

Information about our service for bringing and defending claims in the employment tribunal

We act for employers who receive employment tribunal claims and employees who wish to bring them.

This information covers

- Claims for unfair dismissal and
- Claims for wrongful dismissal which is a breach of contract claim for notice pay

We handle all other sorts of claims such as for discrimination. Please discuss with us what our charges for other sorts of claims may be.

The price indications below are not quotes and are valid at the date you read them on our website. Please remember that these price indications reflect a claim going all the way to a contested Final Hearing in the employment tribunal. Most claims settle or are withdrawn before that stage and so our legal fees are lower. The prices below also reflect this firm giving full representation and advice, whereas clients may be wish to reduce the cost by taking on aspects of the claim themselves.

We recommend having an initial meeting to discuss any possible claim or defence of a claim so that we can discuss with you what strategy you should be taking to the claim or defence, for example, whether you should go through with it or try to settle and, if so, for what sum. Most claims settle and do not go all the way to a hearing. Therefore, the legal fees are usually a lot less than the fees shown below.

Our fees for an unfair dismissal or wrongful dismissal claim or defence

Our charges are based on the time it takes to deal with the case which will depend how simple or complex the case is. You will find information about the sort of factors which make cases simple or complex below. Here are typical costs as illustrations (excluding our expenses). These costs exclude the cost of attending at the Employment Tribunal to represent you at the Hearing.

Most cases will last one or two days and our fees may be:

- Simple case (typically one day hearing only): £7,000.00 to £13,000.00 (excluding VAT)
- Medium complexity case (typically maximum two day hearing): £13,000.00 to £20,000.00 (excluding VAT)

Claims of automatic unfair dismissal e.g. if the claimant says they are dismissed after blowing the whistle on the employer will usually be high complexity cases.

Other non-exhaustive factors that could make a case more complex:

- Acting for employers tends to make the case more complex than acting for claimants because employers usually have more documents and there are usually more witnesses to speak to
- We receive instructions or have to advise more than one person at the client
- If acting for a claimant, he or she has several potential claims and needs to discuss and get advice on which ones to bring
- The claims involve complex legal issues and/or we need to do legal research into the issues
- The case involves unfair dismissal and wrongful dismissal
- The claim involves a complex factual background
- If it is necessary to make or defend or consider applications to amend claims or any other applications or to provide further information about an existing claim
- Defending claims that are brought by litigants in person
- Making or defending a costs application
- Complex preliminary issues such as whether the claimant is disabled (if this is not agreed by the parties)
- Attending hearings for a provisional decision given during the course of a legal action. This could be a hearing to discuss how the case will be managed to prepare it for hearing or a hearing for the tribunal to decide on a key issue in the claim
- A more than expected number of witnesses and relevant documents. For example, in unfair dismissal claims, we would expect the claimant to be his or her only claimant and the employer to call at most two witnesses
- An interpreter is required for us to communicate with you and/or for anyone attending the Hearing
- An unfair dismissal claim is one for constructive unfair dismissal
- There is a lot of history behind the claim
- An expert witness is required or expert's evidence is produced by the other party
- The other party to the dispute does not comply with orders made by the tribunal or delays in doing so, or only partially complies with them
- Our client acts in any other way which does not allow us to prepare the case in an efficient manner for example, it fails to give us information or instructions

which we request promptly or it fails to give us all relevant documents in one go

- Our client changes its evidence
- The client decides not to follow our advice
- Any meeting minutes relevant to the case are disputed by either party
- We require more than one meeting with our client or its witnesses to finalise their witness statements
- Our clients' witnesses give conflicting evidence
- The other party produces documents during the preparations for the Hearing which contain unexpected information or information which we need to investigate further or address
- The other party produces witness statements which raise new points which we need to address with our client and/or produce further witness statements for our client to address the points
- Our client chooses to redraft our documents or requires detailed or repeated explanations
- The parties are required by the tribunal to agree documents in advance of the final hearing such as a list of issues and the other party does not agree our proposal or we do not agree theirs
- The Tribunal orders the parties to prepare a list of agreed facts, chronologies or cast lists
- Our client chooses to be represented by a barrister and a conference with the barrister is required and/or the barrister is asked to advise on any aspect of the claim
- Any Hearing is adjourned or goes on for longer than estimated
- What sort of client you are – see the hourly rates below
- A separate Hearing is required to decide on compensation to be awarded

High complexity cases will take longer than two days and the fees may then be (excluding the cost of representing you at the Hearing):

- High complexity case (typically three to 12 days of hearing): £28,000.00 to £76,000.00 (excluding VAT). The cost will be roughly correspondent to the number of hearing days with more hearing days resulting in higher costs
- Unusually high complexity case (typically more than 12 days of hearing): More than £76,000.00 (excluding VAT). The cost will be roughly correspondent to the number of hearing days with more hearing days resulting in higher costs

The exact amount charged will depend on the applicable hourly rate and the number of hours work which is required. Our usual hourly rates are currently as follows but are subject to review annually:

- Corporate: £295 plus VAT
- Standard business: £285 plus VAT
- Small business: £265 plus VAT
- Individual: £275 plus VAT

There will be an additional charge for attending the Hearing. The charge will depend on the level of experience and expertise of the person whom you chose. On average, you would expect it to be £1500 - £2000 per day of Hearing.

