

# EMPLOYMENT TRIBUNAL

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Pricing Information

This document sets out the pricing guidance for employment matters where:

- ▶ a business wishes to [defend a claim for unfair or wrongful dismissal](#) in the Employment Tribunal; or
- ▶ an individual wishes to [bring a claim for unfair or wrongful dismissal](#) in the Employment Tribunal.

The Firm advises on a broad range of employment issues, including unfair and wrongful dismissal claims in the Employment Tribunal. This document provides the information required by the SRA Transparency Rules in relation to unfair and wrongful dismissal claims in the Employment Tribunal only. For details of the broader services the Group provides please [click here](#). We are committed to price transparency in all our work and for all instructions we provide estimates at the outset based on the specific circumstances of the matter. We also offer a variety of flexible pricing arrangements.

The claims we advise on can typically be divided into complex claims, and more standard cases, and our pricing reflects amongst other things the complexity, level of service and geographical location of the team required for the matter.

We use technology to manage claims as efficiently as possible, and for business clients dealing with multiple claims we offer bespoke solutions and pricing arrangements to deliver a technology enabled efficient and cost effective service. These result in a lower cost per claim than the prices quoted below.

**Please note that the Firm does not act for employees on standard unfair or wrongful dismissal claims in the Employment Tribunal.**

## Defending a claim for unfair or wrongful dismissal

### Price

#### Legal Fee

For a **standard case** our typical fee range would be between £15,000 and £30,000.

For more **complex cases** our typical fee will be in the range of £30,000 and £250,000.

The above ranges are based on hourly rates of between £105 and £735. The applicable hourly rates, will depend on a number of factors including the complexity of your matter (which impacts on the appropriate level of lawyer(s) to deal with it) and the geographical location of the lawyers working on your matter.

The ranges do not include VAT (currently at 20%) which will be added to the invoice, nor does it include any associated disbursements (see below)

\* Our fee for **standard cases** assumes that:

- ▶ The claim is solely for unfair and/or wrongful dismissal in the Employment Tribunal and does not include any additional elements such as discrimination or whistleblowing;
- ▶ There is no counterclaim brought by the employer;
- ▶ The claim is made against a UK-based company;
- ▶ The employee is based in the UK and their employment status is not disputed;
- ▶ There is no separate County Court or High Court claim for wrongful dismissal.

A **complex case** would involve factors such as (but not limited to):

- ▶ There was an automatic unfair dismissal claim, for example where the dismissal is because of whistleblowing;
- ▶ There is a counterclaim being brought by the employer;
- ▶ There are several employers involved;
- ▶ Employment status is in dispute;

- ▶ It involved a significant point of law having wider impact for the employer;
- ▶ It is not clear if the Employment Tribunal has jurisdiction because of where the employer or the individual are based;
- ▶ There are related High Court proceedings;
- ▶ There is a related complex employment claim, for example discrimination; or
- ▶ The unfair dismissal claim has wider financial impact e.g. where it determines good leaver / bad leaver status for an employee's shareholding, bonus or other incentive.

The fee ranges above are intended to cover all of the work required to defend a claim for unfair or wrongful dismissal in the Employment Tribunal .

This may include:

- ▶ 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 the response to the claim, as applicable
- ▶ Exploring settlement and negotiating settlement throughout the process
- ▶ Reviewing a schedule of loss and preparing a counter schedule if applicable
- ▶ 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 bundle of documents for the hearing
- ▶ Reviewing and advising on the other party's witness statements
- ▶ Agreeing a list of issues, a chronology and/or cast list
- ▶ Preparation for the hearing, including instructions to Counsel, and attendance on the first day in standard claims and for the whole hearing in complex claims.

### **Disbursements**

Disbursements are costs related to your matter that are payable to third parties, such as court fees, and do not make up our Legal Fee. We handle the payment of the disbursements on your behalf to ensure a smoother process, but may require you to put us into funds in order to do so.

Disbursements will vary from matter to matter, but in a typical employment tribunal matter we would expect to see some (or all) of the following disbursements.

- ▶ Costs for copying & preparing hearing bundles;
- ▶ Counsel's fees.

Please note that unless we agree an alternative fee arrangement (such as no win, no fee), our fees will be payable regardless of the outcome of your claim. The usual costs rule in the Employment Tribunal is that each party bears its own costs so unless the Tribunal determines that the claimant had acted vexatiously, abusively, disruptively or otherwise unreasonably, even if you are successful, it is unlikely that the Tribunal would order your former employee to make a contribution to your costs.

## How long will the matter take?

On average, a typical claim for unfair or wrongful dismissal in the Employment Tribunal will take between 9-24 months to reach a full hearing (trial), based on the current processing times in Employment Tribunals. These time periods vary from location to location depending on the resources available at a particular tribunal and the estimated time of the full hearing.

### Stages of the process

The precise stages involved in claim in the Employment Tribunal will differ from matter to matter. We will keep you informed as to the progress of your individual matter, however, below we have suggested some key stages of a typical claim:

- ▶ 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
- ▶ Issuing your response to the claim
- ▶ Complying with Employment Tribunal's timetable re: disclosure, witness statements, schedule of loss
- ▶ Exploring settlement and negotiating settlement throughout the process
- ▶ Preparation for the Final Hearing, including instructions to Counsel

The stages set out above are an indication and if some of stages above are not required, the fee may be lower.

