

Costs in Unfair and Wrongful Dismissal Claims in UK Employment Tribunals

The Solicitors Regulation Authority of England and Wales requires that we provide a guide to our costs for providing advice and representation to employees and employers in relation to the bringing and defending of unfair dismissal and wrongful dismissal claims in the UK Employment Tribunals (“ET”).

We advise and represent both employers and, occasionally, employees in bringing or defending unfair dismissal and wrongful dismissal claims. Each client and case, though, is different from the next. Our overall fees for dealing with such claims vary depending upon how complex the case is and what our client would like us to do. Set out below is a guide to how we calculate our charges for unfair or wrongful dismissal claims, and an indication of how much the typical case is likely to cost.

For an estimate tailored to your specific matter, please contact [Lisa Patmore](#). We will discuss your matter and needs with you and provide you with a bespoke cost estimate.

You may have access to funding to help pay your legal costs, for example under a pre-existing insurance policy. We would advise that you explore whether you have this cover before instructing us to deal with any claim.

1. Our Charges

Our charges are made up of:

- our professional fees for the legal work, usually charged at an hourly rate;
- costs and expenses paid to others to progress your matter, such as fees for a barrister's opinion or representation. We handle making these payments on your behalf during the course of your matter, either using money that you have given us in advance or invoicing them to you together with our fees. These payments are called disbursements; and
- VAT is charged on our professional fees at the applicable rate, which is currently 20%. Many disbursements also carry VAT, and we will inform you of the VAT on each disbursement as we go along.

2. Calculating Our Fees

Our fees will be based on how much time it takes us to deal with the claim. We charge by the hour with hourly rates determined by the seniority and experience of each lawyer working on the matter. Hourly rates are reviewed annually and currently range, for trainees to partners, from £250 – £1,020 plus VAT.

Our standard hourly rates for those that will likely be dealing with any ET claim are:

- Lisa Patmore £725 per hour, plus VAT
- Associates £325 - £550 plus VAT
- Trainee Solicitors £250 plus VAT

The costs of an unfair or wrongful dismissal claim can vary according to how complex the case is.

Our range of costs for bringing or defending an unfair or wrongful dismissal claim in the ET is from about £75,000 for a simple case involving a one-day final hearing, to £200,000 upwards for a complex case with a hearing of more than one day.

Factors which may impact a case and make it more complex (incurring more time and, therefore, cost) include:

- if it is necessary to attend a long hearing;
- if it is necessary to make or defend applications to amend claims or to provide further information about an existing claim;
- if it is necessary to defend claims that are brought by litigants in person;
- if it is necessary to make or defend other applications to the ET, including costs applications, applications to force individuals to be witnesses or applications for disclosure of additional documents;
- if there are complex preliminary issues, for example if the parties are in dispute as to whether the claimant has a particular disability or if the ET has jurisdiction to hear a claim;
- if the number of witnesses and documents is high and/or the search for documents or other evidence is time consuming;
- if it is an automatic unfair dismissal claim, for example, where an employee is dismissed after whistleblowing;
- if the claim is brought by or against more than one person;
- where you require face-to-face meetings at locations other than at our offices;
- if the claim is brought in the context of other claims, such as discrimination, harassment or whistleblowing;
- where there are parallel internal procedures (for example grievances, appeals or Data Subject Access Requests) and/or parallel regulatory complexities and/or internal or external investigations and/or parallel proceedings;
- if expert evidence is required;
- where there are cross-border issues e.g., where witnesses or a business are based outside of the United Kingdom;
- delays and/or postponements by the ET; and

- if there are allegations of discrimination which are linked to the dismissal.

Other employment law cases, such as dealing with an employee settlement agreement, might be much simpler and, therefore, cost less (and, if you are an employee, may be contributed to by your employer).

Cases for anything other than wrongful or unfair dismissal, for example, claims for discrimination not linked to the dismissal, allegations of being treated detrimentally for blowing the whistle, equal pay claims, very complex whistleblowing cases or complex claims for constructive dismissal (i.e. where the employee resigns and claims that their employer's actions were tantamount to a dismissal) will fall outside of the categories set out above.

If you are not sure what sort of case you are dealing with, please contact [Lisa Patmore](#) and we can guide you further.

3. At the Hearing

We will generally instruct a barrister (also known as 'counsel') to represent you at the final hearing of the claim. We will, however, generally need to have one of our team accompany the barrister, to help them with the evidence and documents.

