

EMPLOYMENT TRIBUNAL PRICING

Employment tribunal: unfair or wrongful dismissal

At Short Richardson and Forth we provide prompt and practical advice both to employees and employers for bringing and defending claims for statutory and common law employment and discrimination claims, including unfair or wrongful dismissal.

Unfair dismissal claims are statutory claims brought in Employment Tribunals: wrongful dismissal claims are based on the entitlement in the contract of employment to receive notice. Unlike unfair dismissal claims they can be brought in either the Employment Tribunal (if the value of the claim is less than £25,000) or the civil courts. The information which follows relates solely to those claims which are brought in the Tribunal.

In most dismissal claims before you can go to the Employment Tribunal you or someone on your behalf must start the process called Early Conciliation. That process can extend the period within which the Employment Tribunal must receive your claim. This is normally within three months less one day from the date your employment ended, but in some cases the time spent in Early Conciliation can be added on to that period. The rules governing the time limits to bring a claim are complex so it is vital you take advice promptly if your employment has come to an end.

The information below is a general indication of the costs of a standard dismissal case based on our analysis of cases over many years. However, please contact us for a specific estimate based on your particular circumstances.

Our Fee/Expenses

One day unfair or wrongful dismissal claim in the employment tribunal	7,000 + VAT†
In cases which last two days in the employment tribunal.	9,500 + VAT†

† Figure is subject to change based on case complexity factors below:

- If it is necessary to make or defend applications to amend claims or to provide further information about an existing claim;
- Defending claims that are brought by litigants in person;
- Making or defending a costs application;
- Complex preliminary issues such as whether a claimant is disabled, or whether a claim has been brought outside the normal time limits;
- The number of witnesses and documents;
- Bringing or defending a claim for automatic unfair dismissal including whistleblowing claims;
- Dealing with allegations of discrimination which are linked to the dismissal;
- If there are potential regulatory consequences for either party.

The Process

The process is likely to take up to 12 months from start to completion (although timeframes may vary considerably depending on the complexity of the case):

1. Instruct solicitor - At your first appointment, we will talk you through your options and the merits of your case. We will provide you with a quote, and if you choose to instruct us to proceed, we will send you a terms of engagement letter confirming your instructions and the charges.

2. Pre-claim conciliation - In most cases, an employee will be required to contact the Advisory, Conciliation and Arbitration Service (ACAS) before lodging an Employment Tribunal claim. We will advise you on the merits of using Early Conciliation, and whether, if possible, any claim should be settled at this stage.

3. Employment Tribunal claim - We will prepare your claim or response, and respond to the other party's submissions. We will prepare or consider a schedule of loss (which takes into account the employee's gross weekly salary, age and years of service with the employer as a basis for calculating compensation). Throughout the process we will discuss and evaluate the possibility of settlement with you.

4. Preparation for the hearing - We will identify and prepare relevant documents needed for your claim or response. We would expect to meet with you to prepare witness statements for you and your key witnesses, and to collate any evidence we need to serve in support of your claim or response.

5. Hearing - The hearing should be within 6 – 12 months of the claim being lodged. This varies in different parts of the country, and is dependent on the judicial resources available in the Tribunal.

5. The Decision - For a one or two-day case we would expect to get a decision on the day, although sometimes the Tribunal will give a "Reserved Decision". This means that the Tribunal will send a written judgment out, usually within 6 weeks of the hearing. If unsuccessful, we will provide you with a quotation and advice as to the merits of an appeal or a review.

What is not included - Expenses

If necessary we will discuss the likely costs of travelling and overnight accommodation where appropriate. It is unusual to use expert evidence in a tribunal, but sometimes it may be necessary to obtain medical records. If we need to do this we will tell you what the additional cost will be. In a few cases more extensive expert evidence can be necessary. Depending on the expert witness this can be expensive, but again we will agree with you what the costs will be before incur any fees.

We may advise you to instruct a barrister. If we do we will agree a fee with a barrister of your choice, and explain what additional costs are needed in such cases.