

INFORMATION ON COSTS AND TIMESCALES IN EMPLOYMENT CASES

If you are unfortunate enough to have a dispute with your employer, you may wish to seek legal advice as to the remedies available to you and ultimately claiming compensation.

The possibilities range from raising a grievance with your employer to agreeing your departure by means of a Settlement Agreement to bringing a claim through an Employment Tribunal. Two of the most common claims brought are for (i) Unfair Dismissal; and (ii) Wrongful Dismissal

Unfair Dismissal – this is a claim brought by an employee if he or she believes that the dismissal itself was unfair e.g. for some minor misconduct such as a single instance of poor timekeeping;

An unfair dismissal claim can usually only be brought if the employee has two years continuous employment

Wrongful Dismissal – this is, essentially, a claim for breach of the employment contract such as dismissal without note or payment in lieu of notice.

A wrongful dismissal claim can be brought regardless of the period of continuous employment.

COSTS

The facts and legal issues in each case will be different and will involve different levels of complexity. As such it is impossible to provide an accurate quotation for our charges at the outset of any claim, but we will do our best to give you an idea of the likely costs involved in matters and of factors which might cause the costs to change.

In addition, a broad estimate of the possible costs in relation to unfair and wrongful dismissal claims are set out below.

Estimate of costs for bringing and defending claims for unfair dismissal:

Simple case	£3,000 - £5,000 (excluding VAT)
Medium complexity case	£5,001 - £10,000 (excluding VAT)
High complexity case	£10,001 - £15,000 (excluding VAT) In extreme cases this could be higher. We would let you know if this applied to your case.

Estimate of costs for bringing and defending claims for wrongful dismissal:-

Simple case	£1,500 - £3,000 (excluding VAT)
Medium complexity case	£3,001 - £6,000 (excluding VAT)
High complexity case	£6,001 - £10,000 (excluding VAT) In particularly complex cases this could be higher. We would let you know if this applied to your case.

Disbursements

Disbursements are costs which we must incur on your behalf in progressing your case and are not our actual fees. For example, if it was necessary to obtain a medical report or if a decision was made to instruct a barrister either to advise upon the matter or part of it or potentially to represent you at Tribunal.

Barrister's fees depend upon the experience of the barrister and the complexity of the case. Typically, a barrister will charge a preparation fee and then a fee for each day spent at Tribunal. The daily rate can range from **£500 plus VAT** for the most junior barristers to **£2,500 plus VAT** or more for very experienced barristers.

We would seek your specific approval before instructing any expert or barrister.

Legal expense insurance

People often have legal expenses insurance which may cover the costs of taking tribunal proceedings. Sometimes this is as an add on to a household insurance policy. We recommend that you check to see if you have such insurance at the outset.

Key stages

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

- An initial discussion with you, by telephone or in person, to obtain information about the nature of the claim, reviewing the relevant documentation and advising you upon the merits of the claim or defence, potential compensation and other relevant factors in making a decision to proceed with or defend a claim;
- Entering into discussions before a claim is issued to see whether a settlement can be achieved.
- Preparing a claim for issue at Tribunal;
- Reviewing and advising upon the response from your opponent;
- Collecting evidence, both documentary and from potential witnesses in support of your claim;

- Drafting witness statement as necessary;
- Preparing a detailed schedule of your losses claimed;
- Preparing for and attending any procedural hearings prior to the main hearing;
- Exchanging evidence with your opponent and agreeing which evidence will go before the Tribunal at the Final Hearing;
- Reviewing evidence obtained from your opponent;
- Keeping the merits of your claim under review at all times;
- Drafting other documentation required by the Tribunal to enable a smoother hearing and seeking to agree it with your opponent. This could for example be a list of relevant issues, a chronology, or a list of key people and their roles;
- Preparation for and attendance at a Final Hearing.

Timescales

There are strict time limits for bringing a claim for dismissal or for any breach of an employment contract. We will advise you of these at the outset. In general, you should work on the basis that any claim must be brought within three months of the dismissal/breach of contract.

However, many matters are resolved prior to a full hearing and the earlier a resolution can be achieved the shorter the duration of the matter.

Pre-claim conciliation or negotiations before a claim is issued usually take no longer than a month.

If settlement cannot be reached and proceedings are issued, then the employer has 28 days to put a defence in from the time it receives the claim.

After that, the progress of your claim can be subject to the Employment Tribunals. At present they are very much under resourced. This means that at present there are significant delays. Sometimes, in complex cases, there may be a Preliminary Hearing. A final hearing expected to last a day may take place within 3 to 6 months of the submission of a “defence” or any preliminary hearing. A case expected to last several days may take up to a year to list.