Whilst we would normally represent you at any case management Preliminary Hearing (i.e. the preliminary hearing that takes place to decide what steps need to take place before, and issues to be addressed at, the final hearing) there may be issues, such as the ET being outside of the Greater London area, that make it more cost effective to have a barrister represent you. We will always discuss the best approach with you before we proceed.

See below on barristers fees.

4. Disbursements and Other Expenses

In an unfair or wrongful dismissal claim the most common disbursements are for barristers' fees.

Barristers' fees significantly differ depending upon the likes of how long the hearing takes, what the claim is for and how experienced the barrister is. Our experience is that the costs of a barrister representing a party at the ET may cost between £10,000 plus VAT (for a junior barrister on a simple case with a one day hearing) to £80,000 plus VAT (for a senior barrister (not a KC) on a more complex case of three to five days). If a claim succeeds, and there is a separate hearing to deal with what compensation should be awarded, this will result in further costs being incurred. We will discuss with you what those costs are should the need arise.

For other work carried out by a barrister, their fees will often be between £500 plus VAT to £10,000 plus VAT per day. We are not responsible for setting the barrister's fees and so the above fees are only indicative. The barrister will provide a more accurate estimate

for your case when instructed.

In addition to barristers fees, there may be other disbursements related to your matter that are payable to third parties such as couriers' fees (where sending large numbers of or confidential documents) and costs for the likes of travel, accommodation (where necessary), some overseas telephone calls and significant printing or copying charges.

We would normally handle the payment of the disbursements on your behalf to ensure a smoother process. We may, though, arrange for you to be invoiced direct by the third party.

The above disbursements and expenses are in addition to the range of costs that we have set out under the heading 'Calculating our fees' above.

5. How Long Will It Take to Deal with the Case

Each case that we deal with is different and so it isn't possible to give an accurate timescale for all cases from start to finish. Generally, though, the time it takes from your initial instructions to the end of the case depends on the stage at which the case is resolved:

- if a settlement is reached during pre-claim discussions, the case is likely to take in the region of 6 - 12 weeks; or
- if the claim proceeds to a final hearing, the case is likely to take 9 – 18 months (and longer in some cases), depending upon which ET is hearing the claim and its complexity.

This is just an indication of possible time frames, and we will be able to give you a more accurate estimate when we have more information from you about the claim and as the case progresses.

6. Legal Work Involved in the Case

The examples of typical costs above cover all of the work in relation to the following key stages of an unfair dismissal or wrongful dismissal case:

- Taking your instructions, reviewing the information and documents, and advising you on your prospects of success in bringing or defending the claim and the likely compensation that may be awarded. This advice is likely to be revisited throughout the case and may be subject to change;
- Entering into pre-claim conciliation with ACAS where this is mandatory to explore the possibility of settlement;
- Preparing your claim or response to a claim (as applicable);
- Reviewing and advising you on the claim or response from the other party;
- A reasonable amount of time exploring the possibility of, and negotiating, settlement with the other party on your behalf throughout the process;
- Preparing or considering a schedule of loss;
- Preparing for and attending (either with or without a barrister) a case management preliminary hearing;

- Exchanging documents with the other party or their advisors, and communicating and agreeing a bundle of documents with them to be referred to in the final hearing;
- Taking, drafting and finalising witness statements;
- Reviewing and advising on the other party's witness statements;
- Preparing bundles of documents for the final hearing;
- Agreeing a list of issues, a chronology and/or cast list i.e., a list of 'who's who', for the matter with the other party;
- Instructing and liaising with the barrister (if this is not being done in-house by us) for the final hearing, and attending the hearing itself; and
- Communicating with the other parties involved and advising you upon these communications.

The stages set out above are an indication of the typical stages of a claim. If, however, some of the stages are not required, our charges may be less than those indicated.

Some clients may wish to attempt to handle some parts of a very straightforward matter themselves and only take our advice in relation to some of the stages (which is sometimes called unbundling), which may reduce the costs. We will discuss with you whether this approach would be viable in your case.

It would not normally be necessary to undertake other work or incur other costs other than those described above. However, we would be very happy to provide you with a more tailored quote for all stages of your case once we know about your specific circumstances.

7. Dorsey Staff Dealing with Your Case

Your employment claim will be handled by Lisa Patmore, a partner in Dorsey's London office, who is an experienced employment lawyer, with over 25 years' experience in bringing and/or defending ET claims. Lisa may involve trainee lawyers in dealing with the claim or associates in our dispute resolution teams, who will be closely supervised by her. Full details of the experience and qualifications of Lisa Patmore are available on her firm biography. Details of who the trainee lawyers and associates in the dispute resolution team are can be found on our website and a range of their hourly rates are set out above under 'Calculating our fees'.