

## **Employment Tribunal work: How we charge**

We normally charge for our work on the basis of time spent on a matter, based on hourly rates of £180 - £500 per hour, depending on the seniority and level of experience of the individual working on your matter.

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

- simple case: £20,000 - £50,000;
- medium complexity case: £50,000 - £100,000; or
- high complexity case: £80,000 - £150,000+

The wide range in each of these categories comes down to a number of complicating factors, which may result in an increase in costs.

These include:

- whether 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;
- whether complex allegations form part of the claim, such as safeguarding or whistleblowing complaints etc;
- preliminary issues, such as whether the claim is on time, whether a disclosure is protected under whistleblowing legislation, or only issues to do with employment status etc (if these are not agreed by the parties);
- the need for a Preliminary Hearing, before the Final Tribunal Hearing;
- the number of witnesses;
- the number of documents held by either side and the complexity involved in finding, disclosing and reviewing 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 Hearing bundle;
- if it is an automatic unfair dismissal claim e.g. if it is alleged the dismissal was because of whistleblowing or because of a TUPE transfer etc;
- the length of the Final Tribunal Hearing; and
- making or defending a costs application.

Third party costs Barrister's fees and copying charges are two examples of third party costs that you may incur in addition to our charges. We handle the payment of these on your behalf. The main third-party cost associated with a Tribunal claim is the cost of instructing a barrister (known as Counsel) to represent you at a Tribunal Hearing. This cost will be in addition to our estimated fees above. Counsel's fees for representing you at a Final Tribunal Hearing are normally made up of a brief fee (which includes preparation and attendance at a one-day hearing) and a daily refresher rate (for attending any additional Hearing days). Counsel's fees for representing you at the Final Tribunal Hearing are estimated as follows (depending on the seniority of the advocate):

- a brief fee of between £1,750 - £15,000; and
- a daily refresher rate of between £1,250 - £5,000.

## **Key stages**

The fee estimates set out above cover 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 a claim or response;
- reviewing and advising on the claim or response from the other party;
- corresponding with the Employment Tribunal and the other side;
- preparing or considering a 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;
- reviewing and advising on the other party's witness statements;
- agreeing a list of issues, a chronology and / or cast list;
- instructing and liaising with Counsel; and
- preparation for and attendance at Final Tribunal Hearing.

The stages set out above are an indication and if some stages above 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.

- advising on or engaging in settlement negotiations or preparing and negotiating any paperwork connected with settlement of the claim;
- advising or acting in respect of any claims other than unfair dismissal or wrongful dismissal, for example, discrimination or detriment due to whistleblowing etc;
- any issues under the General Data Protection Regulation (known as GDPR), including 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 Counsel at any stage of the claim, other than the Final Tribunal Hearing (please note that it may often be advisable to include Counsel at an earlier stage than only the Final Tribunal Hearing); or
- advising on or participating in any form of mediation, including judicial mediation.

If any of these issues are relevant to your claim, or arise as part of it, it may increase the fee payable.

## **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, and the length of time it takes the Employment Tribunal to process your claim. If a settlement is reached during pre-claim conciliation,

your case is likely to take 1 – 3 months. If your claim proceeds to a Final Tribunal Hearing, your case is likely to take 9 – 12 months, depending on how long it takes the Tribunal to schedule a hearing (but delays at the Employment Tribunal mean that it can take longer than this for claims to reach Final Tribunal Hearing). This is just an estimate and we will of course be able to give you a more accurate timescale once we have more information and as the matter progresses.

All fees and costs shown above are exclusive of Value Added Tax (VAT) which will be added where applicable to each bill.

Our rates are subject to periodic review. If the rate applicable to a particular matter is varied through that review the client will be notified in writing at the time.