

# Employment Law

## *Pricing and Service Information*



### **Fees for bringing and defending claims for unfair or wrongful dismissal**

- Simple case: £1,000-£6,000 + VAT at 20%
- Medium complexity case: £6,000-£15,000 + VAT at 20%
- High complexity case: £15,000-£30,000 + VAT at 20%
  
- Administration and Compliance Fee: £50 + VAT at 20%

### **Factors that may make a case more complex are:**

- 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 for 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 £1,250 to £1,500 + VAT at 20% per day (depending on experience of the advocate) for attending a Tribunal Hearing (including preparation).

### **Key stages**

The fees set out above cover all 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 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 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 my matter take?**

Timescales will vary depending on a number of factors including, but not limited to:

- The nature and complexity of the claim;
- The limitation period applicable to the claim brought/ defended;
- The forum a claim is brought in;
- The stage at which we are instructed; and
- Whether any interim applications are made by either party.

### **Example timescales based on a straightforward unfair dismissal claim brought in the Employment Tribunals:**

#### **Stage 1: Limitation Period**

A claimant will have three months less one day from the effective date of termination in which to bring a claim. This limitation period will be extended by any time spent in early conciliation.

#### **Stage 2: ACAS Early Conciliation**

It is mandatory for a claimant to commence early conciliation before the end of the limitation period in order to bring a claim in the employment tribunal. Early conciliation can last anywhere from 1 day to 1 month. This can also be extended by a further 2 weeks by agreement between the parties.

#### **Stage 3: Issuing a claim**

At the conclusion of the limitation period and any extension by early conciliation, the prospective claimant must choose whether to proceed with issuing a claim or not. If the Claimant issues a claim it will be sent to the tribunal who will then send this to the respondent, the time this takes will depend upon the varying timescales of the tribunal.

Once the respondent receives the claim, they will have 28 days to file a response.

#### **Stage 4: Preliminary hearing**

An employment judge will list the matter for a preliminary hearing to narrow the issues and agree case management orders. The orders will dictate the stages and timeline of the claim and will vary according to the date for which the full merits hearing is listed.

The date the full merits hearing is listed will depend upon the length that is required and the availability of the regional tribunal. For example, it is likely to be more difficult to find availability to list an 8-day full merits hearing but a 2 day hearing may be listed much sooner.

It is likely that the full merits hearing will be listed between 6 and 12 months from the date any claim was issued. This period may be longer.

The above are the only timescales we are able to estimate and do not take into account other factors that may influence the timescale including, but not limited to:

- Interim applications and hearings;
- Applications for extensions of time and/or postponement of hearings;
- The tribunal re-listing a hearing due to availability of judges and other factors;
- The prospect of early settlement, strike out or default judgment; and
- Subsequent hearings after the full merits hearing such as remedy hearings and appeals.

At all stages of our instruction we will advise you on the likely timescales whenever possible.

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