

EMPLOYMENT TRIBUNALS – FOR MEMBERS OF THE PUBLIC AND BUSINESSES BRINGING OR DEFENDING A CLAIM FOR UNFAIR OR WRONGFUL DISMISSAL

Our pricing for bringing and defending claims for unfair or wrongful dismissal where you instruct us on a private paying basis are as set out below and are based on the assumption that the case is contested and there is a final hearing before the Tribunal to determine the lawfulness of the dismissal and at which hearing any remedy (i.e. damages/compensation) is also determined by the Tribunal.

Please note our prices may vary from case to case and that is why if you instruct us we will always give you an individual costs estimate at the start of the transaction taking into account the actual features of your claim as known by us at that time. We will also always advise you immediately about any complications and discuss the potential impact on price before any additional charges are incurred.

In some cases for members of the public we will accept instructions on a Damages Based Agreement (DBA) if we consider the merits of the case and prospects of success are good. We will make that assessment at the earliest opportunity and usually within the first 7 days after taking instructions from you and your providing us with any documentation that we requested from you to make our assessment. Where we agree to act on a DBA our fees for our work will be calculated as a percentage of the Damages (which can be no more than 35% inclusive of VAT) that are awarded to you. Any other costs, such as payment of Counsel's fees or expert's fees, are payable in addition to the percentage we agree for our fees for our work. Where we accept such instructions on a DBA we will explain in writing and verbally the terms and conditions of the DBA.

Some members of the public may have Legal Expense Insurance (LEI) which may entitle them to legal representation for their claim under the policy subject to their insurer's terms and conditions. If you believe that you may have a LEI policy that might entitle you to legal representation you should check with your insurance company immediately.

Our fees for unfair or wrongful dismissal claims on a private paying basis: -

A simple case: £2,800 - £4,200 (excluding VAT) based upon an estimation of between 10-15 hours work at £280 per hour exclusive of VAT. Please note these costs exclude any personal attendance by us or Counsel at the Tribunal for the final hearing. Generally, for a simple case we would estimate the final hearing will last 1 day and fees for representation by us or Counsel could be £1,120 - £1,680 (excluding VAT).

A medium complexity case: £4,800 - £8,000 (excluding VAT) based upon an estimation of between 15-25 hours work at £320 per hour exclusive of VAT. Please note these costs exclude any personal attendance by us or Counsel at the Tribunal for the final hearing. Generally, for a case of medium complexity we would estimate the final hearing will last between 2-3 days and fees for representation by us or Counsel could be £1,280 - £2,560 per day (excluding VAT).

A high complexity case: £11,900 - £15,300 (excluding VAT) based upon an estimation of between 35 - 45 hours work at £340 per hour exclusive of VAT. Please note these costs exclude any personal attendance by us or Counsel at the Tribunal for the final hearing. Generally, for a case of high complexity we would estimate the final hearing will last between 3-5 days and fees for representation by us or Counsel will be £2,040 - £2,720 per day (excluding VAT).

All cases have aspects that are complicated and from time to time more experienced lawyers at £340 plus vat may work on the case. We will let you know if this happens and if it changes the overall estimate.

There will be supervision of all cases on the two lower rates and so a case may have different charging rates at different stages of the case depending on the complexity of the case at that particular time. Again, we will let you know when this happens and if it changes the overall estimate

Factors that could make a case more complex include the following: -

- 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 e.g. where a member of the public is dismissed after blowing the whistle on their employer.
- Allegations of discrimination which are linked to the dismissal

Other Disbursements

Sometimes it is necessary to instruct Counsel before the final hearing to get a second opinion on the merits of your case. In such circumstances we would write to you in advance to agree to the instruction of Counsel and to agree a fee for Counsel's advice. Whenever Counsel is instructed we will require payment of their fee in advance of their being instructed. The amount of Counsel's fee will be dependent upon the documents that they are asked to consider and/or the complexity of the legal issue they are being asked to advise on. Generally for a simple case we would not instruct Counsel for a second opinion. For a case of medium or high complexity it may be necessary to do so. From our experience Counsel's fees for advising on a medium complex case are between £900 - £1,500 exclusive of VAT and for advising on a high complex case are between £1,500 - £2,400 exclusive of 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 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 agreeing their content with witnesses.
- Reviewing and advising on the other party's witness statements.
- Preparing bundle of documents for Trial.
- Agreeing a list of issues and/or a chronology and/or trial timetable.
- Preparation for the Final Hearing, including instructions to Counsel.

The stages set out above are an indication and if some of stages above are not required, our fee will be reduced if you are paying on a private paying basis or under the terms of any Legal Expense Insurance. 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 your 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 between 1-3 months depending upon your opponents conduct during this stage.

If your claim proceeds to a Final Hearing, your case is likely to take between a further 4-6 months for a simple case or up to a further 9-12 months for a medium or high complex case although this will also be dependent upon the Employment Tribunal's availability to list your claim for final hearing.

Please note that the above 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 your matter progresses.

The person who will deal with your claim at this firm

Your claim will be conducted by a fee earner in our Employment Department. Details of their qualifications and experience can be found here [*link to Employment Department profiles*]