

Information on UK Cases of Unfair or Wrongful Dismissal

This statement relates to the provision of advice and representation to employees and employers in relation to making and defending claims before the Employment Tribunal brought by an employee of unfair or wrongful dismissal. 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 may vary significantly. The costs for a simple unfair or wrongful dismissal case may range in the region of £50,000, to over £150,000 for a complex case (excluding VAT and disbursements). This estimate does not account for complicating factors that could make the case more expensive including, but not limited to:

- if the claim is brought in the context of other claims, such as discrimination, harassment or whistleblowing
- claims involving multiple respondents
- parallel internal procedures (such as grievances or Data Subject Access Requests) and/or parallel regulatory complexities and/or investigation issues 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 of the United Kingdom
- where there are other additional related issues involved, such as 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 ET3 response
- a large amount of documents to be disclosed, or if electronic disclosure is required, or if there are significant disputes or preliminary issues around disclosure
- the number of witnesses and witness statements, and the approach to taking witness statements and familiarising witnesses with tribunal process
- 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 correspondence relating to the conduct of the Claimant in the proceedings, such as cost warning letters making or defending a costs application.

The basis of our charges

Our fees are generally based on the time we spend on the matter. We charge by the hour based on agreed hourly rates. Our charge our rates are reviewed annually. We also offer alternative fee arrangements, which are discussed with our client in advance on a case-by-case basis.

Disbursements

We also charge for direct expenses (such as photocopying, faxes, courier and travel) and disbursements (plus VAT). Disbursements are costs related to the case that are payable to third parties, such as Counsel's fees. 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, chambers, the complexity of the matter and the length of the hearing. These costs may range significantly from £2,500 at a junior level to £35,000 (or more) at a senior level (excluding VAT), 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 including, but not limited 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 response (ET3 and Grounds of Resistance)
- detailed merits assessment
- exploring settlement and negotiating settlement throughout the process
- requesting further and better particulars of claim and/or responding to request for further and better particulars
- 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 Final Hearing, including instructions to Counsel

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

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 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 9 to 18 months for a claim to proceed to 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 and the work we do.



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