

## **EMPLOYMENT TRIBUNAL**

### **Costs guidance**

Time is money where legal fees are concerned. Employment Tribunal litigation as a means of dispute resolution is a huge waste of the employer's and the employee's time and money. Principally, this is because the fees illustrated below are generally not recoverable from the losing party and damages are (for the most part) capped.

The objective in an employment dispute is to resolve it – if necessary, using the deterrent of Tribunal Proceedings which must generally be commenced within three months of termination. The cost of the resolution exercise (generally by compromise agreements) depends upon the parties and their willingness to negotiate sensibly.

This landscape may change if either party is insured for tribunal costs and insurers allow their insured to behave unreasonably.

### **Employment Tribunal Fees**

Our fee estimates to bring or defend claims for unfair or wrongful dismissal at an Employment Tribunal:

- For a simple case: £200 to £350 per hour (excluding VAT); for such a matter, we estimate that 150 to 200 hours would be necessary
- For a medium complexity case: £200 to £350 per hour (excluding VAT); for such a matter, we estimate that 200 to 250 hours would be necessary
- For a high complexity case: £200 to £350 per hour (excluding VAT); for such a matter, we estimate that 250 to 300 hours would be necessary

Estimated total of our firm's fees (+ VAT) would be: relevant hourly rate x number of hours. Fully fought cases (to judgment) generally cost several tens of thousands of pounds or more.

Factors that could make a case more complex:

- If it is necessary to make or defend applications to amend claims
- If further information about an existing claim has to be provided
- Defending claims that are brought by litigants in person
- Making or defending a costs application
- Complex, preliminary issues (e.g. whether the claimant is disabled, if this is not agreed by the parties)
- Witness numbers (and length of evidence) and (especially) documents
- If it is an automatic unfair dismissal claim (e.g. if an employee is dismissed after blowing the whistle on their employer)
- Allegations of discrimination which are linked to the dismissal

## **Attending a Tribunal Hearing**

For this, there is an additional charge of £1,600-2,400 per day (excluding VAT). Generally, we would allow 2 to 5 days, depending on the complexity of your case.

## **Disbursements**

Disbursements are costs related to your matter, due to third parties (e.g. court fees). We handle payment of disbursements on your behalf, to make the process smooth.

If a Counsel (i.e. a Barrister) is required, their fees can be estimated as being between £2,500 and £5,000 per day (depending on Counsel's experience).

Such fees would cover both the preparation for a Tribunal Hearing and attending it. Estimated total of our fees, VAT and disbursements (inc. Counsel's fees): £60,000 to £80,000.

## **Key Stages**

The estimated fees payable to our firm (as set out above) cover all our work in relation to the following key stages of a claim:

- Taking your initial instructions
- Reviewing the papers
- Advising you on merits and likely compensation (this is often re-visited 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 the claim
- Reviewing and advising on the response from the other party
- Exploring settlement throughout the process
- As appropriate, negotiating settlement throughout the process
- Preparing or considering a schedule of loss
- Preparing for a Preliminary Hearing
- Attending a Preliminary Hearing
- Exchanging documents with the other party
- Agreeing with the other party the bundle of documents to be presented at the Tribunal
- 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 for attendance at Final Hearing, including instructions to Counsel
- Attendance at Final Hearing, with Counsel

The stages set out above are merely an indication of the process. If some of the above stages are not required, the fee may be reduced.

### **How long will my matter take?**

The time that it takes from taking your initial instructions to the final resolution of your matter depends largely on the stage at which your case is resolved:

- Reaching settlement during pre-claim conciliation: should take 8 to 10 weeks
- If your claim proceeds to a Final Hearing: should take 40 to 52 weeks or more

These timescales are just estimates. When we have more information regarding your matter, we can provide you with a more accurate timescale. As the matter progresses, we will update you on the timescale, as well as on our fee estimate.

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