

Advice and Representation for employees in relation to bringing an Employment Tribunal claim for unfair dismissal or wrongful dismissal

In accordance with the SRA's Price Transparency Rules, this document summarises costs information for individuals who are considering instructing us to bring an Employment Tribunal claim for unfair dismissal or wrongful dismissal.

Employment Tribunal matters are handled by our Employment team and are supervised by Jack Harrington, Partner. Details of the members of our team are set out in the "How we can help" pages of our website.

No two employment claims are the same, so it is not possible to predict the total cost for bringing a claim. We have set out the normal range of costs depending upon the complexity of the case.

Factors that could make a case more complex include:

- It is necessary to make an application to amend the claim
- It is necessary to request further information about the response to the claim or to provide further information about the claim
- Where there is more than one respondent to the claim
- It is necessary to make or defend a costs application
- There are 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 allege that the dismissal is related to whistleblowing
- If there are allegations of discrimination which are linked to the dismissal

Our costs

Our illustrative fees (exclusive of disbursements – see below) for bringing claims for unfair or wrongful dismissal are:

Standard case: £10,000 - £25,000 (excluding VAT)

High complexity case: £25,000 plus (excluding VAT)

There will be an additional charge for attending a tribunal hearing of £1,750 per day (excluding VAT). Cases are usually scheduled to last for 2 to 10 days, depending on the complexity of the case.

Disbursements

Disbursements are costs related to the case and may include our expenses or costs payable to third parties, such as travel expenses and counsel's fees. We handle the payment of the disbursements to third parties on your behalf to ensure a smoother process.

Counsel's fees for preparing for and attending at a tribunal hearing depend on the experience of the advocate and the length of the hearing. As an example, for a 3 day hearing counsel's fees may be between £1,500 and £3,000 plus VAT for the brief fee and £750 – £1,500 plus VAT for each additional day of the hearing.

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 prospects of success and likely compensation (this will be revisited throughout the matter and may be subject to change)
- Entering into pre-claim conciliation (where both parties wish to do so) to explore whether a settlement can be reached
- Preparing the particulars of claim
- Reviewing and advising on the response to the claim
- Exploring settlement and negotiating settlement throughout the process
- Preparing and updating a schedule of loss
- Preparing for (and attending) a preliminary hearing
- Exchanging documents with the respondent and agreeing a bundle of documents
- Taking witness statements, drafting statements and agreeing their content with witnesses
- Reviewing and advising on the respondent's witness statements
- Agreeing a list of issues, a chronology and/or cast list
- Preparation and attendance at the final hearing, including instructions to counsel

The stages set out above are an indication and if some of the stages are not required, our fees are likely to be lower.

You may wish to handle the claim yourself and only take our advice in relation to some of the stages. This can also be arranged to fit your needs.

Timescales

The period of time from taking your initial instructions to the final resolution of the case depends largely on the stage at which the case is resolved. If a settlement is reached during pre-claim conciliation, the case is likely to take 2 - 4 weeks.

If the claim proceeds to a final hearing, the case is likely to take up to 18 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 case progresses.

For further information about bringing an Employment Tribunal claim please contact us