

## Employment Tribunal Fee Structuring

### Introduction

Our team of Employment Law experts regularly advise clients on a broad range of employment tribunal claims. No claim is the same and we adapt our approach and strategies to each unique case. Our client's objectives, the strength of the claim, the volume of documentation and the complexity of the issues are all factors that are likely to affect strategy. There are also external factors, such as whether the Claimant is represented and the Tribunal's availability to hear a case that will impact on the costs that are incurred.

With this in mind, our fees in providing representation to our clients can also vary. The following is an illustration of what clients can realistically expect their costs to be when instructing us to represent them in claims for unfair dismissal and wrongful dismissal, subject to a number of assumptions.

### Basis of Engagement

The majority of the Employment Tribunal work we undertake is charged on a time spent basis at our standard hourly rates:-

Director/Associate Director - £350 plus VAT  
Solicitor - £245 plus VAT

Where possible we may agree to undertake elements of the work on a fixed fee basis, including where we have agreed a "price and slice" approach where we have agreed pricing for different tasks associated with the claim, this would typically include:-

- Initial advice
- Drafting of Response
- Preparation for and attendance at a Preliminary Hearing
- Collation of documents and disclosure
- Bundle Preparation
- Preparation of witness statements
- Preparation for final hearing

### Likely costs

Subject to the assumptions listed below, our costs are likely to fall within the following ranges:-

Type of Claim	Likely lower range fee	Likely upper range fee
Wrongful Dismissal	£4,000 plus VAT	£7,000 plus VAT
Unfair Dismissal	£9,000 plus VAT	£13,000 plus VAT

Unfair and Wrongful Dismissal	£10,000 plus VAT	£17,000 plus VAT
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For these purposes we would assume that a wrongful dismissal claim would require only one witness to give evidence on behalf of our client at an employment tribunal hearing that lasts no longer than a day.

In terms of the unfair dismissal claims, whilst the range given can be applied to both unfair and constructive unfair dismissal claims the range given would apply to claims where there are no additional claims (such as claims under the Equality Act 2010 or whistleblowing claims), that only one preliminary hearing is required and that the matter is listed for no more than three days and requires no more than three witnesses to give evidence on behalf of our client.

In all cases, the range assumes that the Claimant would be represented by an employment law specialist or that they would conduct the case reasonably, that no expert medical evidence needs to be considered and that no hearing will be postponed.

### **Representation at the Hearing**

The range of costs provided does not include the costs for representation at the hearing itself. Such representation is generally provided by expert Counsel. We have strong relationships with leading Barristers' Chambers in both Kent and London with whom we work closely on contentious matters.

Counsel's fees are charged as disbursements and are typically the only additional disbursements you will incur based on the assumptions listed above. We will always agree these with you in advance of instructing counsel and will ask for money on account of these fees before the hearing.

Counsel's fees for cases of this nature will generally vary between £1,500 plus VAT and £6,000 plus VAT depending on length of hearing and required preparation time.

### **Timescales**

It is difficult to estimate how long a case will take to conclude at this time due to the significant backlogs and time pressures most Employment Tribunals are under. A straight forward, one day wrongful dismissal claim may be heard within one year of the claim form being issued, but it is more likely that a longer hearing may not be heard for closer to two years after the claim form was issued.