

Pricing Transparency – Employment Law Services

If you are facing a claim by a current or former employee, we can help.

Our service is provided by experts. Nearly all of our work comes through our reputation, and referral from other satisfied clients. One of our partners will manage the defence of the claim against your organisation. All of them have at least 10 years' experience of handling employment disputes. Collectively, we have been involved in pursuing and defending literally hundreds of claims. This means that we have both the legal know-how and also the litigation expertise to know how best to defend a claim. We can give you an early steer on the strengths of your position (as well as that of your opponent) and use that to inform how you want to approach the defence of your claim.

Tailored service

Some claims can be straight-forward and the value and complexity may mean that you want to defend the claim using your own resources, just seeking high level support from us from time to time.

Other claims can be more complex, such as those for discrimination or equal pay. Others may have a high value or have features involving reputational risk, or the potential to impact a large number of staff. We are used to working with employers to assess these various aspects and agree the right approach accordingly.

Our team

All work is supervised by an experienced Partner.

Indicative timings

There are a number of factors which will affect the timescale for completing the hearing of the case.

For instance, if the claim is resolved through the Early Conciliation process, this will normally be achieved within around four weeks of the initial contact from ACAS.

If the claim proceeds then as a guide, claims for unfair dismissal are often heard within around 12 months of the formal claim being submitted to the Tribunal. More complex cases, such as those involving discrimination, can take longer to complete; often 12 to 24 months.

Indicative costs

With our emphasis on success through a quality service; we know we are not the cheapest option.

What we will do is approach the defence of a claim brought against your organisation having taken the time to understand your key commercial objectives. We will not encourage you to defend a claim where you have little or no prospect of doing so successfully, nor will we give you false hope that you can do so successfully. We will identify and agree with you what effort and expense you want to commit to defending the claim and recommend a course of action accordingly.

How much we will charge to help you defend a claim will depend on a number of factors including:

- *The complexity of the facts being argued.*
- *The complexity of the legal arguments relevant to the claim.*
- *The number of witnesses in total.*
- *The amount of documentation.*
- *The approach to litigation taken by you and your opponent.*

- *Whether in addition to the main hearing, any additional procedural hearings are needed during the progress of the case, either because of the complexity of the issues, or the approach of the other side.*
- *Any particular measures that the Employment Tribunal considers are necessary for the case to be dealt with effectively.*
- *The seniority and location of the members of our team who will work on various aspects of your case. Where we apply hourly rates to cases we work on, these range from £235 to £660 plus VAT (£282 to £792 inclusive).*
- *The costs of any third parties who we agree with you should be instructed on your behalf (perhaps a barrister or a medical or other expert in appropriate cases).*
- *Generally, one of our partners will carry out the advocacy in the Employment Tribunal. However, there may be situations where your preference is to instruct an external barrister, or our advice is that you should do so. In those cases, the cost of the barrister will tend to depend on their seniority and the complexity of the case and length of any hearing.*
- *Indicative costs of instructing a barrister to defend a claim of unfair dismissal only, with a hearing lasting two days are:*
 - *Junior barristers (up to c5 years' experience as a qualified barrister) - £3,000 to £4,500 plus VAT.*
 - *More experienced barristers (c5-10 years' experience as a qualified barrister) - £5,000 to £7,000 plus VAT.*
 - *Highly experienced barristers (more than 10 years' experience, but not a KC) - £7,500 to £12,000 plus VAT.*

As indicative costs, we provide the following:

- *In defending a straight-forward claim such as for notice pay which does not last more than a single day's hearing at the Tribunal, costs are likely to be in the region of £7,500 to £10,000 plus VAT, though in particularly difficult cases, where the length of the Tribunal hearing exceeds one day, the costs might be above £12,000 plus VAT.*
- *Straight-forward claims involving unfair dismissal and a hearing not longer than one day will generally cost in the region of £15,000 to £20,000 plus VAT.*
- *More involved cases, particularly where the hearing lasts for two days, are likely to cost between £30,000 and £40,000 plus VAT.*
- *Discrimination claims tend to take longer in terms of preparation for the hearing, and the hearing itself is often longer. As a guide, the hearing of a case of medium legal complexity is likely to involve a hearing of four to five days, and involve costs of £60,000 to £75,000 plus VAT.*

Please note that these indicative costs do not include the costs of a barrister representing your organisation at the hearing, they would be charged in addition.

Do I have to commit to the full cost 'up front'?

No. We can agree to support you for all or part only of the litigation process.

Most claims settle before the main hearing. There are a number of steps, and most claims will follow a process which means our involvement can be broken down into the following parts:

- *Reviewing the claim with you and taking detailed information from you, and reviewing documents so that we can advise you on the strength and weaknesses of the claim, and its potential value (this is likely to be reviewed as the case progresses and is subject to change in the light of factual developments and further information received);*
- *Responding to any approach from ACAS through the Early Conciliation process;*
- *Preparing the formal response to the claim;*
- *Exploring settlement and negotiating settlement throughout the process;*
- *Reviewing and responding to any correspondence from the Employment Tribunal;*
- *Reviewing any schedule of loss (a statement setting out the potential value of the claim) from the employee;*
- *Preparing for (and attending) a Preliminary Hearing, including agreeing a list of issues with the employee's representatives;*

- *Agreeing with you whether to instruct Counsel, and the stage at which this should be done;*
- *Reviewing and identifying relevant documents and exchanging them with the other party and agreeing a bundle of documents;*
- *Taking witness statements, drafting statements and agreeing their content with witnesses*
- *Preparing the bundle of documents;*
- *Reviewing and advising on the other party's witness statements;*
- *Preparation for the main hearing which may include agreeing a list of issues, a chronology and/or cast list;*
- *Preparation and attendance at Final Hearing;*
- *Advising you after the hearing in respect of the decision, whether in relation to any appeal or the enforcement of any award in your favour or in relation to any appeal (whether brought by you or the other side).*

This is not an exhaustive list of steps, and they are not entirely sequential.

Where possible we will provide you with a fixed fee for stages of the work that we do, as well as providing updated estimates of the likely costs involved to the completion of the hearing.

The final costs will reflect the number of steps which we worked on, and as a general rule the earlier any case is resolved (whether through settlement or otherwise) the lower the overall costs.

Please note that we do not currently offer conditional fee or damages-based agreements in the defence of Employment Tribunal claim.