Disbursements

The fee indications above do not include disbursements which are costs related to your matter that are payable to third parties such as our travelling costs or the costs of copying a large amount of paperwork for use in a hearing, the cost of instructing an expert witness to support the client's case or paying a barrister to represent you and/or advise on preparation for the hearing.

The cost of a barrister's fees for representing you at the Hearing are estimated above.

The above fee indications do not include:

- Settlement negotiations after the pre-claim conciliation stage
- Drawing up or negotiating a settlement document
- Attending or preparing for a mediation to try to settle the case
- Our client deciding to withdraw from the claim or defence
- Advice on the Judgment and whether to appeal or any appeal made by the other party
- Any appeals or review applications in relation to the Employment Tribunal's decision
- Advice on payment of sums due under a Judgment
- Making or responding to a subject access request for personal data

These will be charged at our hourly rate notified to you and we will update you as appropriate on likely fees.

Key stages in bringing and defending claims

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 early claim conciliation to explore whether a settlement can be reached
- Preparing claim or response to claim
- Reviewing and advising on claim or response from other party

- Preparing a schedule of loss for a claimant or commenting on it for the respondent
- Exchanging documents relevant to the issues with the other party and agreeing a file of documents to be used in the Hearing
- Taking witness statements, drafting statements and agreeing their content with witnesses
- Preparing bundle of documents
- Reviewing and advising on the other party's witness statements
- Preparing a list of issues, a chronology and/or cast list
- Preparing cross examination
- Preparing a skeleton argument
- Preparation and attendance at Final Hearing. The Final Hearing may be adjourned if the Tribunal cannot deal with it all and listed to continue at a later date

The stages set out above are an indication and they may not all apply in all cases. 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.

How long will my case 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 early conciliation, your case is likely to take two to six weeks. The claim could settle or the claimant may decide to withdraw their claim at any time.

If the claim proceeds to a Final Hearing, the time it takes will depend on the availability of the Tribunal to list your Hearing and whether a further Hearing is required to decide how much compensation to award. Short unfair dismissal cases without complications may take six to eight months unless there is a delay in listing the claim for Hearing by the Tribunal. This time frame is dependent on when the Tribunal is able to hear the case. We have little control over this. Cases that are listed to last more than two or three days are taking over a year to get to Hearing. Complex cases may take 18 months or more depending on Tribunal availability. This is just an estimate and will depend on how long the Employment Tribunal in your region is taking to list matters for Hearing.

Who will deal with my case?

Jill Kelly will deal with your case. She is a highly experienced employment lawyer, recommended by the Legal 500 and Chambers Directory. See the "Your Lawyer" tab on our website. Further to discussion with you, it may be decided to appoint a barrister to represent clients at the Hearing, and also, in some cases, to advise on the case before the Hearing.

How are you going to pay our fees?

We do not undertake work on a “no win/no fee basis”. We do not provide free initial interviews.

Clients should investigate whether they may have legal expenses insurance cover for claims. For example, in the case of individuals, some house insurance policies provide cover for liability for legal fees. You should check any policies which you have and inform us immediately if you believe you may be covered – insurers will not normally backdate claims. If you have insurance, you may then have to use your insurer’s solicitors to represent you.

You should note that, in certain circumstances, after the event legal insurance cover (ATE) may be available for the recovery of legal costs where you are pursuing or defending litigation. ATE insurance is advertised in the market for litigation where there is the potential for a claim, but there is no pre existing insurance in place. An ATE policy covers the opponent’s costs (although please note that in employment tribunal claims recovery of fees against the opponent is not routine). It usually also covers the insured person’s disbursements (the expenses of the litigation which are not legal fees) including the ATE insurance premium. It may also be possible to extend the cover to pay out the insured person’s own legal costs. However, this is only possible for the right risk, subject to an increased fee and where the solicitor is not acting under a conditional fee agreement or similar. The standard cover is for costs incurred after the start date of the policy up to conclusion of the legal action. However, subject to negotiation, the policy may also cover costs already incurred prior to the policy being taken out. Employment Law Plus does not offer such cover and you may wish to make your own inquiries as to what ATE insurance cover is available in the market. We do not undertake work for clients on the basis of insurance cover. The client would need to go to another solicitor to do this.

Please note that, in employment tribunal claims, it is not usual for the losing party to be ordered to pay the winning party’s legal fees, although the payment of legal fees can be ordered in certain circumstances. Clients should therefore expect to have to meet the legal fees themselves and take that into account when deciding if it is worth pursuing or defending a claim.

Fees for the Hearing must be paid in full in advance of the Hearing. If a barrister is instructed, their fees must be paid in full before the barrister does the work.

Employment Law Plus (UK) Ltd
December 2018