

## Employment Tribunal advice and representation:

### Costs information for unfair and wrongful dismissal claims

The amount of legal costs you will be charged depends upon the expertise of the lawyer handling your case, the complexity of the case and various other factors explained below.

Typical costs, based on our experience of representing our clients in wrongful and unfair dismissal claims, up to and including the final hearing stage, are:

Case Type	Bringing a case (acting for the employee)	Defending a case (acting for the employer)
<b>Simple case:</b> Typically a straightforward wrongful dismissal claim relating to a failure to pay notice pay	£2,000-£3,000	£2,500-£3,500
<b>Medium complexity case:</b> Typically an unfair dismissal claim on the grounds of conduct or performance and is listed for a Hearing of 1 day duration	£4,500-£8,500	£5,500-£10,500
<b>High complexity case:</b> Typically an unfair dismissal claim with additional complex elements (e.g. discrimination/whistleblowing) and listed for a multi-day Tribunal Hearing.	From £9,500	From £11,500

*\*Prices shown exclude VAT*

The costs involved in acting for an employer can be higher than those for an employee as employers are subject to different timescales. Representation often involves dealing with more points of contact/witnesses; the employer may have more documents; the employer is often directed by the tribunal to prepare a joint bundle of documents; and an employer is reactive to the Claimant's claim. Accordingly, there can be less control over the direction and duration that the claim will take thus increasing the costs involved.

The costs shown above are typical based upon our experience in handling cases of this nature. Please note that all cases are subject to their own facts and a more accurate estimate on costs will be given at the outset of your instructions following a detailed initial assessment.

**The fees set out above cover all of the work in relation to the following key stages of a claim (so far as they apply to your case):**

- 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 attending) a Preliminary Hearing in a medium/high complexity case
- Exchanging documents with the other party and agreeing a bundle of documents
- Taking witness statements, drafting statements and agreeing their content with witnesses
- Preparing a joint bundle of documents
- Reviewing and advising on the other party's witness statements
- Agreeing a list of issues, a chronology and/or cast list
- Preparation and attendance at Final Hearing, including preparation of brief to Counsel.

The stages set out above are an indication; if some of the stages above are not required, the fee will be reduced. You may wish to handle the claim yourself and only take our advice in relation to some stages. This can be arranged to meet your individual needs.

**Factors that could make a case more complex:**

- The number of days a case is listed for a hearing at the Employment Tribunal
- 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
- Making or defending a costs application
- If an initial assessment on prospects of the case is required by Counsel
- If a conference with Counsel is required
- Complex preliminary issues such as whether the claimant is disabled (if this is not agreed by the parties) or if the claim is brought out of time
- The number of witnesses and documents
- Allegations of discrimination which are linked to the dismissal
- Any other claims brought by the claimant in addition to claims relating to the dismissal itself

**Qualification and experience of the lawyers handling your case**

The employment lawyers dealing with your case could be any combination of the members of our employment team shown below. All of our lawyers specialise in employment law and have years of experience in the field.

### Birmingham

<b>James Leo</b>	<b>Partner, Head of Employment Qualified: 2000</b>	<b>E: <a href="mailto:jleo@wilkes.co.uk">jleo@wilkes.co.uk</a> T: 0121 710 5970</b>
<b>Pam Sidhu</b>	<b>Senior Associate Solicitor Qualified: 2000</b>	<b>E: <a href="mailto:psidhu@wilkes.co.uk">psidhu@wilkes.co.uk</a> T: 0121 710 5818</b>
<b>Lisa Moore</b>	<b>Associate Solicitor Qualified: 2012</b>	<b>E: <a href="mailto:lmoore@wilkes.co.uk">lmoore@wilkes.co.uk</a> T: 0121 710 5847</b>

### Birmingham/Solihull

<b>Jas Dubb</b>	<b>Associate Solicitor Qualified: 2005</b>	<b>E: <a href="mailto:jdubb@wilkes.co.uk">jdubb@wilkes.co.uk</a> T: 0121 710 5929</b>
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### Solihull

<b>Sarah Begley</b>	<b>Solicitor Qualified: 2008</b>	<b>E: <a href="mailto:sbegley@wilkes.co.uk">sbegley@wilkes.co.uk</a> T: 0121 733 4312</b>
<b>Sydney Evans</b>	<b>Legal Assistant</b>	<b>E: <a href="mailto:psidhu@wilkes.co.uk">psidhu@wilkes.co.uk</a> T: 0121 733 4311</b>

### **Disbursements**

Disbursements are costs relating to your matter that are payable to third parties, such as court fees and Counsel's fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

It may be appropriate to instruct Counsel to represent you at the hearing. For the majority of cases Counsel's fees (if applicable) can typically range from between £750 to £1,500 per day (depending on the experience of the advocate) for attendance and representation at a Tribunal Hearing (including preparation). The cost can be much higher for more complex claims that require senior Counsel.

### **How long will my matter take?**

This largely depends on the state at which your case is resolved. If a settlement is reached during pre-claim conciliation, your case is likely to take 4-6 weeks.

If the claim proceeds to a Final Hearing, your case is likely to take up to between 26-39 weeks unless it is listed for a one day Hearing or less. Multi-day cases listed for 5 days or more are more likely to take between 12-18 months. This is just an estimate and we will, of course, be able to give a more accurate timescale once we have more information and as the matter progresses.

## **Legal expenses insurance**

Ordinarily we charge for the advice and assistance that we provide. In certain circumstances we may assist you, if you have Legal Expense Insurance ('LEI insurance') to cover your claim, free of charge\*. If you have an insurance product (e.g. house insurance) you may have optional Legal Expense Insurance which may cover our legal costs for employment advice.

When speaking to us please let us know if you have such insurance cover. We would then check with you whether we would be able to cover our costs under your insurance, and potentially without any cost to you.

*\*This is subject to the terms and conditions of your insurance policy, which you and we would check with you first before confirming our instruction.*