

## Solomon Taylor & Shaw - Pricing Information

### EMPLOYMENT TRIBUNALS

This document sets out the pricing guidance for unfair or wrongful dismissal claims in the Employment Tribunal. We act for either claimants (employees) or respondents (employers) in such claims.

Solomon Taylor & Shaw (“STS”) advises on a broad range of employment law issues. This document provides the information required by the SRA Transparency Rules in relation to unfair and wrongful dismissal claims in the Employment Tribunal only. For details of the broader services we provide, please contact [Matthew Cranton](#). We are committed to price transparency in all our work and for all instructions we will endeavour to provide estimates at the outset based on the specific circumstances of the matter.

### Fees

The costs in either issuing or defending a claim for unfair or wrongful dismissal may range from in the region of £20,000-£30,000 for a simple case to (potentially significantly) over £75,000 for a complex case, including cases involving claims of automatic unfair dismissal, such as whistleblowing or TUPE (excluding VAT and disbursements – see below for more information regarding disbursements). These estimates are based on unfair or wrongful dismissal cases and does not account for cases where additional claims are made, for example where an unfair dismissal claim is brought in the context of a discrimination or whistleblowing claim. Such additional claims may have a significant impact on cost. Costs will also vary significantly depending on the complexity and circumstances of each case.

The above ranges are based on hourly rates of between £150 and £425. The applicable hourly rates will depend on a number of factors, including the complexity of your matter (which impacts on the appropriate level of solicitor(s) to deal with it).

The ranges and rates do not include VAT (currently at 20%) which will be added to the invoice, nor does it include any associated disbursements (see below).

Factors that may result in a case being considered more complex may include (but are not limited to):

- the claim being brought in the context of other claims (e.g. discrimination or whistleblowing);
- the claim involving multiple respondents;
- a counterclaim being made by the respondent;
- parallel internal procedures (such as ongoing disciplinary or grievance investigations or proceedings);
- parallel regulatory procedures or complexities (such as ongoing investigations or proceedings);

- related High Court proceedings;
- complex preliminary issues (e.g. determining the employment status of the Claimant or the jurisdiction of the tribunal (if disputed)), particularly where additional Preliminary Hearings are required;
- if it is necessary to amend a claim or a response or to provide further information about a claim;
- where the unfair dismissal claim has a wider financial impact (e.g. when it determines good leaver / bad leaver status for an employee's shareholding, bonus or other incentive);
- where there will be a high number of relevant 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 length and complexity of 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 correspondence relating to the conduct of the Claimant in the proceedings, such as cost warning letters;
- making or defending a costs application; and
- efforts made by the parties to negotiate settlement at any stage of the proceedings.

Please note that unless we agree an alternative fee arrangement (such as no win, no fee), our fees will be payable regardless of the outcome of your claim. The usual costs rule in the Employment Tribunal is that each party bears its own costs, so even if you are successful at the hearing it is unlikely that the Tribunal would order the other side to make a contribution to your costs (save for exceptional cases in which the Tribunal determines that the other side had acted vexatiously, abusively, disruptively or otherwise unreasonably in the conduct of the proceedings).

## **Key stages**

The fee ranges above are intended to cover the work required in relation to the key stages of an unfair or wrongful dismissal in the Employment Tribunal, which may include:

- taking initial instructions, reviewing the papers and an initial merits assessment (which may be revisited and reviewed at various stages of the matter);
- entering into pre-claim conciliation where it is mandatory to explore whether a settlement can be reached;
- preparing the claim form (ET1 and Grounds of Claim) or the response (ET3 and Grounds of Resistance), as applicable;

- exploring settlement and negotiating settlement throughout the process;
- requesting further and better Particulars of Claim and/or responding to a request for further and better particulars;
- preparing or considering a schedule of loss and preparing a counter schedule if applicable;
- 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 the bundle of documents for the hearing;
- reviewing and advising on the other party's witness statements;
- agreeing a list of issues, a chronology and/or cast list; and
- preparation and attendance at the Tribunal Hearing, including instructions to Counsel.

The stages set out above are an indication of the process where the claim is relatively straightforward. If additional stages are required and/or there are complex factors as listed above, fees may increase, or if some of the stages are not required, fees may decrease. We will endeavour to provide information regarding the costs of any particular stage as the matter progresses.

## **How long will the matter take?**

The time that it takes from taking initial instructions to the final resolution of the matter depends largely on the stage at which the case is resolved. A settlement could be reached during pre-claim ACAS Early Conciliation, in which case the matter is likely to conclude within 4 to 6 weeks. However, if the claim proceeds to a substantive Tribunal Hearing, the timeframe will largely depend upon the resources and listing period of the Tribunal (i.e. the Tribunal's availability for the Preliminary Hearing(s) and Substantive Hearing), which can vary based on the location of the Tribunal. The timeframe may also be affected by any directions ordered for case management (such as when documents should be disclosed and witness statements exchanged, and the duration of the hearing).

Straightforward unfair dismissal claims tend to take between 6 to 18 months for a claim to proceed to Final Hearing, but in some cases may take longer. We will of course be able to give you a more accurate timescale once we have more information on the case in question and as the matter progresses.

## **Disbursements**

Disbursements are costs related to the claim that are payable to third parties, such as counsel's fees, courier costs, travel costs, etc. and do not make up our legal fees. We usually process the payment of such disbursements on your behalf to ensure a smoother process, but may require you to put us into funds in order to do so.

Disbursements will vary from matter to matter, but in a typical Employment Tribunal matter we would expect to see some (or all) of the following disbursements:

- costs for copying & preparing hearing bundles;
- counsel's fees;
- courier fees; and
- costs of travel to and from hearings or offsite meetings.

## **Legal expenses insurance**

Some individuals will have legal expenses insurance policies which cover the costs of bringing a claim in the Employment Tribunal in certain circumstances. Usually the insurer will want advice on the merits of the claim before confirming cover and may not cover the full costs. Prior to instructing a solicitor you should check whether or not you have such a policy. Often cover can be linked to other policies such as household contents insurance. Where cover is available the insurer usually identifies the law firm or a panel of law firms from which you can choose; selecting a firm outside of such panel may reduce or prohibit your entitlement to such cover.

## **The Team**

Your matter will be handled by STS's Employment & Immigration team. If you instruct us we will provide you with the names of individual lawyers who will be acting on your matter, including the partner responsible for overall supervision. You can find information about the people who work in our Employment & Immigration team [here](#).

For a more accurate quote or to discuss instructing us please contact Matthew Cranton, Partner and Head of the Employment & Immigration team, on 0207 317 8677 or via email [matthew@solts.co.uk](mailto:matthew@solts.co.uk).

## **Disclaimer**

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