

## **EMPLOYMENT**

Every case is different and many of our cases are complex and involve multiple parties and claims and difficult legal issues. There is no such thing as a typical case. However, for convenience we have divided employment tribunal claims into three bands according to complexity.

An employment tribunal claim involving only claims of unfair dismissal and wrongful dismissal will normally, but not always be a simple claim.

The services we provide include both pursuing and defending employment tribunal claims and appeals. Most of the claims in which we act are complex claims involving not only claims of unfair and wrongful dismissal but also whistleblowing, discrimination, equal pay or other claims. Whilst we do straightforward claims from time to time it is always necessary to weigh up whether the potential outcome of the matter can justify the costs involved

### **Factors that make cases more complex**

- If it is an automatic unfair dismissal claim e.g. if an employee is dismissed after making a public interest disclosure (blowing the whistle on the employer).
- If there are allegations of discrimination or other claims which are linked to the dismissal.
- If there are multiple claimants or respondents to the claim.
- If it is necessary to make or defend applications to amend claims or to provide further information about an existing claim.
- Complex preliminary issues such as whether the claimant is disabled (if this is not agreed by the parties) or whether the tribunal is able to hear the claim due to jurisdictional or time limit issues.
- The number of witnesses and documents. If there is a large volume of documents it may be necessary to use e-disclosure software to manage the process.
- Evidence of expert witnesses including experts' reports.
- Defending claims that are brought by litigants in person.
- Making or defending a costs application.

### **Our Pricing For Bringing And Defending Claims For Unfair Or Wrongful Dismissal**

- Simple case: £20,000-£60,000 (excluding VAT)
- Medium complexity case: £30,000-£120,000 (excluding VAT)
- High complexity case: £80,000-£250,000 (excluding VAT)

These figures are all based on the case continuing through to trial. In reality most cases are resolved before trial.

Cases of medium or high complexity may include claims of wrongful or unfair dismissal but will usually involve other claims as well. Typically high complexity cases will involve claims of discrimination or whistleblowing.

Each day of a tribunal hearing will incur a charge based on the time spent and the hourly rate of the lawyer. This will typically be over £2000 (excluding VAT). In addition counsel's fees

will be incurred each day that the hearing continues (see below). These costs are included within the bands of fees outlined above.

Generally, we would expect a hearing lasting 1-2 days for a simple case, 2-4 days for a medium complexity case and 5 days or more for a high complexity case.

## **Disbursements**

Disbursements are costs related to your matter that are payable to third parties, such as counsel's fees, expert's fees, travel expenses and court fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

Counsel's fees vary according to the experience of the individual counsel. Fees for a hearing are usually based on a brief fee which covers the cost of preparation and the first day of the hearing and "refresher" or a daily rate which is payable for the second and each subsequent day of the hearing. Typical fees for counsel are as follows:

### **Simple case:**

- Brief fee £2000-£4000 (excluding VAT)
- Refresher £1000-2000 (excluding VAT)

### **Medium complexity case:**

- Brief fee £4000-£12,000 (excluding VAT)
- Refresher £1000-3000 (excluding VAT)

### **High complexity case:**

- Brief fee £6000-75,000 (excluding VAT)
- Refresher £1500- 5000 (excluding VAT)

## **Key Stages**

The key stages of a claim which are covered within our normal fees are as follows:

1. 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)
2. Entering into Early conciliation where this is mandatory to explore whether a settlement can be reached;
3. Preparing claim or response
4. Reviewing and advising on claim or response from other party
5. Exploring settlement and negotiating settlement throughout the process
6. Preparing or considering a schedule of loss
7. Preparing for (and attending) a Preliminary Hearing
8. Exchanging documents with the other party and agreeing a bundle of documents
9. Taking witness statements, drafting statements and agreeing their content with witnesses
10. Preparing bundle of documents

11. Reviewing and advising on the other party's witness statements
12. Agreeing a list of issues, a chronology and/or cast list
13. Preparation and attendance at trial including any separate hearing to determine compensation, including instructions to Counsel

The key stages set out above are an indication. If some of stages are not required, the fee will be lower. 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 in accordance with your individual needs.

If there are additional stages the costs will be higher. Additional stages include:

- Making or responding to additional applications, for example applications for specific disclosure, to strike out a claim, to seek additional time to take a step in the process, to seek an unless order to compel the other side to complete a step in the process.
- Joining additional parties or dealing with additional parties.
- Amending pleadings.
- Dealing with appeals

#### **Work we do not undertake**

- We advise on employment but not on tax or pensions. If you need specific advice on these matters we can arrange for you to receive this from other specialists in these fields.
- When advocacy is required we generally instruct counsel save for some preliminary hearings which we conduct ourselves.

#### **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. If a settlement is reached during pre-claim conciliation, your case is likely to take 2-4 weeks. The aim of employment tribunals is to conclude all cases within 26 weeks of the claim starting but in reality it may take longer to conclude, often 40-60 weeks from the claim starting to the final hearing. This is an estimate and we will be able to give you a more accurate timescale once we have more information and as the matter progresses.