

Costs information for unfair dismissal and wrongful dismissal claims

Introduction

All unfair and wrongful dismissal claims for individuals or businesses are dealt with by our team of experienced solicitors, which is headed up by Selene Holden. You can find out more information about the members of our Employment team from this page.

We do not carry out work on a fixed fee basis. We will charge for work based on the time spent working for you and the hourly rate of the person(s) carrying out the work. Our hourly rates currently range from £315 to £350, plus VAT at 20%.

Before we start work for you, we will provide a tailored estimate based on your needs and the exact circumstances of your case. We do this because all cases are different, and our costs vary from case-to-case, depending on the exact circumstances.

Insurance

If you are an individual you may have legal expenses insurance (LEI) which could cover some of the fees you will incur in pursuing a Tribunal claim. You may have LEI under the terms of an insurance policy, as a benefit attached to your bank account or through membership of a trade union or professional association. So please do check your insurance, banking and membership documents or contact your providers directly to find out whether LEI is included.

What will we do?

If we act for you in connection with an unfair dismissal claim or wrongful dismissal claim, the work we will carry out for you will usually include:

- Taking your initial instructions, reviewing any relevant documents, and advising you on the merits of your claim or defence and likely compensation;
- Exploring whether a settlement can be reached (including entering into pre-claim conciliation in some cases, and negotiating any settlement agreement);
- Preparing your formal claim or response to submit to the Employment Tribunal, and reviewing any claim or response from your opponent;
- Preparing or considering a schedule of loss or counter-schedule of loss;
- Preparing for (and attending) a Preliminary Hearing in the Employment Tribunal, which may include preparing instructions to a barrister to represent you at the Hearing;
- Exchanging documents with the other party and preparing or agreeing a bundle of documents in preparation for the Final Hearing;
- Taking and drafting witness statements, and reviewing the other party's witness statements; and
- Preparing for, and attending, a Final Hearing, including preparing instructions to a barrister to represent you at the Hearing. There will be an additional charge if a solicitor from within the team attends the Final Hearing in addition to the barrister, which will be charged at the relevant solicitor's hourly rate, and shall include charges for travelling time and attending the Employment Tribunal. The length of the Final Hearing will depend on the complexity of your case and can range from ½ day

for a very simple wrongful dismissal claim to a week or more for complex unfair dismissal or discrimination claims.

We are always happy to discuss our advice with you, and tailor the advice we provide to your specific requirements.

What will it cost?

Typically, our fees for the work set out above (in relation to unfair dismissal and wrongful dismissal claims only) will be as follows, although if you instruct us we will provide you with a fee estimate relevant to your specific case and the information below is for guidance only:

- For straightforward cases: £5,000 - £10,000 (plus VAT of £1,000 - £2,000)
- For medium complexity cases: £10,000 - £25,000 (plus VAT of £2,000 - £5,000)
- For high complexity cases: £25,000 - £50,000 (plus VAT of £5,000 - £10,000)

If your case only relates to wrongful dismissal your costs may be less than those set out above.

Factors that determine the complexity of a case include:

- The number of allegations;
- Whether it is necessary to make or defend applications to amend pleadings or to provide further information about an existing claim or defence;
- Defending claims that are brought by litigants in person, or pursuing claims where the employer is not legally represented;
- Whether it is necessary to make or defend an application for costs from your opponent;
- The presence of complex preliminary issues such as whether the claim or response (of part of the claim or response) should be struck out (for example, if it is argued that the claim or response is out of time or does not have reasonable prospects of success), or if there is a dispute about whether the claimant was an employee or self-employed;
- The number of witnesses, documents and experts; and
- Whether the claim is an automatic unfair dismissal claim (for example if the claimant is dismissed after blowing the whistle to their employer).

In addition to our fees, you may incur other costs in connection with your case (sometimes referred to as 'disbursements'). These will be as follows:

• **Barrister fees:** We typically instruct a barrister to conduct the advocacy at any Employment Tribunal hearing. We work with a range of barristers and can recommend the barrister that we think is best suited to your case. The barrister's fees will depend on their experience, the amount of work required, and the complexity of your case, but are likely to be in the range of:

- For straightforward cases: £1,800 - £5,400 (plus VAT at 20%)
- For medium complexity cases: £4,200 - £9,600 (plus VAT at 20%)

- High complexity cases: £9,600 - £36,000 (plus VAT at 20%).
- **Expert or medical fees:** if an expert witness is required (e.g. a forensic accountant or a medical expert), they will also charge fees for their report and to attend any hearing.
- **Other disbursements:** any other costs related to your matter that are payable in addition to our fees. For example, travel expenses.

Please note, the above range of costs does not apply to the bringing or defending the following types of claims:

- Discrimination;
- Equal Pay;
- Whistleblowing or health and safety claims;
- High value wrongful dismissal claims (i.e. those claims worth more than £25,000 and that will need be issued in the County Courts); and
- Claims issued on behalf of a group of litigants (for example where more than one claimant issues in relation to the same or similar facts).

We have considerable experience advising clients in each of these areas and would be happy to provide you with a bespoke costs estimate on request.

How long will my case take?

The time that it takes from taking your initial instructions to the final resolution of the case depends on the complexity of the case and the stage at which your case is resolved. If a settlement is reached during pre-claim conciliation, your case may take in the region of 2- 6 weeks to resolve, depending at which point we are instructed. If your claim proceeds to a Final Hearing, your case normally may take 26 - 52 weeks to resolve and in some cases longer, depending on when the Employment Tribunal is able to list your case for a hearing. However, COVID-19 has resulted in cases been postponed (sometimes at the last minute) and further delays in matters being heard by the Employment Tribunal.

This is just an estimate and we will be able to give you a more accurate timescale once we have more information and as the matter progresses.

Will I be able to recover fees if I win?

The general position in the Employment Tribunal is that each party will pay its own costs, whatever the outcome. However, there are some circumstances in which you might be able to claim some of your costs back. These are:

- The other side or their representative has acted vexatiously, abusively, disruptively or otherwise unreasonably;
- The claim pursued or defended was misconceived.

We would advise you further as appropriate.

Further information

If you would like more information about our services, our costs and the timescales involved, please contact Selene Holden (seleneholden@greene-greene.com or 01284 717436), or any of our Employment Team, to discuss your case further.