

Advice and Representation for employers in relation to defending claims before the Employment Tribunal brought by an employee for unfair dismissal or wrongful dismissal

In accordance with the SRA's Price Transparency Rules, this document summarises costs information for employers who are considering instructing us to defend claims before the Employment Tribunal brought by an employee 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 defending 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:

- If it is necessary to make or defend an application to amend the claim
- It is necessary to request further information about an existing claim
- Where there is more than one respondent to the claim
- Where the claim is brought by a litigant in person
- If 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 the dismissal is alleged to relate to whistleblowing
- There are allegations of discrimination which are linked to the dismissal

Our costs

Our illustrative fees for defending claims for unfair or wrongful dismissal are:

Simple case: £3,000 - £8,000 (excluding VAT)

Medium complexity case: £8,000 - £15,000 (excluding VAT)

High complexity case: £15,000 - £25,000 (excluding VAT)

There will be an additional charge for attending a tribunal hearing of £1,000 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 – £950 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 liability for 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 a response to the claim
- Reviewing and advising on any further particulars from the claimant
- Exploring settlement and negotiating settlement throughout the process
- Considering a schedule of loss and preparing any counter schedule
- Preparing for (and attending) a preliminary hearing
- Exchanging documents with the claimant and preparing an agreed bundle of documents
- Taking witness statements, drafting statements and agreeing their content with witnesses
- Reviewing and advising on the claimant'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 be able to give you a more accurate timescale once we have more information.

For further information about defending an Employment Tribunal claim please [contact us](#)