

## **Fees Information: Employment Tribunal Claims for Unfair Dismissal and Wrongful Dismissal – December 2018**

Julian Taylor Solicitors is obliged by its regulator, the Solicitors Regulation Authority (SRA), to display on our website details about prices we charge individuals and employers for particular types of work: specifically the costs we charge for bringing and defending claims for unfair dismissal and wrongful dismissal (dismissal in breach of contract) in the Employment Tribunal. We provide this information below and hope it will be useful to you in deciding which law firm to instruct.

We will always be happy to discuss what work is likely to be entailed and the potential associated costs when dealing with your employment law needs. Please feel free to contact a member of our team to discuss your specific requirements in more detail.

### **How You Will Be Charged**

Our solicitors work on hourly rates. We do not work on a no-win, no-fee basis or a contingent fee basis. You may have insurance that will cover the cost of bringing or defending a claim. This is something we will discuss with you during our initial consultation.

All our solicitors operate at partner level and are experienced hands. Work is not delegated to junior members of staff. Our hourly rates (which are reviewed annually in March) are currently as follows:

Julian Taylor (Partner)	£275 plus VAT
Nicola Wallbank (Partner)	£275 plus VAT

Our time is charged in six minute units, which means that if you are on the telephone for 3 minutes you will be charged for 1 unit of our time (at a cost of £27.50 plus VAT).

Note that because we charge on a time basis, the more frequently you call or email us, the higher the charges. Similarly the way any opponent in litigation conducts themselves can have an impact on your costs if it requires greater involvement from us.

### **Wrongful and Unfair Dismissal in the Employment Tribunal**

At Julian Taylor Solicitors we act for individuals and businesses in a wide range of claims in the Employment Tribunal and the County and High Court. Due to the complexity of the matters we are often asked to advise on, no two cases are ever the same. Situations, and therefore the costs involved, vary from case to case and depend upon a range of factors. The information below is based on our combined employment law experience and is provided for general guidance purposes only. The below figures are not quotes and the total fees applicable in any case you instruct us on may vary materially.

Wrongful dismissal is a claim brought for dismissal in breach of contract (brought, for example, when an employee has not been given notice of termination when they say they should have been). The limit on compensation for this type of claim in the Employment Tribunal is £25,000. Claims for wrongful dismissal that are worth more than this can be brought in the County or High Court where different pricing (outside of the scope of this note) will apply.

Claims for unfair or wrongful dismissal in the Employment Tribunal are often brought in combination with claims for other things – for example an unfair dismissal claim may be brought in parallel with a discrimination claim, or claims for unfair and wrongful dismissal may be brought in parallel with one another. The existence of additional or combined claims will inevitably make a case more complex and may increase the fees illustrated below.

The following examples are intended to provide a range of costs for both unfair dismissal and/or wrongful dismissal claims in the Employment Tribunal, based on the hourly rates stated above.

- **Simple case:** £15,000 – £30,000 plus VAT and disbursements. For example an unfair dismissal claim following a redundancy consultation process.

- **Medium complexity case:** £30,000 – £50,000 plus VAT and disbursements. For example an unfair dismissal claim relating to a dismissal arising from multiple complex acts of misconduct.
- **High complexity case:** £50,000 – £200,000 plus VAT and disbursements. For example a complex case involving whistleblowing.

Example factors that could make a case more complex (and expensive) include the following:

- If it is necessary to make or defend applications to amend claims or to provide further information about an existing claim or defence.
- Defending claims that are brought by litigants in person (i.e. claims where the Claimant has no legal representative).
- Making an application against the other side that they pay some of your fees.
- Defending an application from the other side that you pay some of their legal fees.
- Dealing with complex preliminary issues (such as whether a claim has been brought within applicable time limits, or whether the Claimant is an employee).
- The number of witnesses and documents.
- The length of the hearing, and whether there are preliminary hearings. Very simple cases can be dealt with in a single day, but hearings can be listed for much longer in more complex cases.
- If the claim involves an alleged automatic unfair dismissal claim (e.g. if the claim relates to a dismissal after an employee has blown the whistle on their employer).
- If data subject access requests are made.

## Disbursements

Disbursements are costs related to your matter payable to third parties such as barristers, expert witnesses or couriers. We usually handle the payment of the disbursements on your behalf, and add the costs to your invoices. We will agree disbursements with you prior to incurring them on your behalf.

The most common disbursements in Employment Tribunal litigation are for barristers' fees. There is a huge range of potential costs for barristers, depending upon their level of experience (hourly rates range from around £150 – 600 plus VAT). We will advise you at the time on whether it will be cost effective to instruct a barrister and match your case to an appropriate barrister given the nature of your case. Barristers' costs commonly break down as follows:

- (i) An hourly rate charged for initial advice or meetings in the run up to a hearing.
- (ii) A "brief fee" that covers preparation for and attendance at the first day of a hearing; and
- (iii) A "refresher fee" which covers any additional days at a hearing.

## Key Stages

The range of fees summarised above is intended to address the typical stages of a claim in the Employment Tribunal for wrongful and/or unfair dismissal. These stages may include:

- 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 be 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 (as applicable).
- 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 to resolve any initial issues in relation to the claim.
- Reviewing potentially relevant documents, and exchanging documents that need to be disclosed with the other side.
- Reviewing the documents disclosed by the other side.
- Agreeing a bundle of documents to be used at the hearing.
- Taking witness statements, drafting statements, and agreeing content with witnesses.
- Reviewing and advising on the other party's witness statements.
- Agreeing a list of issues, a chronology and/or cast list; and
- Preparation and attendance at the final hearing, including instructions to the barrister who will represent you at that hearing.

You may wish to handle the claim yourself in whole or in part and only seek our advice on some of the stages. This can be discussed on a case by case basis and may positively impact on the costs in your case.

## **Timescales**

The time that it takes from taking your initial instructions to the final resolution of your matter depends largely on the circumstances and the stage at which a resolution is reached. If a settlement is reached during pre-claim conciliation then your case could be resolved within a few weeks. On the other hand if your case proceeds to a full hearing it could take over a year to conclude. The tribunal system is currently struggling to cope with the number of claims, which is leading to longer delays in processing claims than we would usually expect. We can give you more accurate timescales once we have more information and as your matter progresses.

## **Other Costs**

No court fees are currently payable to bring an Employment Tribunal claim, although a Claimant can sometimes be ordered to pay a deposit and, in exceptional cases, either party may be ordered to pay the legal costs incurred by the other party to the dispute.

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