

Costs - Defending Unfair/Wrongful Dismissal Claims

Our pricing for defending claims brought in the Employment Tribunal

- Basic case: £10,000-£15,000 (excluding VAT)
- Medium complexity case: £10,000-£30,000 (excluding VAT)
- High complexity case: £30,000-£80,000 (excluding VAT)

Factors that could make a case more complex:

- If it is necessary to make or defend applications to amend responses or claims or to provide further information about an existing response or claim
- Defending claims that are brought by litigants in person
- Making or defending a costs application
- Complex preliminary issues such as whether the claimant is disabled (if this is not agreed by the parties)
- The number of witnesses and volume of documents
- If it is an automatic unfair dismissal claim e.g. if the claimant is dismissed for whistleblowing
- Allegations of discrimination which are linked to the dismissal

Generally, we would allow 1-5 days in the Employment Tribunal depending on the complexity of your case.

Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as barrister's fees. We handle the payment of the disbursements on your behalf, but may require money on account from you to do this.

Barrister's fees are likely to be between £2,000-£3,500 per day (depending on experience of the advocate) for attending a Tribunal Hearing (including preparation).

Key stages

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

- Taking your initial instructions, reviewing the papers and advising you on merits and likely compensation (this is likely to be revisited throughout the matter and subject to change)
- Entering into pre-claim conciliation through ACAS (now mandatory) to explore whether a settlement can be reached;
- Preparing claim or response
- Reviewing and advising on claim or response from other party
- Exploring settlement and negotiating settlement throughout the process
- Preparing or considering a schedule of loss
- Preparing for (and attending) a Preliminary Hearing
- Exchanging documents with the other party 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 and, if some of stages above are not required, the fee will be reduced. You may wish to handle the claim yourself and only have our advice in relation to some of the stages. This can be arranged in appropriate cases.

How long will my matter take?

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. If a settlement is reached during pre-claim conciliation, your case is likely to take 4-12 weeks. If your claim proceeds to a Final Hearing, your case is likely to take 12-18 months or more. This is just an estimate and we will of course be able to give you a more accurate timescale once we have more information and as the matter progresses.

Meet the team

Louise Brenlund – Head of Employment - Partner

warners-solicitors.co.uk/people/louise-brenlund/

Michael McNally – Partner

warners-solicitors.co.uk/people/people-michael-mcnally

Lisa Waghorne – Partner

warners-solicitors.co.uk/people/lisa-waghorne

Hope Flashman-Wells – Solicitor

warners-solicitors.co.uk/people/people-hope-flashman-wells