

Employment Tribunal representations: unfair or wrongful dismissal claims

Our team helps executives and businesses successfully resolve workplace disputes, including bringing and defending litigation in the Employment Tribunal and civil courts. We typically charge on an hourly rate basis, based on hourly rates for our team which vary depending on seniority and experience. The fees we charge will depend on the nature and complexity of the case so the following should be referenced as a guide only.

Our estimated fees (which are exclusive of VAT) for bringing and defending claims in the Employment Tribunal for unfair and wrongful dismissal claims are as follows:

Type of case	Costs
Simple	£20,000 - £40,000
Medium complexity	£40,000 - £65,000
High complexity	£65,000 - £100,000+

The wide range of our fees is because of various factors, which may result in an increase in costs. These include:

- The amount of information relevant to the underlying facts;
- The nature of the claim e.g. if it is an automatic unfair dismissal claim;
- Making or defending applications to amend claims or defences or to provide further information about the claim;
- Defending claims that are brought by litigants in person;
- Whether complex allegations form part of the claim, such as discrimination or whistleblowing complaints etc.;
- Dealing with preliminary issues, e.g. issues about jurisdiction/limitation, employment status or whether or not a disclosure is protected under whistleblowing rules;
- The need for a Preliminary Hearing, before the Final Tribunal Hearing;
- The number of respondents and/or witnesses;
- The number of documents held by the parties and the time taken to find, disclose and review those documents;
- The amount of correspondence produced, or issues raised by, the other side including any difficulties in agreeing a list of issues, chronology or bundle of documents for Preliminary and/or Final Hearings;
- The duration of the Final Hearing; and
- Making or defending an application regarding legal costs.

Third party costs

You may incur barrister's fees to represent you at a Tribunal hearing. These fees are in addition to our estimated fees. Barrister's fees typically comprise a brief fee (which includes preparation and attendance for one day at a hearing) and a daily refresher fee (for attending additional days at a hearing). We handle the payment of the barrister's fees on your behalf and then add them to your invoice to ensure a smoother process.

Depending on the seniority of the barrister, estimated fees (exclusive of VAT) are:

- a brief fee of between £1,500 and £15,000; and
- a daily refresher fee of between £1,250 and £4,000.

Key stages

The fees listed above cover the costs of the following key stages of a claim:

- Taking initial instructions, reviewing documents and advising you on the merits of your case and the likely compensation you can expect to receive (this will be revisited during the litigation and may need to be revised as matters progress);
- Entering into pre-claim conciliation where required;
- Preparing the claim or defence;
- Reviewing and advising on a claim or response from the other party;
- Corresponding with the Employment Tribunal and the other party;
- Preparing/considering a schedule of loss;
- Instructions to and dealing with a barrister;
- Preparation for, and attendance at, a Preliminary Hearing;
- Agreeing a list of issues, chronology and cast list;
- Making or defending interim applications;
- Exchanging documents with the other side;
- Agreeing and preparing a bundle of documents;
- Taking witness statements, drafting statements and securing agreement of their contents from the witnesses;
- Reviewing and advising on the witness statements from the other side; and
- Preparation for, and attendance at, the Final Hearing.

The stages set out above are an indication and if some stages are not required, the fee will be reduced.

Stages not covered by our estimate

The fee estimates set out above do not include the following work. If they are relevant, they may increase the fee payable:

- advising on, or engaging in, settlement negotiations and/or preparing and negotiating any settlement documentation;
- advising on, or acting in respect of, any claims other than unfair dismissal or wrongful dismissal, e.g. discrimination or whistleblowing etc.;
- any issues under the data protection rules, including e.g. advising on or responding to a data subject access request;
- any orders against you to pay the other side's costs or preparation time relating to any dispute over costs;
- involvement of a barrister at any stage of the claim, other than the Final Hearing (typically it is advisable to include a barrister at an early stage of the litigation); or
- advising on, or participating in, any form of mediation or conciliation, including judicial mediation.

How long will my matter take?

The time that it takes from taking your initial instructions to the final resolution of the claim depends largely on the stage at which the claim is resolved and the time it takes for the Employment Tribunal to process your claim.

If a settlement is reached during pre-claim conciliation, your case is likely to take 4 to 12 weeks. If your claim proceeds to a Final Hearing, your case is likely to take 9 to 12 months but it could take longer because of delays at the Employment Tribunal. This is just an estimate and we can provide a more accurate timescale once we have more information and as the litigation progresses.

All fees and costs are exclusive of Value Added Tax (VAT) which, where applicable, will be added to each bill. Our rates are subject to review annually on 1 May each year.

May 2022