

The SRA's 2018 Transparency Rules require all regulated law firms, who publish as part of their usual business that they offer certain services, to supply information on the prices they charge. For pricing on other types of work, we can provide an estimate upon request.

## **Advice and representation for bringing and defending Employment Tribunal claims for unfair or wrongful dismissal**

Foot Anstey's employment team acts for businesses defending Employment Tribunal (**Tribunal**) claims for unfair or wrongful dismissal (**dismissal**) brought against them by employees. It occasionally represents senior level individuals bringing Tribunal claims against their employers for dismissal.

Our employment team is one of the largest in the South West and includes a number of experienced Tribunal advocates. We have 21 members of the team who may work on your matter including 3 partners, one of whom will have overall responsibility for your matter regardless of who works on it. Details of the members of our team can be found [here](#).

Tribunal cases can vary greatly in both price and complexity. Your case will be dealt with by people whose expertise is appropriate to the task in hand.

### **Our costs**

#### **General**

The cost of us advising and representing you in a claim before the Tribunal are priced on our hourly rates which range from £120+ VAT (for a legal executive or trainee solicitor) to £325 + VAT (for a partner).

For the following types of case the total costs comprising our fees and disbursements (referred to below) would generally range as follows:

- Simple case: £8,000 - £10,000 VAT
- Medium complexity case: £10,000 - 12,000 + VAT
- High complexity case: £ 15,000 - £25,000+ VAT

There is an additional charge for attending a Final Hearing of £1,500 + VAT per day, with advocacy provided by this firm rather than Counsel (ie a barrister). Generally we would allow 1-10 days depending on the complexity of your case.

#### **Disbursements**

Disbursements are costs related to your matter that are payable to third parties. One example is often court fees however the Tribunal does not levy a fee. Another example is Counsel's fees.

Counsel's fees for attending a Final Hearing (including preparation) generally vary between £1,250 to £2,250 + VAT per day depending on their experience. We do not use Counsel for Preliminary Hearings but on your instructions or where more cost effective will use Counsel for a Final Hearing instead of one of our team.

We handle the payment of disbursements on your behalf which ensures a smoother process.

### **The types of case**

#### **A simple case**

A simple case involves only the key stages of a claim (set out below) and only a single cause of action such as unfair dismissal.

#### **More complex cases**

Factors that could make a case more complex, and so increase the cost as set out above, follow.

- Entering into pre-claim conciliation (which can be mandatory in certain cases ) to explore whether a settlement can be reached
- 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
- If a schedule of loss (ie document containing details of loss) is required
- 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
- Substantial numbers of issues, chronology and in the cast (ie people involved)
- If it is an automatic unfair dismissal claim eg if you are dismissed after blowing the whistle on your employer
- Allegations of discrimination which are linked to the dismissal
- Claims involving more than one claiming employee
- Breach of TUPE, collective consultation or equal pay cases

### **What are the key stages of a claim and how long will they take?**

#### ***Key stages***

The fees set out above include all of the work in relation to the following key stages of a claim:

- *Assessing and advising on claim:* Taking your initial instructions, reviewing the papers and advising you on merits, prospects and likely compensation (this advice will be revisited throughout the matter and may change)
- *Drafting and filing your claim or response to it:* Preparing and submitting to the Tribunal either of the following and advising you about them
  - (if you are an employee) the Claim Form outlining your case and the nature of the dispute and the Particulars of Claim which set out the factual detail of your claim and the legal basis for it; or
  - (if you are an employer) the Response Form which sets out the factual detail and legal basis for your reply to the claim
- *Preliminary Hearing:* Preparing for and attending a preliminary hearing before the Tribunal
- *Document disclosure and bundling:* Exchanging documents with the other party, and agreeing and preparing the bundle of documents for the Tribunal
- *Witness statements:* Taking statement for one witness, drafting it and agreeing its content with the witness, and advising on one witness statement from the other side
- *Documents for Final Hearing:* Drafting and agreeing a combined summary setting out the issues, chronology and cast list
- *Final Hearing:* Preparing for and attending a 1 day hearing of the case before the Tribunal, with advocacy provided by this firm rather than a barrister
- *Settlement:* Exploring and negotiating settlement throughout the process

These stages are an indication and if some of them are not required, the fee will be reduced; for example you may wish to handle the claim yourself and only have our advice and/or representation in relation to some of the stages. This can be arranged based on your individual needs.

#### ***How long your matter will 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. In general the stages do not have likely timescales.

If a settlement is reached before a claim is issued, your case is likely to take 2-4 weeks. If your claim proceeds to a Final Hearing, your case is likely to take 6-18 months.

These are just estimates and we will be able to give you a more accurate timescale once we have more information and as the matter progresses.