

EMPLOYMENT TRIBUNAL

DEFENDING CLAIMS FOR UNFAIR OR WRONGFUL DISMISSAL

Estimate of average cost

As a rule of thumb, the overall cost of defending an employment tribunal matter depends on the amount of evidence that is required to be dealt with and the complexity of the issues.

Broadly speaking, each day in tribunal costs between £5,000.00 and £8,000.00 (inc of vat) so a three day case would cost somewhere between £15,000.00 and £24,000.00 (inc of vat) in fees.

Estimate of how long it usually takes

The length of time that it takes a claim to proceed to a final hearing depends entirely on the listing of the case by the Employment Tribunal. The Employment Tribunals aim to have a case listed for a hearing within 26 weeks of the service of the claim form on the employer but, in reality, it is nearer to 52 weeks.

We will endeavour to give you a more accurate timescale once we have more information of your own matter, and as the matter progresses.

For an average tribunal that we would expect to last for 3 days, we make the following assumptions:

- Taking initial instructions, reviewing the papers, advising on the claim and preparing the defence
- Exploring settlement and negotiating settlement throughout the process
- Considering and advising on the employee's schedule of loss
- Preparing for (and attending) a Preliminary Hearing
- Obtaining your disclosure documents, reviewing them, exchanging documents with the employee and reviewing his/her documents and then agreeing a joint bundle of documents
- Interviewing your witnesses for the purposes of witness statements, drafting statements and agreeing their content with witnesses prior to exchanging witness statements with the employee
- Reviewing and advising on the employee's witness statements
- Agreeing a list of issues
- Preparation and attendance at Final Hearing, including preparing instructions to Counsel.

Factors that indicate a higher complexity include:

- Making or defending applications to amend claims or to obtain/provide further information about an existing claim
- Attendance at judicial mediation
- Defending claims that are brought by litigants in person
- Making or defending a costs application
- Where there are preliminary issues (such as where the claim is brought out of time or where there is an interim relief application)
- Where there are substantial numbers of witnesses or documents
- If the allegations include claims that the dismissal was for an inadmissible reason (e.g. whistle-blowing)
- Where there are separate hearings on liability and remedy

Disbursements will be charged in addition to our fees. For this type of work, we expect the following disbursements to be incurred:

Counsel's (barristers fees will vary depending on the level of experience of Counsel instructed. Counsel charge a "Brief Fee" which includes the preparation for the hearing and attendance on the first day and then a "Refresher" for each day after that.

For a 3 day unfair dismissal hearing using a middle ranking barrister, the Brief Fee would be estimated to be between £4,200.00-£9,000.00 (inc of vat).

The estimate for the Refresher would be between £600.00 and £1,800.00 per day (inc of vat), which would make Counsel's fees for the whole hearing somewhere between £5,400.00 and £12,600.00 (inc vat).

Additional information

If the work you need us to do for you does not fit into the normal range of service we have set out in this illustration, please speak to us and we will be happy to give you a full detailed scope of fees.

Our people that can do this type of work:



JON TAYLOR
PRINCIPAL

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I advise on a full range of employment and HR related matters for employers including TUPE, discrimination and whistleblowing. I also provide training on HR matters for HR teams and managers.

I am an accredited CEDR mediator, head of our Employment Team and a member of our Operational Board.

I qualified as a solicitor in November 1993, and have a wealth of experience in this area.



PRIYA LAKHANI
SOLICITOR

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After several years in the property sector gaining experience at leading firms in the midlands and south east of England, I advise clients on a range of residential and commercial real estate with a particular focus on healthcare, finance and development related matters.