

Costs estimate for asb law defending the claim up to the employment tribunal hearing

Simple case	£5,000 + VAT to £8,000 + VAT
Medium complexity case	£8,000 to £11,000 + VAT
High complexity case	£11,000 to £16,500 + VAT

To assist you in deciding whether or not to instruct us to defend your business you will receive a detailed scope of work including fixed fees for each phase of the project.

The above range of fees applies to claims for unfair dismissal and wrongful dismissal raised in the employment tribunal only. If a discrimination claim is brought with the unfair dismissal claim, then this would be outside the above costs estimates and we would provide a separate fixed fee.

Profiles of our [employment team](#) are available on our website. If you have any queries, please contact **Rebecca Jorgensen, Partner and Head of Employment** – we would be happy to discuss.

Factors that can make a claim more complex and affect pricing

The range of fees set out above and the level of fixed fee in your matter is based on a number of conditions and exclusions relating to your claim, which will include some or all of the below:

- Whether whistleblowing is raised in the context of an unfair dismissal claim. These claims can be extremely complex. If the complexity is such that it is likely to exceed the costs estimates above, we will advise you of this at the outset.
- The number of days that the hearing in your claim is listed by the employment tribunal.
- The number of witnesses for the business and the Claimant.
- The form, manner and how far in advance of the deadline for the defence to be filed at tribunal all the relevant documentation is provided to us.
- The volume of documentation relevant to the claim and the amount, if any, of redaction required.
- The nature of the claimant and whether or not they are represented by a qualified solicitor/barrister.
- The number of turnarounds with you before the defence is finalised. 1 turnaround = we provide you with a draft of the defence including requests for information and points to clarify; you respond addressing all the requests for information and points to clarify; we send you back a revised draft.
- The number of turnarounds with the Claimant before the list of issues and tribunal bundle index is agreed.
- Whether the claim is listed for a preliminary hearing and if so, the length of the preliminary hearing and whether it is on the telephone or in person.
- Whether there are any interim applications from either party, such as a request for further and better particulars, specific disclosure, witness order.
- Whether a counter schedule of loss is required.
- Whether the business' witnesses are still employed, in the business' control and available for the hearing.
- Whether witness statements are drafted from the documents and finalised with the witnesses over the phone/ email or if site meetings are required.

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- The number of turnarounds with witnesses before the witness statements are finalised.
- Whether supplemental witness statements are required.
- The volume of additional disclosure from your witnesses and the Claimant.
- Whether the original hearing is postponed.

Key stages in the claim

The fees set out above cover all the work in relation to the following stages of the claim:

- Review claim form & initial instructions
- Review documents & arrange into tribunal bundle
- Draft Chronology
- Draft defence
- Finalise & file defence at the tribunal
- Liaising with ACAS & settlement negotiations at appropriate times during the claim
- Merits advice
- Review of schedule of loss & related advice
- Disclosure & finalise ET bundle
- Updated merits advice
- Drafting & finalising witness statements
- Reviewing & advising on Claimant's witness statements
- Instructions to Counsel
- Instructions to & liaising with Counsel
- Final preparations for hearing

What is not included in our fee

- Representation at hearing. We outsource representation at the hearing to barristers with whom we have established relationships because this is more cost effective for our clients. Barristers' fees will be between **£950 + VAT - £3,000 + VAT** per day, depending on the experience of the barrister and the complexity of the case.
- The cost of any expert advice or evidence such as actuarial advice.
- Conference call with your barrister pre-hearing or witness familiarisation training. If you require either we can agree a fixed fee with you.
- The cost of the preparation for and representation at a further hearing in the event that the original hearing is part-heard or if a remedy hearing is required.
- Any work relating to an appeal against the Tribunal's decision at the final hearing

How long will the unfair/wrongful dismissal claim take to conclude?

The time that it takes from taking your initial instructions to the final resolution of your matter depends largely on the stage at which your case is resolved and the employment tribunal where your claim is listed.

If a settlement is reached during pre-claim conciliation, your case is likely to take 4 to 6 weeks. If your claim proceeds to a final hearing, your case is likely to take 16-52 weeks. This is just an estimate and we will, of course, be able to give you a more accurate timescale once we have more information, directions from the tribunal and as the matter progresses.