

## **Wrongful and unfair dismissal, Costs and timescales**

Please note that Jason does not presently offer conditional fee agreements in relation to employment related issues.

Jason will usually offer an initial free consultation or brief assessment of any issue and when doing so will routinely offer to provide a written advice for a fixed fee. The fixed fee may vary depending upon the perceived complexity of the case, but you will know from the outset any initial cost. Our experience is that the costs of such an advice generally ranges between £500 and £750 depending on the complexity of the issue.

Following any initial assessment Jason's fees are charged on the basis of an hourly rate, plus disbursements plus VAT.

Jason's current hourly rate is currently £250 per hour. Jason will provide you with an assessment of the work and estimated time involved and his projected fees. It is often impossible to be wholly accurate as to the cost involved at the outset but if, as the claim progresses, Jason considers that the matter is more complex than first envisaged Jason will keep you advised of any possible increase in time and cost.

Jason estimate will include disbursements, ie costs which we may incur on your behalf other than our own time charges such as experts fees, or if with our advice, you decide to instruct a barrister to represent you at a tribunal or hearing.

Depending upon the complexity of the case a medical expert may charge as much as £1000 for provision of a medical or attending at a hearing.

A barrister will normally charge depending upon the amount of time he spends in preparing a case and/or attending a hearing. This may range from £500 for a barrister's advice or attendance at a preliminary hearing to £2500 for a day's hearing depending upon the seniority and experience of the barrister. A barrister would also charge VAT on his fees.

### **Costs for Wrongful and unfair dismissal**

Two of the most common claims brought against employers are for: (i) Wrongful dismissal; and (ii). Unfair Dismissal.

Wrongful dismissal is a claim against an employer for breach of contract such as dismissal without notice or without payment in lieu of notice.

Unfair dismissal is a claim against an employer for breach of its statutory obligations, for example of an employee is dismissed for some perceived minor misconduct such as a single episode of poor timekeeping or a failure to consult before a redundancy.

In order to bring a claim for unfair dismissal an employee must usually have been employed for a continuous period of two years. A claim for wrongful dismissal can be brought regardless of the period of continuous employment.

A broad estimate of the costs of bringing/resisting an unfair dismissal or wrongful and dismissal claim are set out in the table below.

### **WRONGFUL DISMISSAL**

Simple case	£3,000 -£5,000.00 (excluding VAT)
Case of medium complexity	£5,001 - 7,500 (excluding VAT)
Case of high complexity	7,501.00 – 10,000 (excluding VAT. <b>NB</b> in unusually complex case this could be higher, we will let you know if this applies to you case.

### **UNFAIR DISMISSAL**

Simple case	£5,000 -£7,000.00 (excluding VAT)
Case of medium complexity	£7,001 - £12,000 (excluding VAT)
Case of high complexity	£12,000 – 17,000 (excluding VAT. <b>NB</b> in unusually complex case this could be higher, we will let you know if this applies to you case.

**NB** - the above tables do not include “disbursements” details of which are set out above.

## **Legal expenses insurance**

People/business' often have legal expenses insurance which may cover the cost of taking or defending tribunal proceedings. We recommended 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 or email exchange with you to obtain information about the nature of the claim;
- a preliminary advice as to the merits of the claim, potential compensation and other relevant factors in making a decision to proceed with, defend or settle the claim including the use of conciliation;
- entering into discussions with your employer/employee before a claim is issued to see whether a settlement can be achieved;
- preparing a claim for issue or advising you on a claim issued against you;
- reviewing and advising you on any response;
- collecting evidence, both documentary and from potential witnesses in support/defence of the claim;
- drafting witness statements as necessary;
- preparing or considering a schedule of your losses claimed;
- preparing for and attending any procedural hearing prior to the main hearing;
- exchanging evidence with your opponent and agreeing which evidence will go before the tribunal at final hearing;
- reviewing evidence obtained from your opponent keeping the merits and costs of your claim under review at all times;

- drafting other documents is required by the tribunal and seeking to agree it over your opponent. This could for example be list of relevant issues or a chronology of events;
- preparing for attending at the final hearing.

### **Time scales**

**We remind you that you should work on the basis that a claim for wrongful or unfair dismissal should be brought within three months of the date of the dismissal.**

Many issues are resolved prior to a full hearing or even before proceedings are issued and the earlier a resolution can be achieved the shorter the duration of the matter and, of course, the less cost involved.

Historically, many relatively straight forward claim for unfair dismissal or wrongful dismissal which did not involve unusual aspects well preliminary hearings would have been dealt with within nine months to a year.

At present, by reason of the recent pandemic our best estimate is that such a hearing would take between one year and 18 months.