

BAILEY WRIGHT & CO SOLICITORS

Costs Information For Employment Tribunal Claims

The information below does not represent a quote or a fee estimate, which we can provide on request. We are required for regulatory purposes to give you an indication of the potential range of our costs for conducting or defending a claim of unfair dismissal and/or wrongful dismissal in the Employment Tribunal. You should check any insurance policy you have and be aware that you are unlikely to recover any costs incurred from your opponent.

We do not offer a free interview. However, we do offer a fixed fee initial consultation/assessment at a cost of £250.00 plus VAT for potential new claims/advice as to employment rights. If the claim has already been issued when you first contact us, the hourly rate will apply.

We mainly charge for our advice on a time spent basis using hourly rates which range from £150 to £250. Any figures mentioned are plus VAT at 20%.

In appropriate cases, we may consider the use of a damages-based (No Win No Fee) agreement. A decision about this will be made following the initial assessment.

An indication of potential fees

Simple Case/Early Settlement: £400.00 - £1500.00 + VAT

Medium Complexity Case: £1500.00 - £5000.00 + VAT

High Complexity Case: £5000.00 - £10,000.00 + VAT

In addition, our attendance at Employment Tribunal (Per Day) £750.00 - £1500.00 + VAT

Key factors which influence costs

The factor which normally has the greatest impact on overall costs is the point at which a claim is resolved. For example, if a negotiated settlement is reached quickly, as is often the case, costs will be much lower than a claim which requires a full hearing.

In addition, the following factors can make a case more complex, which in turn increases costs:

- Applications to amend claims
- Providing further information about an existing claim
- Your opponent is not legally represented
- Legal issues requiring a preliminary hearing(s)
- Expert evidence is required
- Amount and nature of loss claimed
- Approach taken by your opponent
- Quantity of documentation
- Number of witnesses
- Hearing duration
- Automatic unfair dismissal is alleged, such as whistleblowing
- Other legal claims are involved, such as discrimination
- A counterclaim is lodged
- A costs application

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Key Stages

The key stages of most claims are:

1. Taking initial instructions
2. Reviewing documents
3. Written advice on merits and likely compensation based on the information available at that time.

Points 1 – 3 above is covered by the initial assessment fixed fee of £250.00 + VAT – payable prior to taking your initial instructions.

1. Pre-claim conciliation
2. Preparing the claim or response
3. Reviewing and advising on the claim or response from your opponent
4. Settlement negotiations
5. Preparing or considering a schedule of loss
6. Preparing for and attending any preliminary hearings
7. Exchanging documents with your opponent
8. Reviewing your opponent's disclosed documents
9. Filing any applications with the Employment Tribunal
10. Agreeing a bundle of documents for the hearing
11. Preparing witness statements
12. Reviewing your opponent's witness statements
13. Agreeing a list of issues, a chronology and/or cast list
14. Corresponding with you, your opponent and the Employment Tribunal
15. Instructing a barrister and corresponding with them
16. Preparation and attendance at Employment Tribunal hearing

Points 1 – 16 above is covered by our hourly rate of between £150.00 - £250.00 + VAT – payment on account of costs will be required before any work is done on your behalf.

This is not an exhaustive list and other tasks may be required. You may also undertake some of these tasks yourself, which would normally reduce our costs. This is an option we are happy to discuss with you. There will be further work undertaken for which it is not possible to indicate likely fees in advance of being instructed, such as corresponding with you, your opponent and the Employment Tribunal. This work is charged to you on a time spent basis using the hourly rates set out above.

Additional costs

Because of our experienced solicitors/advisors, we usually represent you at the Employment Tribunal. However, on occasions, we may have to instruct a barrister (a specialist advocate) to represent you at the Employment Tribunal hearing. Barrister's fees are additional to our charges and are linked to their experience, the complexity of the case, the hearing duration and their level of involvement before the hearing. We will normally suggest several choices, set out the costs and then discuss with you. You may also be charged extra for expenses such as bulk photocopying, courier fees and travel costs and any VAT which is applicable. These costs will be listed separately on your invoice.

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Timescales

The time taken from your initial instructions to the final resolution of the claim depends on several factors. Some of these, such as the availability of witnesses and hearing dates, are outside of our control.

As an indication, from filing a claim to an Employment Tribunal judgement can take between 6-12 months and in some cases longer than this. However, many cases are resolved by a settlement quicker than this.

We will give you a more accurate timescale if we are instructed and then as the claim progresses.

Bailey Wright & Co Solicitors
6th December 2018