

Employment Tribunal Claims

For Employers

If you receive notice of a claim or potential claim against your business, you should act without delay. Your first indication may be notification through the ACAS Early Conciliation Scheme (this is required for most though not all tribunal cases). The Early Conciliation Scheme will offer a chance to settle the matter without the need for tribunal proceedings.

If the matter progresses to an employment tribunal, you will have 28 days in which to submit your Response to the claim. Our charges for representing you in the Tribunal will vary according to the complexity of the case itself. 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:

- ☐ Taking initial instructions, reviewing the papers and advising on merits and likely compensation (this is likely to be revisited throughout the matter and subject to change)
- ☐ Entering into pre-claim conciliation where this is mandatory to explore whether a settlement can be reached;

- 🔍 Reviewing the submitted claim and advising on the merits of the claim
- 🔍 Preparing the Response (Defence)
- 🔍 Exploring settlement and negotiating settlement throughout the process
- 🔍 Reviewing a schedule of loss
- 🔍 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 commercial insurers. You should investigate this as soon as you are aware that a claim may be made against your business.

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 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.