

Employer (Business) – Pricing guide regarding Wrongful Dismissal or Unfair Dismissal

It is often difficult to give a very accurate estimate of the amount of legal advice and assistance that will be required. Each case is different and has varying levels of complexity.

We can provide you with a more precise indication of costs when we have the full information about your case.

Defending claims for unfair or wrongful dismissal, costs estimates

Here are our rough estimates for defending a claim from the start all the way to a final hearing:

- Simple case: from £5,000 to £10,000 plus VAT
- Medium complexity case: from £10,000 to £15,000 plus VAT
- High complexity case: from £15,000 to £30,000 plus VAT, upwards

The estimates are based on an hourly charging rate of £230 plus VAT. It is difficult to be more precise, as each case is different. However, in our experience, the majority of claims settle before the final hearing.

Our fee estimates above, are made on the basis that there is no claim other than a Wrongful or Unfair Dismissal claim e.g. an additional discrimination claim. If there are other claims being made, the estimates are likely to increase. We can, of course, provide a revised estimate if that is the situation.

Please note, you will not be able to obtain these costs back from the other side even if you are successful. It is only on rare occasions that an Employment Tribunal will award a costs order against a party. This is an important consideration. We often provide initial advice to employees at the start of the matter.

Factors that could make a case more complex:

- If it is necessary to make an application to amend the claim or to provide further information about an existing claim;
- Making or defending a costs application;
- If expert evidence is required;

- The number of witnesses and documents;
- If the claim is an automatic unfair dismissal claim; and
- Allegations of discrimination which are linked to the dismissal.

Disbursements

Disbursements are costs related to your matter that are payable to third parties. There are no longer any Employment Tribunal fees to pay (such as a fee for starting a claim or hearing fees).

At a final hearing of the case before an Employment Tribunal, you may need to use the services of a barrister (often referred to as Counsel). Counsel's fees range from around £750 plus VAT to around £1000 plus VAT per day (depending on experience) for attending a Tribunal Hearing.

Counsel could be required earlier in the case, and we would discuss the need with you. He/she would charge at an hourly rate and we would always obtain a fee estimate for the work before instructing the barrister.

Key stages

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

- Taking your initial instructions, reviewing the papers and advising you on the merits of the Claimant's claim (this is likely to be revisited throughout the matter and subject to change);
- Engaging with pre-claim conciliation to explore whether a settlement can be reached;
- Preparing response;
- Reviewing and advising on a claim from another party;
- Exploring settlement and negotiating settlement throughout the process;
- Considering a claimant's schedule of loss;
- Preparing for and attending a Preliminary Hearing;
- 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 bundle of documents, reviewing and advising on the other party's witness statements;
- Agreeing a list of issues, a chronology and/or cast list; and
- Preparation for Final Hearing, including instructions to Counsel to represent you at the Tribunal.

The stages set out above are an indication only, and if some of stages above are not required, the fee will be reduced. You may wish to handle the claim yourself and only have our advice in relation to some of the stages.

How long will my matter 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. If a settlement is reached during early conciliation, your case is likely to be resolved within 2–4 weeks. If your claim cannot be settled and proceeds all the way to a Final Hearing, your case is likely to take roughly 6–9 months. This is only an estimate and we will of course be able to give you a more accurate timescale once we have more information, and as the matter progresses.