

EMPLOYMENT

The costs of Employment Tribunal litigation is dependent upon the length of the Hearing and the complexity of the matter. A good rule of thumb is the more issues or the more witnesses that are required, the longer the Hearing and therefore the greater the costs.

The vast majority of cases settle before a Hearing is completed, but the costs set out below are based upon us undertaking all of the necessary preparation from the time the claim is issued or received, up until the Hearing itself. There will be additional costs for attending the Hearing itself, and we usually recommend that a Barrister attend on your behalf.

A one day case is rare, but for this length of Hearing, our costs tend to be in the region of £4,000 to £7,000 excluding VAT.

Set out below is a table showing our estimated costs for Hearings of up to 5 days:

Costs up to (but not including) the Hearing

Length of Hearing	Estimated Costs
1 Day Hearing	£4,000 - £8,000
2 Day Hearing	£6,000 - £10,000
3 Day Hearing	£8,000 - £11,000
4 Day Hearing	£9,000 - £13,000
5 Day Hearing	£10,000 - £15,500

The estimates above are realistic and it is extremely rare for our costs to exceed the figures stated, indeed, our costs are sometimes lower. The precise costs depend on various factors including:

- The attitude and behaviour of the other side;
- If it is necessary to make or defend applications to amend claims or to provide further information about an existing claim;
- Complex preliminary issues such as whether the claimant is disabled (if this is not agreed by the parties);
- The number of witnesses and documents;
- Allegations of discrimination and/or whistleblowing;
- The level of experience of the fee earner handling your claim;

Our charges are based upon the amount of time we spend on your case and our rates are dependent upon the level of experience of the individual undertaking the work;

Level of Experience	Hourly rate plus VAT
Partner	£270.00
Solicitor	£200.00
Paralegal	£180.00

What is Included?

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

- Taking your initial instructions, reviewing the papers and advising you on merits and likely award;
- Entering into pre-claim conciliation to explore whether a settlement can be reached;
- Preparing your claim or response;
- Reviewing and advising on the claim or response from other party;
- Exploring settlement and negotiating settlement throughout the process;
- Preparing or considering a schedule of loss (calculation of the value of the claim);
- 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 for the Hearing;
- Reviewing and advising on the other party's witness statements;
- Agreeing a list of issues, a chronology and/or a cast list;
- Preparation for the Hearing and instructing a Barrister if necessary;

In the majority of cases, and assuming that your case does not settle, each of the stages listed above are likely to be undertaken. If however, some of stages are not required, our costs will be reduced. You may wish to handle the claim yourself and only have our advice in relation to some of the stages.

Costs to Include the Hearing

If your case proceeds to a Hearing, we will instruct a Barrister to represent you. We handle the payment on your behalf to ensure a smoother process. The cost will depend upon the Barrister's level of experience and reputation, but for Employment Tribunal cases, we usually recommend experienced and specialist Barristers. An experienced specialist will ordinarily charge a Brief Fee (which includes preparing for the case and attending the first day of the Hearing) of around £3,500 plus VAT for a 1 – 3 day Hearing. If the case is listed for 4 or 5 days, the Brief Fee is likely to increase to £4,500 plus VAT. Each additional day at Hearing usually costs around £1,500 plus VAT. The table below provides estimates based on these figures, but please note, we will need to obtain a quotation for each case, and the prices below are used for illustrative purposes only. You might prefer for us to instruct either a less or more experienced Barrister based on your budget and needs.

Length of Hearing	Our Estimated Costs	Barristers Costs	Total Costs
1 Day Hearing	£4,000 - £8,000	£3,500	£7,500 - £11,500
2 Day Hearing	£6,000 - £10,000	£5,000	£11,000 - £15,000
3 Day Hearing	£8,000 - £11,000	£6,500	£14,500 - £17,500
4 Day Hearing	£9,000 - £13,000	£9,000	£18,000 - £22,000
5 Day Hearing	£10,000 - £15,500	£10,500	£20,500 - £26,000

How Long will it 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 and the ability of the Tribunal to list your case for a Hearing.

If a settlement is reached during pre-claim conciliation, your case is likely to take between 1 and 6 weeks. If your claim proceeds to a Hearing, your case is likely to 3 to 6 months. 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.

Disbursements (expenses paid to third parties)

Generally speaking, paying for a Barrister to represent you at a hearing is the only disbursement (cost we incur on your behalf) we are likely to incur. However, in certain situations other disbursements will be incurred including when a Report from a medical or other expert is required or if significant photocopying is required. We will always advise you in advance if a disbursement is deemed necessary, and will always seek your approval before incurring any disbursements.

Other Funding Options

Please check to see if you have the benefit of legal expense insurance – if you have such a Policy it may cover some or all of the costs of pursuing or defending our claim. We recommend that you check all insurance Policies that you or your business benefit from, because sometimes legal expense insurance will be included as an add on to the primary insured risk.