

## **Employment (Unfair/Wrongful Dismissal)**

Detailed below is Parfitt Cresswell's guide to the likely costs involved in pursuing or contesting claims of unfair and wrongful dismissal claims in an Employment Tribunal.

### Our charges

Our charges for bringing or defending unfair or wrongful dismissal claims in an Employment Tribunal depend entirely on the amount of work that we have to invest in the matter. Due to the complex and

varying nature of these types of cases, we are unlikely to be able to quote a fixed fee for this type of work.

We have set out below our normal range of costs for dealing with these claims based on our knowledge, experience, and hourly rates. These estimates do not include VAT or any disbursements, such as the fees incurred in you instructing a barrister.

**Simple Case:** £8,000 to £10,000 (excluding VAT, charged at 20%)

**Medium Complexity Case:** £10,000 to £15,000 (excluding VAT, charged at 20%)

**High Complexity:** £15,000 to £25,000 (excluding VAT, charged at 20%)

We charge on an hourly rate which varies depending on the member of staff dealing with your matter. Our solicitors' hourly rates for dealing with unfair dismissal and wrongful dismissal claims are from £325 per hour plus VAT. There may be other funding options available to you such as cover under an insurance policy, and we will explore any alternatives during our initial appointment with you.

Some clients prefer to present their own cases and only call on us for help as and when required at certain stages of the proceedings. Our charges are then determined by reference to the time spent and the applicable hourly rate.

### Is my case more complex?

Factors that could make a case more complex include the following:

- Dealing with applications made by either party including those to amend the claim, amend case management orders or requests for further information.
- Defending claims brought by litigants in person.
- Dealing with an application for costs.
- The number of witnesses and amount of documentation in the case.

- The duration of the hearing.
- The number of preliminary hearings set by the Employment Tribunal.
- Dealing with complex preliminary issues.
- Dealing with any unusual and complex factual or legal issues that may arise.
- Dealing with additional allegations linked to the dismissal such as discrimination or automatic unfair dismissal etc.
- Exploring and pursuing alternative dispute resolution processes such as judicial mediation.

Please note that the above estimates are based on unfair or wrongful dismissal claims only. Should the case be based on other legal issues such as discrimination, whistleblowing or automatic unfair dismissal claims, we will provide you with an appropriate estimate once we have taken further details.

#### What is included?

The fee estimates above include the following stages of a claim:

- Taking initial instructions
- Reviewing papers
- Advising on merits and compensation of the case
- Case and negotiation strategy
- Pre-issue matters such as early conciliation and correspondence with the other party
- Preparing the draft claim form, making any amendments required and submitting this to the Employment Tribunal
- Reviewing and advising on response to claim from other party.
- Preparing or reviewing schedule of loss
- Preparing for and attending a preliminary hearing
- Preparing and exchanging documents (disclosure) and considering other party's disclosure
- Preparation of bundle of documents
- Preparing witness statements and exchanging with other party
- Reviewing other party's witness statements
- Agreeing cast list/chronology and list of issues
- Preparing for final hearing and preparing instructions for Counsel as

appropriate What is not included in our fees estimate above?

- Dealing with any appeal or request for reconsideration of any decision made by the Employment Tribunal
- Preparing any costs application
- Enforcing any award made by the Employment Tribunal

- Disbursements (see below) including the cost of Counsel or any expert witnesses that may be required for your case.
- Fees for our lawyer(s) to attend your hearing if you require this in addition to Counsel being instructed to attend.

### Disbursements

Disbursements are costs related to your matter that are payable to third parties or to us, such as travel expenses or photocopying/printing costs. We generally handle the payment of the disbursements on your behalf and will usually require a payment on account before these costs are incurred.

The main disbursements are the fees for a barrister or Counsel who will put your case forward in the Employment Tribunal. These fees usually consist of a brief fee for preparation of your case and to include the first day of the hearing, and a refresher fee to cover each subsequent day of the hearing, to include the ongoing preparation before and after each day of the Tribunal hearing. Counsel's fees vary depending on the seniority of the barrister, their expertise, and the complexity of the case. Typically, the fees for a junior barrister will be £1,000 - £1,500 plus VAT for the brief fee and £500 to £750 plus VAT for the refresher fee. Instructing more experienced Counsel such as Queen's Counsel (QC) will likely significantly exceed this. We will seek to provide a more accurate estimate of Counsel's fees for approval prior to formally instructing a barrister.

The fees of any expert witnesses that may be required for your case would also be classed as a disbursement and would be payable in addition to our estimate set out above. We will discuss the requirements for any experts you may require for your case and obtain estimates for their fees for you to approve before instructing them.

VAT would be added to these disbursements where applicable (charged

at 20%). How long will my matter take?

The time 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 less than 6 weeks. If your claim proceeds to a final hearing, your case is likely to take over a year. This is just an estimate and is dependent on many factors which may be outside of our control, including the future scheduling of hearing dates by the Employment Tribunal. We will of course be able to give you a more accurate timescale once we have more information and as the matter progresses.

### Meet our Employment Team

Simon and Lydia both act for private individuals and companies advising on a full range of HR and employment issues.

In particular they can advise on matters involving redundancies, disciplinary and grievance procedures as well as drafting employment documentation such as contracts of employment and policy documents. Both frequently advise on settlement agreements.

Simon Steele-Williams qualified as a solicitor in 1991 and supervises our dispute resolution team which our employment work forms part of. Please find a link to Simon's full bio on our website here at <https://www.parfittcresswell.com/lawyer/simon-steele-williams>

Lydia Wawiye qualified as a solicitor in 2008. Please find