

UNFAIR AND WRONGFUL DISMISSAL

EMPLOYMENT TRIBUNAL CLAIMS

PRICING AND SERVICE

This information on costs and timing is provided for guidance only. It is not a quotation. We shall be pleased to provide information in relation to a particular matter on request.

At the commencement of a case every client will receive a letter of engagement and terms of business setting out our terms and costs based upon your needs and specific facts of the case.

We are obliged to provide you with a guide to our pricing for bringing and defending claims for unfair and wrongful dismissal as set out below.

An employee dismissed by their employer may have a claim for unfair dismissal. They may have a claim for wrongful dismissal if their employer fails to provide the relevant period of notice or payment in lieu of a relevant notice period. A wrongful dismissal claim can be filed in the County Court instead of at an Employment Tribunal. We can discuss the pros/cons of the two venues with you.

We can assist you in making and defending any Tribunal claims and will provide you with either a cost estimate or a fixed fee option if this is appropriate and you request it in your case.

When you believe that you may have a claim you should immediately and urgently check with any current insurance policy that you may hold as it may provide you with legal expenses cover (individuals typically

have such over in home, contents or property policies of insurance). Please note that if you do have cover in place and take action without having informed your insurance company, any legal expenses cover may be void. We are experienced in working with insurance companies in relation to employment claims.

BASIS OF OUR CHARGES

Our charges for any work that we do will be based on hourly rates. Our hourly rates for advising on Tribunal matters are as follows:-

Our Team

Lloyd Williams

Director who is the Team Leader with over 30 years experience in employment matters. His hourly rate is £220.00 per hour.

Huw Griffiths

Director who has 10 years experience. His hourly rate is £220.00 per hour.

Anest Glyn

Solicitor. Her hourly rate is £150.00 per hour

At the beginning of the process we will meet with you to discuss a Tribunal claim or defence (depending upon whether you are bringing a claim or defending a claim).

After that meeting we will provide you with our fees that we anticipate the work will cost for your particular case. Each case is different and it is very difficult to tell at the outset what the total costs are going to be.

Some cases are more complex than others. If it becomes apparent at the beginning or during the time that we are working with you that your case is in fact more complex than normal or expected then we will discuss this with you. It is likely that in those circumstances that the fee estimate will need to be increased and we will seek your approval before carrying out further work.

Factors that could make your case more complex and/or increase overall costs:-

- If it is necessary to make or defend an application to amend your claim or response to the Tribunal or to provide further information about an existing claim or defence, any additional work caused by ACAS or Employment Tribunal delays.
- Defending claims that are brought by litigants in person
- Where the conduct of the other party (or their representatives) is disruptive to the proceedings e.g. they delay in or fail to comply with deadlines.
- If there are delays in obtaining your instructions.
- Where you require written rather than oral advice.
- Making and defending a costs application.
- Where there is a preliminary hearing (a hearing before an Employment Judge to determine preliminary issues before the case can proceed to a final hearing. This could for example be as to whether a claim has been brought within the relevant time limits). This hearing may take place at the Tribunal office in a telephone conference call to which the parties and the Judge dial in.
- Number of relevant witnesses and documents.
- If documents have been provided to us piecemeal and in a disorganised manner.

- The Schedule of Loss (this is a document setting out the financial value of the claims made by the person bringing the claim).
- Hearings being delayed or postponed.
- If there are any additional claims such as unlawful discrimination or unpaid wages, particularly if they rely on different facts to claims of unfair dismissal or wrongful dismissal.
- The length of the trial and whether there are separate hearings for liability (i.e. whether or not the Tribunal claim was successful) and (if it is) the quantum i.e. the value of any Tribunal claims.

ESTIMATED RANGE OF COSTS

- Simple cases £3,000.00 to £5,500.00 (excluding VAT).
- Medium complexity cases £5,500.00 to £15,500.00 (plus VAT)

These fees will not cover the cost of attending the Tribunal on your behalf which we estimate as being between £500 to £1,000.00 (excluding VAT)

In addition there will be the barrister's fees of representing you at the Tribunal. These are likely to be in the range of £750.00 to £3,000.00 per day depending on the seniority of the barrister.

DISBURSEMENTS

Disbursements are expenses that we will incur on your behalf. We will obtain your agreement to incur such a disbursement on your behalf before the costs are incurred and will handle the payment of disbursements on your behalf.

This is the potential list of disbursements that you can expect:

- Counsel (barrister)'s fees these are specialist advocates for Tribunal hearings. They may also give advice during a case. Their fees will depend on seniority, complexity of the case and how long a case is expected to last. The fees are estimated at between £750.00 and £3,000.00 plus VAT per day. Counsel's hourly rate are estimated as between £150.00 and £500.00 plus VAT
- Photocopying – we will charge you 0.5pence per sheet for black and white A4 and 25 pence for A4 colour (the party defending a claim usually has to prepare the bundles of documents for a hearing)
- Tribunal fees, currently nil but subject to review by the government
- Expert's fees – experts do not commonly prepare reports or appear at Tribunals for claims of unfair or wrongful dismissal. If necessary in your case we will obtain fee details before any expert is instructed on your behalf.

KEY STAGES

The fees estimate set out cover the work in relation to the following stages of a claim:

- Taking your initial instructions, reviewing documents and advising you on the merits and likely level of compensation (which are likely to be reviewed throughout your case)
- Considering and assisting you with insurance cover
- Entering into pre claim conciliation with ACAS. This is mandatory before a claim can be brought see www.acas.org.uk/earlyconciliation
- Preparing a Claim or Response

- Reviewing and advising on claim or response
- Exploring settlement and negotiation
- Preparing or considering Schedule of Loss and preparing any counter Schedule
- Preparing and attending any preliminary hearing (this could be on the telephone)
- Exchanging documents
- Preparing and exchanging witness statements
- Preparing and reviewing bundle of documents to be used at the hearing
- Advising on the other party's witness statements
- Considering strengths and weaknesses of both sides' cases
- Dealing with any orders by the Tribunal
- Preparing for final hearing to include instructing a barrister, meeting with the barrister and attending the Tribunal final hearing

This list is not exhaustive, other matters may arise during any case or a case may be resolved before reaching a final hearing. If the case does end sooner then the fee will be reduced.

TIMESCALES

A case may be resolved by direct negotiation with the other side before any formal steps are taken. If not then anyone who wants to make an unfair dismissal or wrongful dismissal claim must first attempt pre-claim conciliation through ACAS. This will take between 4-6 weeks. (It is important to consult ACAS and consider any claim as soon as you are aware of the potential claim as there is a tight time limit to make a tribunal claim). If this does not resolve matters then Tribunal

proceedings can be commenced by the Claimant It is likely to take around 3 to 12 months from the commencement of a case to final hearing.

We can give you a more accurate estimate of the time as your case progresses. The factors that are likely to influence how long a case will last include how soon a Tribunal can hear the case, whether the other side is cooperative and if negotiations are possible.

Persons who undertake employment work

(see home page for more detail)

Lloyd Williams

Huw Griffiths

Anest Glyn