## Bringing a claim for unfair or wrongful dismissal

We primarily act for businesses on employment law issues, however, from time to time we do advise employees on complex claims.

Please note we do not undertake standard unfair dismissal or wrongful dismissal claims in the Employment Tribunal for individual claimants.

### Price

#### Legal Fee

Where the Firm is instructed to pursue a claim for unfair or wrongful dismissal in the Employment Tribunal then our typical fees will vary depending on the scope of instruction and level of service required.

For **complex cases** our typical fee will be in the range of £30,000 and £250,000.

The above ranges are based on hourly rates of between £105 and £750. The applicable hourly rates, will depend on a number of factors including the complexity of your matter (which impacts on the appropriate level of lawyer(s) to deal with it) and the geographical location of the lawyers working on your matter.

The ranges do not include VAT (currently at 20%) which will be added to the invoice, nor does it include any associated disbursements (see below)

- ▶ A **complex case** would involve factors such as (but not limited to):
- ▶ There was an automatic unfair dismissal claim, for example where the dismissal is because of whistleblowing;
- ▶ There is a counterclaim being brought by the employer;
- ▶ There are several employers involved;
- ▶ Employment status is in dispute;
- ▶ It involved a significant point of law having wider impact for the employer;

- ▶ It is not clear if the Employment Tribunal has jurisdiction because of where the employer or the individual are based;
- ▶ There are related High Court proceedings;
- ▶ There is a related complex employment claim, for example discrimination; or
- ▶ The unfair dismissal claim has wider financial impact e.g. when it determines good leaver / bad leaver status for an employee's shareholding, bonus or other incentive.

### **What is included in the fee?**

The fee range above is intended to cover all of the work required to bring a claim for unfair or wrongful dismissal in the Employment Tribunal:

This may include:

- ▶ 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 the claim, as applicable and reviewing the response from the employer;
- ▶ Exploring settlement and negotiating settlement throughout the process;
- ▶ Preparing a 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 bundle of documents for the hearing;
- ▶ Reviewing and advising on the other party's witness statements;
- ▶ Agreeing a list of issues, a chronology and/or cast list; or
- ▶ Preparation for the hearing, including instructions to Counsel, and attendance at the hearing

### **Disbursements**

Disbursements are costs related to your matter that are payable to third parties, such as court fees, and do not make up our Legal Fee. We handle the payment of the disbursements on your behalf to ensure a smoother process, but may require you to put us into funds in order to do so.

Disbursements will vary from matter to matter, but in a typical matter we would expect to see some (or all) of the following disbursements.

- ▶ Costs for copying and preparing hearing bundles;
- ▶ Counsel's fees

Please note that unless we agree an alternative fee arrangement (such as no win no fee), our fees will be payable regardless of the outcome of your claim. The usual costs rule in the Employment Tribunal is that each party bears its own costs so even if you are successful, it is unlikely that the Tribunal would order your former employer to make a contribution to your costs unless the Tribunal determined it had acted vexatiously, abusively, disruptively or otherwise unreasonably .

## **Legal expenses insurance**

Some individuals will have legal expenses insurance policies which cover the costs of bringing a claim in the Employment Tribunal in certain circumstances. Usually the insurer will want advice on the merits of the claim before confirming cover. Prior to instructing a solicitor you should check whether or not you have such a policy. Often cover can be linked to other policies such as household

contents insurance for example. Where cover is available the insurer usually identifies the law firm or a panel of law firms from which you can choose. We do not undertake insurance backed unfair or wrongful dismissal claims in the Employment Tribunal for individuals.

## How long will the matter take?

On average, a typical claim for unfair or wrongful dismissal in the Employment Tribunal will take between 9-24 months to reach a full hearing (trial) based on the current processing times in Employment Tribunals. These time periods vary from location to location depending on the resources available at a particular tribunal and the estimated length of a full hearing.

### Stages of the process

The precise stages involved in claim in the Employment Tribunal will differ from matter to matter. We will keep you informed as to the progress of your individual matter, however, below we have suggested some key stages of a typical claim:

- ▶ 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;
- ▶ Issuing claim documents;
- ▶ Complying with Employment Tribunal's timetable re: disclosure, witness statements, schedule of loss;
- ▶ Exploring settlement and negotiating settlement throughout the process;
- ▶ Preparation for the Final Hearing, including instructions to Counsel; or

The stages set out above are an indication and if some of stages above are not required, the fee may be lower.

## The Team

Your matter will be handled by the Firm's Employment, Incentives and Immigration Group. If you instruct us we will provide you with the names of individual lawyers who will be acting on your matter, including the partner responsible for overall supervision. You can find information about the people who work in our [Employment Incentives and Immigration Group here](#).

For a more accurate quote or to discuss instructing us please contact Michael Leftley, Partner and Head of the Employment, Incentives and Immigration Group on +44 (0)207 788 5079 or via email [Michael.leftley@addleshawgoddard.com](mailto:Michael.leftley@addleshawgoddard.com).

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Aberdeen, Doha, Dubai, Edinburgh, Glasgow, Hong Kong, Leeds, London, Manchester, Muscat, Singapore and Tokyo\*

\*a formal alliance with Hashidate Law Office

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