

### **Information on UK cases of Unfair or Wrongful Dismissal**

This statement sets out costs information for making and defending claims for unfair or wrongful dismissal before the Employment Tribunal. Given the nature of our client base, the types of unfair and wrongful dismissal cases for which we are engaged are usually high value and complex, and therefore the costs vary significantly. As a result, we can only give a range of costs based on past cases. We can give a better estimate for an individual matter on which we are instructed.

All fees, costs and disbursements referred to in this statement attract VAT but are set out exclusive of VAT, which will therefore be added to each bill at the applicable rate (currently 20%).

Our range of costs for bringing or defending unfair or wrongful dismissal claims is from about £75,000 for a simple case involving a one day final hearing, to £150,000 upwards for a complex case of with a hearing of more than one day. This range does not account for relevant factors that could make the case more expensive, such as:

- if the claim is brought in the context of other claims, such as discrimination, harassment or whistleblowing
- claims involving multiple parties (including, for example, where a case relates to a business transfer under the transfer of undertakings legislation or equal pay)
- where there are parallel internal procedures (such as grievances, appeals or Data Subject Access Requests) and/or parallel regulatory complexities and/or internal or external investigations and/or parallel proceedings
- complex preliminary issues to be determined, such as the employment status of the Claimant (if disputed), including where additional preliminary hearings are required
- where there are cross border issues, for instance where witnesses or a business are based outside the United Kingdom (which may lead to additional costs for local lawyers, travel, expert evidence, translation and similar items)
- where there are additional non-employment law related issues involved, for example where the employer is in a regulated industry such as financial services
- if it is necessary to make applications to amend claims or to provide further information about a claim, and/or to submit an amended defence or ET3 in response
- a large number of documents to be disclosed, or if substantial electronic disclosure is required, or if there are significant disputes or preliminary issues in connection with disclosure of documents
- the number of witnesses and witness statements

- if expert evidence is required
- the length of the hearing
- defending claims that are brought by litigants in person
- if it is necessary to enter into any detailed costs assessment process, mediation or arbitration

### **The basis of our charges**

Our fees are usually based on the time we spend on the matter. We charge by the hour with hourly rates determined by the seniority and experience of each lawyer working on the matter. Hourly rates are reviewed annually and currently range, for paralegals to partners, from £270 to £1,280. Alternatively, we may also enter into other fee arrangements based upon agreed assumptions relevant to the particular case.

### **Disbursements**

We also charge for direct expenses (such as photocopying, couriers and travel) and disbursements. Disbursements are costs related to the case that are payable to third parties, such as fees to counsel (barristers). We occasionally process the payment of the disbursements on your behalf to ensure a smoother process.

Counsel's fees will vary significantly depending on the level of experience, the complexity of the matter and the length of the hearing. These fees may range significantly from £2,500 at a junior level to £75,000 (or more) at a senior level, but as noted above this can vary widely from matter to matter. We would discuss these additional costs with you to give you a better idea of how they may influence the overall cost of your case.

### **Key stages**

The costs estimated above are intended to cover work in relation to the following key stages of a claim:

- taking initial instructions, reviewing the papers and initial merits assessment
- entering into pre-claim conciliation where this is mandatory to explore whether a settlement can be reached
- preparing a claim or response (claim, defence, ET1, ET3 and Grounds of Resistance)
- merits assessment
- exploring settlement and negotiating settlement throughout the process
- requesting further information and/or responding to such requests
- preparing or considering a schedule of loss

- preparing for (and attending) a preliminary hearing
- exchanging documents by way of disclosure and agreeing a bundle of documents
- taking witness statements, drafting statements and agreeing their content with witnesses
- preparing bundle of documents
- reviewing and advising on the other party's witness statements
- agreeing a list of issues, a chronology and/or cast list
- preparation and attendance at the final hearing, including instructions to counsel

An alternative method of resolving a dispute may be through independent mediation, which could take place at any stage if the parties agree. Such a mediation is not covered in this statement and, should it arise, we will advise on the fees and disbursements that would apply including hourly rates, any counsel's fees and travel and other expenses.

The stages set out above are an indication of the process where the claim is simple and straightforward. Fees may increase if additional stages are required and/or in the case of complex factors listed above and decrease if some of the stages are not required.

### **How long will it take?**

The time that it takes from taking initial instructions to the final resolution of the matter depends on the stage at which the case is resolved. If a settlement is reached during pre-claim ACAS Early Conciliation, for example, the case is likely to take as little as 4-6 weeks.

If the claim proceeds to a final hearing, the timeframe will largely depend upon the capacity and the availability of the Employment Tribunal (such as when it is able to list the preliminary hearing(s) and the final hearing) and the directions ordered for case management (such as when documents should be disclosed and witness statements exchanged, and the duration of the hearing). In our experience, it can take between 12 to 18 months for a claim to proceed to a final hearing, but in some cases may take longer (and longer still if there are appeals).

We will be able to give you a more accurate timescale and cost estimate once we have more information on the case in question and as the matter progresses.

### **Our employment litigation team**

Each case will have a dedicated core team who will be responsible for handling the case. See [here](#) for further information on the team, including qualifications and experience, and the work we do.



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