

## Employment Tribunal – Range Of Costs For Respondent

Our pricing for defending claims on your behalf are as follows:

### Simple Complexity Case

Costs: £20,000 - £20,500 excluding VAT and disbursements

A simple complexity case is one which typically requires a 1 days hearing, and is for just one issue (for example straightforward unfair dismissal or unlawful deduction of wages).

### Medium Complexity Case

Costs: £25,000 - £35,000 excluding VAT and disbursements

A medium complexity case is one which typically lasts for two to four days and is for either more difficult unfair dismissal claims or includes a few issues such as unfair dismissal, unlawful deduction claims and breaches of the statutory right to be accompanied. Cases may also fall into this category if the Claimant is unrepresented and when there is a high volume of documentation which is relevant to the claim.

### High Complexity Case

Costs: £35,000 - £50,000 excluding VAT and disbursements

A high complexity case is one which typically lasts for five days plus due to the number of witnesses and/or includes claims for discrimination, whistleblowing and trade union related matters. Cases may also be high complexity cases when Claimants are unrepresented and/or there is a need for preliminary issues to be determined (for example whether the claim is in time), and/or there is a significant amount of documentation relevant to the claim.

## Factors which may affect the complexity of your case

The factors set out below may affect the complexity of your case and accordingly you may incur additional fees.

- If it is necessary to make or defend applications to amend pleadings
- Defending claims that are brought by litigants in person
- Issuing cost warning notices and/or making or defending a costs application
- Making preliminary applications to deal with complex preliminary issues that are in dispute such as whether the Claimant is disabled, whether the Tribunal has jurisdiction to determine a claim on the basis the Claimant does not have the appropriate status or the claim is out of time
- The number of witnesses and documents
- Allegations of discrimination which are linked to the dismissal

You will be advised of any additional cost implications as the matter progresses.

## Attendance at a Tribunal Hearing

We generally instruct Counsel to represent you at a hearing. Counsel's fees are treated as 'disbursements'. Please see below for likely estimates.

## Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as medical experts (disability discrimination claims) and Counsel's fees. We handle the payment of the disbursements on your behalf to ensure a smoother process. Counsel's fees are estimated at between £1,000.00 to £3,000.00 per day plus VAT (depending on experience of the Counsel) – these fees will be incurred for the Counsel attending a Tribunal Hearing (preliminary and/or final hearings) and/or any conferences prior to the Tribunal Hearing.

## Key Stages

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

- Taking your initial instructions on defending the claim, reviewing the papers and advising you on merits and likely compensation (this will be kept under review throughout the duration of the instruction and you will be notified of any change to either merits or likely compensation as applicable)

- Entering into pre-claim or on-going claim conciliation with ACAS and/or the other party with a view to identifying whether a settlement can be reached
- Preparing the response form when a claim has been made against you
- Reviewing and advising on the claim form authorising the case and the nature of the dispute
- Exploring settlement and negotiating settlement throughout the process
- Dealing with case management discussions and issues
- Considering a Schedule of Loss
- Preparing documents for exchange with the other party, exchanging documents and agreeing/preparing a bundle of documents
- Taking witness statement, drafting statements and agreeing the content with witnesses
- Preparing a bundle of documents
- Reviewing and advising on the other party's witness statements
- Agreeing a list of issues, a chronology and/or a cost list
- Instructing Counsel for Tribunal Hearings

The stages set out above are an indication of the work that will be undertaken. In the event some of the stages above are not required, the fee will be reduced accordingly. You may wish to handle the defence yourself and only have our advice in relation to some of the stages. This can also be arranged on your individual needs and quoted for separately.

Please be reminded that Counsel's fees for preparing for and attending any hearings are excluded from the range of costs given above but treated as Disbursements.

### How long will your matter 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. If a settlement is reached during pre-claim conciliation, your case is likely to take 4 – 6 weeks. If your claim proceeds to a final Hearing, currently your case may take as much as 18 – 24 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.

### **Funding Options**

During our initial contact with you we will discuss funding options. This may include cover under an insurance policy or similar.

### **Who will carry out your work?**

More information about the members of our Employment Team can be found here:

<https://www.wilsonbrowne.co.uk/business/employment-hr/employment-tribunals/>