

This note sets out the likely costs involved when we deal with Employment Tribunal (Unfair or Wrongful Dismissal) Claims.

Once we understand what you need from us, we will discuss with you what our likely charges will be based on our hourly rates and the complexity of your case.

(These fees are also applicable to businesses who are defending a claim in the Employment Tribunal).

Bringing/Defending a Claim

The table below sets out the likely costs:

Case Type	Our Fees
Simple Complexity	£2,000 – £5,500
Medium Complexity	£5,500 - £12,5000
High Complexity	£6,000 - £20,000
	All plus VAT

Disbursements and costs

There are currently no fees payable to the tribunal to start a claim.

You should be aware that if you are unsuccessful at an Employment Tribunal you may be ordered to pay some or all of the other side's costs.

If you are successful you may be able to claim some of your costs from the other side. However, it is unlikely you will be able to claim all of your costs.

Factors affecting the complexity of a case

- The type of claim.
Simple claims usually relate to one issue e.g. unlawful deductions from wages. Dismissal claims will usually be medium to high complexity. Discrimination claims and whistle blowing claims will generally be highly complex.
- The necessity to make or alter existing claims. This could include defending a claim from the other side or having to provide further information about an existing claim.
- Complex issues to the case, e.g. in a disability discrimination claim where the disability is disputed or if there are allegations of discrimination which are linked to the dismissal.
- The number of witnesses and volume of documents supporting your case and your opponent's case.
- Arguments about the status of a claimant, e.g. whether they are an employee or a worker.
- Whether a barrister is required to attend a hearing or be instructed to advise on a claim, or if a conference is needed.

Timescales

The time scale for a claim in the Employment Tribunal can vary based on:

- the complexity of the case
- whether it can be resolved
- if resolved at what stage
- whether a final hearing at the Employment Tribunal is required
- Tribunal capacity and availability

Timescales for making or defending a costs application:

- If the case is resolved during the pre-claim conciliation, your case is likely to take under 4 months.
- If we have to proceed beyond pre-claim conciliation then the process may take a further 6 – 8 months, but it could take longer.

Stages of a claim in the Employment Tribunal

- Obtaining your ID, receiving your first instructions, reviewing the papers and advising you on merits and likely compensation.
- Carrying out further investigations and interviewing witnesses.
- Entering into pre-claim conciliation to see whether a satisfactory settlement can be reached.
- Preparing the main claim or responses.
- Reviewing and advising on the claim or response from other party.
- Exploring settlement options and negotiating a satisfactory settlement throughout the whole process.
- Preparing or considering a schedule of loss.
- Preparing for (and attending) a Preliminary Hearing or instructing counsel to.
- Dealing with documentation for disclosure and preparing a list.
- Exchanging documents with the other party, reviewing disclosure received, and taking instructions.
- Agreeing a bundle of documents for a hearing.
- Taking witness statements, drafting statements and agreeing their content with witnesses.
- 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, which may require instructing a barrister.

Karen Phillips has a wealth of experience and also holds a postgraduate Advanced Certificate in Employment Law. In the 30 years since she qualified she has acted for both individuals and business clients. She is assisted by an experienced team of legally qualified Paralegals.



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