

## Pricing overview

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Employment tribunal claims (for claimant)



Solicitors **Regulation** Authority



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*“They are excellent and have broad-based expertise. Crucially, their advice is delivered in a timely manner while maintaining accuracy.”*  
Chambers UK, 2018

## Introduction

The purpose of our pricing overview is to explain the pricing options available to you. Brachers is committed to transparency, being efficient in handling your work and providing you with what to expect, without fear of unpleasant surprises.

It is our goal to provide you with exceptional quality work and the personal attention you would expect.

Once you have chosen the pricing option that suits your needs best, this will provide us with clarity as to the scope of our engagement.

We look forward to working with you.

## Fee estimate

### Cost ranges

#### How it works

We offer a range of pricing solutions to individuals considering an Employment Tribunal (ET) claim.

We have also included indicative pricing for two of the most common types of claim; unfair dismissal and wrongful dismissal. The cost ranges are based on our hourly rate charging basis. The full basis for this is set out in our Terms and Conditions document (available upon request).

Our current standard hourly rates for ET claims are:

Partners	£325.00 plus VAT
Associates	£265.00 plus VAT
Solicitors	£225.00 plus VAT
Trainee Solicitors	£125.00 plus VAT

#### Price

To give an indication of potential overall costs for representing an individual claimant in an ET claim to and including a final employment tribunal hearing:

Unfair Dismissal Claim	£8,000 - £15,000
Wrongful Dismissal Claim	£3,000 - £6,000
Combined Unfair Dismissal & Wrongful Dismissal Claim	£10,000 - £20,000

(Prices plus VAT (currently at 20%) in each case.)

*Please note that these costs apply to wrongful dismissal claims in an employment tribunal. In some cases a wrongful dismissal claim (breach of contract) may be brought in the normal courts – normally when the value is over £25,000. The costs regime in such claims is different.*

#### Q&A

#### **Why is the combined range less than the other two added together?**

It is common for an unfair dismissal case to be accompanied by a wrongful dismissal claim, particularly in gross misconduct dismissal cases where dismissal is normally immediate and without notice. Dealing with both claims together often saves on time overall as compared to dealing with them separate.

#### **Why is the range so wide?**

The first reason is that there are two types of unfair and wrongful dismissal claim.

The first type are cases where the employee is actually dismissed/has their contract terminated by the Employer – “actual” dismissals.

The second type are cases where the employee resigns in response to the Employer’s actions or inactions – “constructive” dismissals.

Constructive dismissal cases are often significantly more complex. They often cover allegations spanning a significant time period and require a far greater volume of documentation and a higher number of witnesses to defend. This materially alters the costs.

In addition not all unfair dismissal claims are equal. Some may involve more complex factual and evidential issues such as whistleblowing or claims of automatic unfair dismissal on various grounds or related issues such as employment status.

## What may increase or decrease the costs?

In our experience the main issues that can materially impact on the costs of an unfair dismissal or constructive unfair dismissal claim are:

- The expertise, professionalism, attitude and behaviour of the Respondent or their representative; this can be a particular issue with some litigants acting for themselves.
- The willingness of the parties to settle and at what stage of the process.
- The number of witnesses required, which is commonly higher in a constructive claim than an 'actual' unfair dismissal claim.
- The volume and complexity of the documentary evidence, which is commonly more voluminous in a constructive dismissal claim and often covers a far greater period of time.
- Delay, postponements and adjournments which can for example occur due to the Tribunal cancelling hearings or changing the directions in a case often at short notice.

## Are there any other third party costs/disbursements?

The most common disbursement in a wrongful dismissal claim or an unfair dismissal claim is counsel's fees for carrying out the advocacy at a full hearing.

The above cost ranges are inclusive of these fees including the VAT that applies to them.

Experts reports are very rarely required in these types of claims but any costs would be separate. No other disbursements normally apply to these types of claim.

## Can I recover my costs from the Respondent if we win?

Not normally. The standard position in an Employment Tribunal claim is that each party bears its own legal and professional costs, win or lose.

There can be exceptional cases where the weakness of the case being brought (or defended) or the manner in which it is pursued (or defended) can lead to a costs award being made against one of the parties for the whole or part of their legal costs but these are in practice very rare and often do not cover the majority of the actual costs incurred.

## The ET process

The ET process is normally made of the following key stages:



## Timescale

In some cases it is necessary to deal with some aspects of the case though preliminary applications or hearings.

For example not all cases are clearly explained in the Claim Form. It can be necessary to make applications for further information about the claim in order to deal with it.

In other cases it can be necessary to make applications during the process where for example orders and directions have not been complied with by the Respondent.

It can also in some cases be more cost efficient to seek to deal with a preliminary issue, such as say a claim being issued out of time, or being of a type that the ET has no jurisdiction to hear at an early preliminary hearing rather than a full hearing.

## How long will my case take?

This is very difficult to estimate. There is no fixed timescale for each case. How quickly cases are handled, dealt with and listed for hearings varies significantly from tribunal to tribunal and varies with their caseloads and judicial availability.

At the present time we are seeing cases that have been recently issued listed for hearings between 6 and 12 months in the future albeit the Tribunal system is currently taking steps to increase its capacity to deal with the major increase in claims following the abolition of tribunal fees.

It is not however uncommon for the Tribunals to issue directions that require all of the other phases of the claim (up to and including the preparation and exchange of witness statements) within a few months of the claim being issued despite there then being a long gap before an eventual hearing.

## Insurance

We will be happy to consider taking on claims where our fees are being met by an insurer.

Commonly we have to review the level of fees the insurance cover will provide and then discuss with you whether this would provide sufficient sums to cover our fees in whole or in part.

## Do you do no win no fee or conditional fees?

No.

## Useful websites

<https://www.brachers.co.uk/for-business/employment-hr>

*(Information on our Employment team)*

## Contact



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