims that are brought by litigants in person, i.e., those not professionally represented.
- If we are faced with a difficult/uncooperative opposing legal representative.
- Making or defending a costs application.
- The number of witnesses.
- The number and/or volume of documents to consider.
- If it is an automatic unfair dismissal claim (e.g. if you are dismissed after blowing the whistle on your employer).
- If it is necessary to instruct a barrister (e.g. for a written advice or to advise in conference).
- If we do not receive prompt or proper instructions from you, or if you fail to comply with requests from us or orders or directions from the tribunal.
- If you do not follow our advice.
- If settlement discussions become protracted.
- If the parties engage in mediation.
- If there are time limit issues.
- If employment status is in dispute.

There may be an additional charge for attending a tribunal hearing of £1,250 per day plus VAT. Generally, we would allow one to four days, depending on the complexity of your case, so £1,250 to £5,000 plus VAT.

### Payment to third parties

There may be other expenses which we need to pay on your behalf. These can include, but are not limited to, expert reports or travel expenses travelling to a tribunal. Estimated travel expenses are unlikely to exceed £100. Expert reports are estimated between £250 and £3,000, depending on what type of report is required.

Counsel's (a barrister's) fees are estimated between £1,000 to £2,000 per day plus VAT for attending a tribunal hearing depending on the experience of the barrister. There would be additional fees for any advice provided by counsel in advance of any hearing, if required, estimated between £500 and £1,500 plus VAT.

### Key stages

The fees set out above cover all of the work in relation to the following key stages of a claim:

- Taking your initial instructions, reviewing the papers and advising you on merits and likely compensation (this is likely to be revisited throughout the matter and subject to change).
- Entering into pre-claim conciliation where this is mandatory to explore whether a settlement can be reached.
- Preparing the claim or a response to the claim.
- Reviewing and advising on the claim or response from the other party.
- Exploring settlement and negotiating settlement throughout the process.
- preparing or considering a schedule of loss or counter-schedule of loss.
- Preparing for (and attending) a preliminary hearing.
- Exchanging documents with the other party and agreeing a bundle of documents for use at the tribunal hearing.
- Taking witness statements, drafting statements and agreeing their content with witnesses.
- preparing a bundle of documents for a final hearing.

- Reviewing and advising on the other party's witness statements.
- agreeing a list of issues, a chronology and/or cast list.
- Preparation for and attendance at a final hearing, including instructions to Counsel.

The stages set out above are an indication and if some of the stages above are not required, the fee will be reduced. You may wish to handle the claim yourself and only have our advice in relation to some of the stages. This can also be arranged on your individual needs.

### **What is not covered:**

- Applying for or responding to a reconsideration of, and/or appealing, any tribunal decision.
- Any claim other than unfair dismissal or wrongful dismissal (e.g. discrimination (including discriminatory dismissal), detriment, unauthorised deductions from wages etc.)
- Any claim for wrongful dismissal in the civil courts.

### **How long will this take?**

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 conciliation, your case is likely to take two to six weeks. If your claim proceeds to a final hearing, your case is likely to take six to twelve months. This is just an estimate and we will of course be able to give you a more accurate timescale once we have more information and as the matter progresses.

**This is simply an estimate of the likely costs to give you an idea of what it could cost you. We will provide you with a more accurate estimate once we have more information on your particular case.**

Our charges are normally based upon the amount of time spent dealing with your case and hourly rates, which may be up to £240 per hour plus VAT.

VAT is payable on our costs and Counsel's fees (currently 20%) and some third party payments. We will advise you whether VAT is likely to be payable on third party payments and, if so, at what rate.

We may be able to offer alternative methods of funding, such as:

- Damages-based Agreement ('DBA') - for employees - typically, you would be responsible for paying any barrister's fees and third party payments. If your claim is successful, we would be entitled to be paid a percentage of any compensation recovered on your behalf and which we will deduct from your compensation. You may have to pay our charges if, for example, you do not cooperate with us, or do not follow our advice, or if you terminate the DBA.
- Conditional Fee Agreement ('CFA') - typically, you would not have to pay our charges or you would only pay a reduced hourly rate if you are unsuccessful. If you are successful, you would be responsible for paying our normal charges, together with a success fee which would be deducted from any compensation you recover. You would remain responsible for paying any barrister's fees and third party payments.
- Fixed fee arrangements - we would agree with you a fixed fee in relation to our charges for dealing with your case from start to finish.