

EMPLOYMENT TRIBUNALS (CLAIMS FOR UNFAIR OR WRONGFUL DISMISSAL)

Our employment partner is Jonathan Warbey who has over 25 years' experience in dealing with the full range of employment tribunal matters. His full profile can be found under the "People" section of this website. His charging rate is presently £230 + VAT per hour.

Our pricing for employment tribunal matters is as follows :

1. Settlement Agreements (for employees)

A typical Settlement Agreement charge is £350 + VAT, but this does vary depending on the complexity of the document. However this cost is almost always met by the employer and we would only add additional charges where there is a particular complexity or prolonged negotiation which leads to an improved settlement. In those circumstances we will discuss those charges with your first.

2. Bringing or defending claims for unfair or wrongful dismissal (for employees and employers)

Simple case - £700 - £1,500 (excluding VAT). This is where matters settle between instruction and either before or during pre claim conciliation (the procedure before the actual issue of employment tribunal proceedings).

Medium complexity case - £5,000 - £10,000 (excluding VAT)

This would be where tribunal proceedings are issued and the matter proceeds to no more than a one day case in the Employment Tribunal.

High complexity case - £10,000 - £20,000 (excluding VAT)

This would be a case which lasted two to three days at an employment tribunal.

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
- 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)
- The number of witnesses and documents
- If it is an automatic unfair dismissal claim, eg. if you are dismissed after blowing the whistle on your employer
- Allegations of discrimination which are linked to the dismissal

Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as court fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

Counsel's fees estimated between £1,000 - £5,000 per day (depending on experience of the advocate) for attending a tribunal hearing (including preparation). We would of course discuss with you the level and experience of any barrister and their cost before instructing the same.

Key stages

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

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- 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 claim or response
- Reviewing and advising on claim or response from other party
- Exploring settlement and negotiating settlement throughout the process
- Preparing or considering a schedule of loss
- Preparing for (and attending) a preliminary hearing
- Exchanging documents with the other party and agreeing a bundle of documents
- Taking witness statements, drafting statements and agreement their content with witnesses
- Preparing bundle of documents
- Reviewing and advising on the other party's witness statements
- Agreeing a list of issues, a chronology and/or cast list
- Preparation and attendance at 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.

How long will the matter 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 six to eight weeks.

If your claim proceeds to a final hearing your case is likely to take 26-52 weeks. This unfortunately is very much dependent upon listings at an employment tribunal, the complexity of the matter and the number of days required for a final hearing. This is therefore 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.

3. Discrimination claims

These claims tend to be more complex than a straightforward unfair or wrongful dismissal claims and often will involve preliminary hearings. Our range of costs would be usually be

Simple case - £1,000 - £2,000 (excluding VAT). This is where matters settle between instruction and either before or during pre claim conciliation, the procedure before the actual issue of employment tribunal proceedings.

Medium complexity case - £5,000 - £10,000 (excluding VAT)

High complexity case - £10,000 - £30,000 (excluding VAT)

The factors which could make a case more complex are the same as for unfair or wrongful dismissal, but in addition the case is more likely to have more preliminary issues to be decided and can involve hearings beyond three days.

We are on occasions able to offer what is known as a "Damages-Based Agreement" (DBA), which is a no win no fee agreement where our costs are taken as a percentage of any settlement or award achieved in your favour. If you wished to consider such an arrangement we would 2-4 weeks in carrying out an assessment as to whether we would be willing to act under such an arrangement and upon what terms.

There are also further ways of funding matters and you should always check the terms of any insurance policy, bank account or credit card for which you, your spouse or immediate family and/or company may have to see if bolted on to the same is any legal expenses insurance which may assist you and provide indemnity to you in respect of your costs. You should also check whether you can seek payment of your costs from another person such as your employer (such as in a Settlement Agreement) or, if you are a member of a trade union, that trade union.