

## **Price information for unfair and wrongful dismissal claims**

Our indicative price range for advice and representation to employees in bringing claims before the employment tribunal (ET) against an employer for unfair or wrongful dismissal and to employers in defending unfair or wrongful dismissal claims is set out below.

These price ranges are indicative and based on our knowledge and experience in handling these types of claims. However, each case is fact specific; your own costs may be higher or lower depending on circumstances. A full estimate will be provided if you instruct us.

All the prices quoted exclude VAT.

Price range for bringing and defending claims for unfair dismissal

- Simple case: £5,000 - £12,000
- Medium complexity case: £12,000 - £25,000
- High complexity case: £25,000 - £60,000

Price range for bringing and defending claims for wrongful dismissal

- Simple case: £5,000 - £10,000
- Medium complexity case: £12,000 - £15,000
- High complexity case: £15,000 - £20,000

Factors that make a case more complex:

- Applications to amend claims or to provide further information about an existing claim
- Deposit or strike out applications
- Preliminary issues such as whether the claimant is out of time and attending any preliminary hearing
- The number of witnesses and documents
- The number of days required for any hearings
- If it is an automatic unfair dismissal claim e.g. for whistleblowing and this is disputed by the employer
- If allegations of discrimination are made which are linked to the dismissal
- In wrongful dismissal claims, if the employer brings a counterclaim against the employee

There will be an additional charge for attending a hearing of £1,000 – 2,000 per day. Generally, we would allow 1 day's hearing for a simple case, 2-3 days for medium complexity and 5 or more days for high complexity cases.

## **Basis of our charges**

Our charges are calculated by reference to the time spent on your case. The hourly rates for our employment solicitors including trainees range from £165 to £450 depending on the level of the solicitor involved. In some circumstances, we may be able to agree a fixed fee with you as the basis for charging.

## **Experience and qualifications of our solicitors**

Our employment team currently has 10 solicitors, all of whom are specialists in employment law and have substantial experience of tribunal claims. Details of the team are set out below and information on each individual's experience is available by clicking on the links.

## Partners

Ewan Keen – Joint Head of Employment <https://smab.co.uk/people/ewan-keen/>

James Davies <https://smab.co.uk/people/james-davies/>

Makbool Javaid <https://smab.co.uk/people/makbool-javid/>

Tamara Ludlow – Joint Head of Employment <https://smab.co.uk/people/tamara-ludlow/>

## Senior Associates

Daniel Cotton <https://smab.co.uk/people/daniel-cotton/>

## Associates

Chichi Afunugo <https://smab.co.uk/people/chichi-afunugo/>

Harriet Driscoll <https://smab.co.uk/people/harriet-driscoll/>

Keren Lister <https://smab.co.uk/people/keren-lister/>

Krista Barnes <https://smab.co.uk/people/krista-barnes/>

## Consultants

Carl Soan <https://smab.co.uk/people/carl-soan/>

## **Disbursements**

Disbursements are costs related to your matter that are payable to third parties, such as a barrister's fees.

Barrister's fees for representation at the hearing vary from £1,000 to £2,000 (simple case) £3,000 - £5,000 (medium complexity) and £7,000 - £12,000 (high complexity).

## **Key Stages**

The key stages of a claim are:

- Taking your initial instructions, reviewing the papers and advising you on merits and likely compensation (this is likely to be revisited throughout the matter and subject to change)
- Entering into pre-claim conciliation where this is obligatory to explore whether a settlement can be reached
- Preparing the claim form or response
- Reviewing and advising on claim or response from the other party
- Exploring settlement and negotiating a possible settlement throughout the process
- Preparing or considering a schedule of loss
- Preparing for (and attending) any preliminary hearing
- Exchanging documents with the other party and agreeing a bundle of documents
- Interviewing witnesses, drafting witness statements and agreeing their content with witnesses
- Preparing bundles 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
- Preparation for (and attendance) at the full hearing, including instructions to a Barrister

The key stages above cover the main stages in an ET claim including a full hearing. If some of the stages above are not required or the case settles early or before the final hearing, the costs will be reduced. You may wish to handle the claim yourself and only have our advice in relation to some of the stages. This can also be arranged depending on your individual needs.

## **How long do tribunal claims take?**

This depends on whether the claim proceeds to a full hearing or settles at an earlier stage. If a settlement is reached during pre-claim conciliation, the case is likely to take 4-12 weeks. If the claim proceeds to a full hearing, the case is likely to take 26-52 weeks. We will be able to give you a more accurate timescale once we have more information and as the matter progresses.

## **Funding Options**

You may have other funding options available such as legal expenses cover under an insurance policy. We can advise you on applying for funding under the policy.

We may exceptionally take on cases for on a no-win no-fee basis, also known as a damages-based agreement ('DBA'). However, this will depend on various factors and, in particular, our view of the merits of your case. We retain absolute discretion in deciding whether to accept your case on a DBA basis.

If we do agree a DBA, our fees will be paid from a proportion of the damages/compensation recovered usually 25% – 35% (including VAT). There may be circumstances in which you may have to pay for our legal services whether or not you recover any damages/compensation. Such circumstances include, but are not limited to, the following:

- Early termination of the agreement by you
- Early termination of the agreement by us due to your unreasonable behaviour
- Expenses that we incur such as expert fees or disbursements
- Any other circumstances in which we are contractually entitled to terminate the agreement

Full details will be set out in a DBA agreement.

## **Additional Information**

- The unfair dismissal price range applies to claims which are for unfair dismissal only with no other accompanying claims. This means discrimination claims are not included whether or not they relate to the dismissal.
- The price range for wrongful dismissal cases applies to wrongful dismissal/breach of contract claims in the employment tribunal only (maximum compensation £25k) and does not apply to wrongful dismissal claims in the civil courts (no limit).
- Although most cases do settle, we cannot give any guarantee that your case will settle within the timescale indicated or at all. This depends on the attitude of both parties.
- Costs are not recoverable in the ET except in exceptional circumstances which means each party is responsible for its own costs.

## Complaints Procedure

We aim to offer all of our clients an efficient and effective service. However, should there be any aspect of our service with which you are unhappy or should you have a query about an invoice, then please raise this with the fee earner in charge of your case immediately. If you cannot resolve the difficulty between you, you may raise the matter with our complaints partner, Stephen Shotnes.

If you are not satisfied with our handling of your complaint you can ask the Legal Ombudsman to consider the complaint (see [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk) for contact details or telephone 0300 555 0333). Normally, you will need to bring a complaint to the Legal Ombudsman within six months of receiving a final written response from us about your complaint.