

Employment Tribunal Claims

For Employees

If you wish to make a claim against your employer, you will need to do so within prescribed time limits. You will also need to obtain a certificate from the ACAS Early Conciliation Scheme confirming that settlement has been attempted via this scheme. We can advise you on this free conciliation service and assist you in assessing any losses you may have.

If you decide to bring your claim to an employment tribunal, our charges for representing you will vary according to the complexity of your case. Simple cases might include non-payment of wages or holiday pay, or wrongful dismissal. Medium complexity cases may include unfair dismissal or breach of contract, and high complexity cases could be discrimination and whistleblowing claims, breach of restrictive covenants or similar. We will discuss potential charges with you in more detail as soon as you instruct us but the prices below give an indication of the level of fees you may expect to pay.

A guide to our charges (figures are exclusive of VAT)

Simple case (one day hearing)

Our Fees: £4,000 to £7,000

Counsel's Fees: £1,500 to £3,500

Medium complexity case (up to 2 days):

Our Fees: £8,000 to £15,000

Counsel's Fees: £2,000 to £6,000

High complexity case (3 to 5 days):

Our Fees: £15,000 to £20,000

Counsel's Fees: £7,000 - £25,000

There will be an additional charge for our attending a Tribunal Hearing of £1800 per day (excluding VAT and travel expenses).

All fees are based on a rate of £300 per hour plus VAT and do not include disbursements (eg: medical reports, etc) or appeals following a tribunal decision on your case. Our guide to Counsel's fees is an approximate estimate and will depend on the Counsel instructed.

Stages of your Defence

The quoted fees cover work carried out in the following key stages of a matter:

- ② Taking initial instructions, reviewing your documents, and advising on the merits of your case (this is likely to be revisited throughout the matter and may be subject to change)
- Calculating your losses and preparing a draft Schedule of loss
- Entering into pre-claim conciliation to explore whether a settlement can be reached;
- Drafting and submitting your claim

- Exploring settlement and negotiating settlement throughout the process
- Preparing for a Preliminary Hearing
- Exchanging documents with the other party and agreeing a bundle of documents to be used at the hearing
- Taking witness statements, drafting statements and agreeing their content with witnesses
- Preparing the 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 for the final hearing, including briefing Counsel

The above stages are an indication of the process of a tribunal claim. If some of these stages are not required, the fee may be less.

Factors that could make a case more complex:

- If it is necessary to make or oppose applications to amend claims or to seek further information about the submitted 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 documents
- If it is an automatic unfair dismissal claim e.g. whistleblowing
- Allegations of discrimination which are linked to the dismissal

Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as counsel's fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

How can the proceedings be funded?

There are no Legal Aid concessions or similar in the Employment Tribunal. However, you may have legal expenses cover through your home or car insurance. You should investigate this as soon as you contemplate bringing your claim.

The tribunal has a duty to consider a costs award in certain cases, but it is not guaranteed that costs will be awarded against the losing party.

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 the early conciliation process, your case is likely to take 1-6 weeks. If your claim proceeds to a Final Hearing, your case is can take anything between 6 – 18 months to conclude. This is just an estimate and we will be able to give you a more accurate timescale once we have more information and as the matter progresses.

Who will deal with my case?

Julie Shannon is our Employment Solicitor and you can find further details about Julie on this website.