

EMPLOYMENT – EMPLOYMENT UNFAIR OR WRONGFUL DISMISSAL CLAIMS

TYPICAL LEGAL COSTS

There are two main elements to the legal costs of dealing with employment applications on your behalf (whether you are bringing a claim unfair or wrongful dismissal or the defendant to such a claim):

- our charges; and
- expenses we must pay out of your behalf.

OUR CHARGES

Based on our general experience of bringing and / or defending claims for unfair and/or wrongful dismissals through to a full hearing, our charges will usually be:

- simple case £7,500 – £14,000 (excluding VAT);
- medium complexity case £14,000 – £18,000 (excluding VAT);
- high complexity case £18,000 – £25,000 + (excluding VAT).

VAT will be added to our bill where applicable

The exact cost and number of hours it will take depends on

the circumstances of your case. Factors that could make a case more complex include:

- whether it is necessary to make or defend applications to amend claims or to provide further information about an existing claim;
- defending claims against a litigant in person;
- making or defending a costs application;
- the number of witnesses and documents required to resolve the case;
- whether we need to attend any hearings in addition to the barrister presenting the case;
- whether there are any linked discrimination allegations, protected disclosures or other connected claims.

We generally estimate a claim for unfair or wrongful dismissal will involve an employment tribunal hearing of one to three days depending on the complexity of the case. If additional days are required, our charges would usually be correspondingly higher.

COSTS AND EXPENSES

We will instruct a barrister (referred to as 'counsel') to present your case at all hearings in the employment tribunal (unless suitable alternative arrangements are made and appropriate costs agreed). Counsel's brief fee is usually between £1,500 to £2,500, but it can be higher depending on experience of the advocate needed in light of the complexity of the case. The brief fee includes counsel's time for case preparation and time engage on the first day of any employment tribunal hearing. Thereafter, a 'refresher' fee is charged by counsel for each additional day of any hearing, usually at the lower rate of £750 - £1,500 per day. These charges are exclusive of any applicable VAT. If you require solicitor attendance as well as counsel at a hearing, then our solicitor time will be an additional cost based on a day rate between £1,750 – £2,900 plus VAT.

We may incur certain other expenses on your behalf which we will also add to your bill. The amount of expenses can vary. Usually our direct costs, as solicitors working on your case, will be limited to our travel costs only (exclusive of any applicable VAT), for example where we need to travel to take witness statements or be in attendance at a hearing. There are normally no court fees for claims in the employment tribunal. The standard rules on recoverable costs in the employment tribunal mean that you will usually remain liable for all the charges, costs and expenses incurred on your case. This is usually so whether or not a claim is successful.

If there are any other anticipated disbursements eg interpreters' and/or medical experts or other expert fees, these will be discussed with you at the outset of the case. These fees vary depending on the language and number of documents or other expert evidence involved. You may choose to use a friend or other third party of your choice as an interpreter. We will provide an accurate figure once we have seen the relevant documentation for the application.

If we, as solicitors spend additional time on settlement negotiations, which often run alongside the case preparation outlined above, then the time engaged for this will usually be charged separately at agreed hourly rates usually ranging from £290 - £525 plus VAT depending on the seniority of the solicitor engaged.

WORK INVOLVED

The fee estimates 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 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 claim or response from other party;
- exploring settlement and negotiating settlement throughout the process;
- preparing or considering a schedule of loss;
- preparing for and instructing Counsel to attend any Preliminary Hearing or Case Management Discussions;
- exchanging documents with the other party and agreeing a bundle of documents;
- 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;
- preparing for and instructing Counsel to attend the final full Hearing.

The stages set out above are an indication and if some of stages 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 can also be arranged on your individual needs.

LIKELY TIMESCALE AND KEY STAGES

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 two to three weeks to resolve. If your claim proceeds to a Final Hearing, your case is likely to take between 20-52 weeks as this will very much depend on the time table of the employment tribunal. 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.

OUR EXPERTISE

For details of the members of the team who may work on your matter, please see the employment pages on our website. Regardless of who works on your matter, they will be supervised by one of the partners in our employment team.

This publication is not meant as a substitute for advice on particular issues and action should not be taken on the basis of the information in this document alone.

This firm is not authorised by the Financial Conduct Authority (the FCA). However, we are included on the register maintained by the FCA (www.register.fca.org.uk) so that we can offer a limited range of investment services (including insurance mediation activities) because we are authorised and regulated by the Solicitors Regulation Authority (the SRA). We can provide these services if they are an incidental part of the professional services we have been engaged to provide. Mechanisms for complaints and redress if something goes wrong are provided through the SRA and the Legal Ombudsman.

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