Employment tribunals

Pricing Information

The information set out below is a general indication of the costs involved in bringing or defending claims of wrongful or unfair dismissal before an Employment Tribunal

Fees relating to employment tribunals

We provide prompt and practical advice both to employees and employers for bringing and defending claims for wrongful or unfair dismissal.

- Wrongful dismissal is a claim by an employee that their employment was terminated in breach of contract, for example because their employer failed to give them (or pay them for) the required period of notice.
- Unfair dismissal is a claim that can be made by certain employees that their employer acted unreasonably in terminating their employment.

The information set out below is a general indication of the costs involved in bringing or defending claims of wrongful or unfair dismissal before an Employment Tribunal. However, no two situations are the same and we tailor our advice and fees to your own requirements. We will always provide you with a specific estimate of costs, based on the particular circumstances of your case.

• Simple case	£5,000 - £12,000 + VAT
• Medium complexity case	£12,000 - £35,000 + VAT
• High complexity case	upwards of £35,000 + VAT

Other expenses

Employment tribunal fees

There are no fees payable by parties to employment tribunal claims. However the government has indicated that fees may be introduced in the future.

Out of pocket expenses

You will be charged for any out of pocket expenses that we may incur in dealing with your case, for example:

- Travel costs
- Car parking
- Subsistence
- Courier's fees
- Hotel charges

Unless there are exceptional circumstances, we will agree any out of pocket expenses with you before incurring them.

Barrister fees

We may consider it appropriate or more cost effective to instruct a barrister to represent you at the hearing of the tribunal claim. If so, we will agree counsel's fees with you in advance of the hearing.

Counsel's fees can vary depending on a number of factors including: the seniority and experience of the barrister, the complexity of the case, the amount of preparation time required and the length of the hearing.

Simple, medium or high complexity cases

We have set out above a range of likely costs based on whether we regard a case as being 'simple' or of medium or high complexity.

We regard a case as 'simple' if it has one or more of the following features:

- the case is undefended by your opponent
- the facts of the case are straightforward and/or largely agreed by both parties
- it involves a straightforward issue of law
- it is listed by the Employment Tribunal for a hearing of no more than 1 day.

However you should bear in mind that cases which start as simple ones may become medium or high complexity as the case progresses.

Factors that could make a case more complex include:

- complex or disputed issues of law or fact
- multiple, disputed allegations by either party
- numerous witnesses giving evidence on either side
- a claim for a large sum of money even if the claim is otherwise “simple”
- a large volume of documents
- cases listed for a hearing lasting more than 1 day
- amending a claim or defence
- providing further written particulars about the claim or defence
- dealing with complex preliminary issues, for example; - whether the claim was brought in time, or - whether the claimant is disabled
- attending and preparing for preliminary hearings
- making or defending applications to the employment tribunal
- defending claims that are brought by unrepresented claimants
- making or defending a costs application
- allegations of discrimination which are linked to the dismissal
- if there is a mix of corporate and personal liability.

Timescales

The process is likely to take up to 1**8 – 24** months from start to completion. However you should bear in mind:

- more complex claims are likely take longer to conclude than more straightforward claims
- timescales can be affected by factors outside our control, including
    - the efficiency of the tribunal service (for example in dealing with correspondence or listing your case for hearing)
    - the approach of your opponent
    - how quickly and efficiently you provide us with your instructions.

Steps for bringing claims of wrongful or unfair dismissal

Please note that not all of the steps below may be relevant to your case.

Step 1. Instruct one of our solicitors

At our initial meeting or discussion, we will talk you through the details of the case on which you are seeking our advice. We may ask you for additional information and/or documentation. At or shortly after this initial meeting or discussion we will advise you as to your options and the merits of the case. We will provide you with a quote, and if you choose to instruct us to proceed, we will send you our terms of engagement letter confirming your instructions and our charges.

Step 2. Pre-claim conciliation

In most cases, an employee will be required to contact the Advisory, Conciliation and Arbitration Service (ACAS) before lodging an Employment Tribunal claim. We will advise you on the merits of using ACAS's free Early Conciliation service and, if you wish us to do so, conduct any negotiations via ACAS on your behalf.

Step 3. Employment Tribunal claim

We will draft your claim or response, seek your approval of the document and lodge it as appropriate with the Employment Tribunal. We will prepare or consider a schedule of loss setting out the compensation being claimed in the case. It may be necessary to request further particulars from your opponent about aspects of their case. If so, we will draft a request for further particulars, serve on your opponent, consider their responses and seek your comments thereon.

Step 4. Ongoing settlement issues

Even if Early Conciliation has failed the services of ACAS are generally available and, if you wish us to do so, we will continue to discuss with ACAS the possibility that your case may be settled without recourse to a Tribunal hearing. If the case is settled we will advise you about (and if necessary draft) the settlement agreement.

Step 5. Preliminary Hearing

The tribunal may decide that a preliminary hearing is necessary – for example because there is a preliminary issue of law to be dealt with or because the tribunal wishes to better understand and identify the issues in your case. If a preliminary hearing is listed by the tribunal some or all of the following steps may be necessary:

- preparation of an agreed list of issues/chronology
- preparation of agreed directions
- collation of a bundle of documents for use at the preliminary hearing
- drafting any witness statements for use at the preliminary hearing

We will advise you about whether your attendance at the Preliminary Hearing is necessary and discuss whether we will represent you or whether we recommend the instruction of counsel. In some complex cases more than one preliminary hearing may be necessary.

Step 6. Directions

It will be necessary for us to comply with any directions issued by the tribunal. Directions are the procedural steps that the parties must comply with in preparation for the final hearing of your case.

Typical actions we will need to undertake as a result of the tribunal's directions include:

- preparing and responding to requests for further particulars
- collating documents relevant to your case
- disclosing those documents to your opponent
- preparing and agreeing an indexed and paginated bundle of documents for use at the final hearing
- preparing a schedule of loss or counter-schedule
- interviewing you and any of your witnesses who will give evidence at the final hearing
- drafting, seeking approval of and finalising written witness statements of all your witnesses
- exchanging witness statements with your opponent
- considering, advising you about and seeking your comments on your opponents witness statements
- preparing and agreeing a list of issues
- preparing and agreeing a chronology
- lodging witness statements, bundles and other relevant documents with the tribunal in readiness for the hearing.

Step 7. Hearing

Well in advance of the hearing we will discuss with you whether we will represent you at the hearing or whether we recommend that counsel be instructed. If the latter, we will send a written set of instructions to counsel together with copies of all relevant paperwork. Please note that, following the conclusion of the hearing on the merits of your case, there may be a separate hearing to determine the amount of any compensation to be awarded.

Step 8. The decision

The tribunal will either issue its decision about your case orally at the conclusion of the hearing or will send its written decision to the parties at a later stage. Following receipt of the tribunal's decision we will discuss with you the implications of that decision and if necessary advise about your ability to appeal or review the decision.

What is not included in our costs

The fee indications set out in this section are in respect of steps 1 – 8 above. They do not include any subsequent work – for example representing you at any appeal or review hearing or advising you about the merits of any such appeal or review.