

Employment

November 2023

Employment

The cost of bringing and defending claims for unfair or wrongful dismissal in an employment tribunal can vary greatly depending on the precise case involved.

The information below is not intended to replace seeking specific fee information for specific circumstances.

Our fees are normally, unless some other arrangement has been agreed, calculated using an hourly rate. Hourly rates vary depending on the seniority of the fee earner involved. The hourly rate for a Solicitor towards the middle range of seniority would be about £300 per hour plus VAT, charged at 20%. The work on a case is sometimes carried out by more than one fee earner, for instance the strategy may be set by a more senior fee earner but more routine parts of the case may be carried out by a more junior fee earner.

For illustration purposes only, a typical cost for bringing or defending an unfair or wrongful dismissal employment tribunal claim could be:

- **Lower Complexity case:** up to approximately £10,000 (excluding VAT, charged at 20%)
- **Medium complexity case:** up to approximately £20,000 (excluding VAT, charged at 20%)
- **Higher complexity case:** in excess of £20,000 (excluding VAT, charged at 20%)

Factors that could make a case more complex include, but are not limited to:

- 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. if you are dismissed after blowing the whistle on your employer
- Allegations of discrimination which are linked to the dismissal
- Complexity of legal issues
- Length of hearing
- Any appeals

Disbursements

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

Sometimes Counsel is used to carry out advocacy at a hearing, where appropriate, rather than a Solicitor. Counsel's fees vary greatly depending on their experience and the nature of the case involved. For attending a one-day hearing (including preparation) Counsel's fees might typically be estimated between £500 to £5,000 plus VAT, charged at 20%.

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 a claim or response
 - Reviewing and advising on a claim or response from the 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
 - 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, representation and attendance at Final Hearing, including instructions to Counsel

The stages set out above are an indication only and if some of stages above are not required, the fees may well be lower. 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 matter take?

The time that it takes from taking your initial instructions to the final resolution of your matter again depends on a wide variety of factors including the stage at which your case is resolved. Some claims will settle very early in the process during pre-claim conciliation, but this is certainly not the norm. If your claim proceeds to a Final Hearing, your case is likely to take at least 6 months and can be significantly longer. 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.

Our experience

Within our national team, the employment law experience of our lawyers varies from those who have recently qualified through to individuals who have over 25 years of experience. Our solicitors have experience in all aspects of employment law and we dedicate ourselves to ensuring our knowledge stays up to date, in order to give you the best service possible. We always make sure that junior solicitors and members of staff are supported and supervised appropriately so that the quality of advice is not affected, regardless of who is working on your case.

Our team members who handle tribunal claims are listed below, together with their job titles.

Partners and Legal Directors

Our partners and legal director have considerable experience in dealing with tribunal claims and associated appeals across a variety of sectors.



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Senior Associates

Our senior associates are experienced lawyers who have been involved in numerous complex tribunal claims, across both the public and private sectors.



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Our associates have worked on a variety of different employment tribunal claims, both independently and in conjunction with more senior members of our team.



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