



Employment Tribunal: Claims for Unfair or Wrongful Dismissal

Whether you have been dismissed from your job and are considering bringing an Unfair or Wrongful Dismissal claim or are an employer that needs to defend an Unfair or Wrongful Dismissal claim brought by a former employee, it is important that you understand the costs associated in dealing with it.

All Employment Tribunal claims are different which means that the costs involved can vary greatly. We have set out below by way of guidance an estimated range of costs based on our experience in dealing with these claims.

As a guide, our pricing for bringing and defending claims for Unfair or Wrongful Dismissal is as follows:

Simple case: £7,500-£15,000 (excluding VAT and disbursements)

Medium complexity case: £15,000-£25,000 (excluding VAT and disbursements)

High complexity case: £25,000-£50,000 (excluding VAT and disbursements)

Whether or not your claim is considered to be simple or complex will be discussed with you but factors that could make a claim more complex include:

- If 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 (who do not have legal representation);
- Making or defending a costs application;
- Complex preliminary issues such as whether the claimant is disabled (if this is not agreed by the parties);
- The number of witnesses and documents as this has an impact on the preparation of the claim and the length of any hearings;
- If it is an automatic Unfair Dismissal claim e.g. if you are dismissed after blowing the whistle on your employer; and
- Allegations of discrimination which are linked to the dismissal.

There will be an additional charge for attending a Tribunal Hearing of £300 per hour (excluding VAT). Generally, we would expect a claim to be listed for between 2 and 5 days depending on the complexity of your claim but this is subject to the Tribunal's assessment of the claim and the number of witnesses and documents involved. A complex claim could be listed for more than 5 days.

Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as barrister's fees to provide advice or attend Tribunal Hearings. We handle the payment of the disbursements on your behalf to ensure a smoother process.

Barrister's (or counsel's) fees vary depending on the complexity of the claim and the experience of the barrister but are estimated to be between £750 plus VAT for a junior barrister, £3,500 plus VAT for a barrister who has 10-15 years experience and up to £10,000 plus VAT for a QC per day.

Overall, the cost for attending a Tribunal Hearing will vary depending on the barrister's experience and will include preparation of the case beforehand.

Key stages

The fees set out above cover all of the 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 is subject to change);
- Entering into pre-claim conciliation with ACAS where this is mandatory to explore whether a settlement can be reached;
- Preparing the claim or response form (known as the ET1 or ET3);
- Reviewing and advising on the claim or response from the other party;
- Exploring settlement and negotiating settlement throughout the process;
- Preparing or considering a schedule of loss;
- Preparing for (and attending) a Preliminary Hearing that could be required to determine the issues to be decided in the claim or a preliminary point of law;
- Exchanging documents with the other party and agreeing a bundle of documents;
- Taking witness statements, drafting statements and agreeing their content with witnesses;
- Preparing a bundle of documents;
- Reviewing and advising on the other party's witness statements;
- Agreeing a list of issues, a chronology and/or cast list for use at the final hearing; and
- Preparation and attendance at the final hearing, including instructions to counsel.

The stages set out above are an indication of how the claim could progress. If some of the stages set out above are not required, the fee will be reduced. You may wish to handle the claim yourself and only have our advice in relation to some of the stages. This may be possible and is something that we can discuss with you.

How long with my claim 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 claim is resolved. If a settlement is reached during pre-claim conciliation, your matter is likely to take 8-12 weeks. If your claim proceeds to a final hearing, your claim is likely to take 39-52 weeks. 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 as the overall timescale will be affected by which Tribunal is hearing the claim and how many other claims they are dealing with at the same time.

Other funding options

Other funding options may be available to you to enable you to bring or defend a claim. If you are an employee and are a member of a trade union, your trade union may support your claim. Alternatively, you should check to see if you have any legal expenses insurance already in place that may cover some or all of the costs involved in bringing or defending a claim. This is something that we can discuss with you at an early stage.

Next stage

Dealing with Employment Tribunal claims can be complex so if you have any questions in relation to the information provided above, please do not hesitate to get in touch.