



EMPLOYMENT

A Guide to CWC's fees for Employment Tribunal matters

At CWC we offer individuals and businesses representation in claims before an Employment Tribunal. These claims can be brought for a variety of reasons but can usually be placed into one of two categories. These are Wrongful Dismissal or Unfair Dismissal which are commonly confused with each other.

WHAT IS WRONGFUL DISMISSAL?

Wrongful dismissal claims are brought when the reason for dismissal is often a fair one but where it is claimed that the employer has not complied with either its contractual or statutory arrangements when carrying out the dismissal process. The issue may not be whether the employer was able to dismiss the employee but whether it did so in a way which was in accordance with the employee's contract or otherwise procedurally lawful.

WHAT IS UNFAIR DISMISSAL?

Unfair dismissal claims are those where the employee alleges that the employer's reason for dismissal is one where dismissal is the wrong result of a procedure which has ended up with the employee being dismissed.

Constructive dismissal, where the employee has resigned his or her employment in objection to an action, or series of actions, of the employer which the employee claims is a breach of contract also falls within the category of unfair dismissal.

Employment Tribunal Claims are not limited solely to dismissal or other termination of employment and can be brought, in certain circumstances, where employment is continuing, such as claims for recovery of a shortfall in wages.

CLAIMS PROCEDURE

There are strict time limits applicable for bringing Employment Tribunal claims, and as a general rule they need to be issued within 3 months of the last day of employment or 3 months from when the issue arose.

The procedure for bringing these claims is generally the same, which can be simply put as follows:

- The Claim Form is issued outlining your case.
- The Respondent has a timescale to respond to the claim.
- The Tribunal upon receipt of the reply will decide if this is a matter for a full hearing or whether it can be dealt with without a hearing. They could also call a preliminary hearing to discuss the issues that they believe need to be dealt with and when a full hearing will be.
- Documents will be disclosed between the parties.
- The hearing will take place with witness attendance if required.

COSTS

Whilst much of the work required will be determined on a case by case basis we are able to give the following estimates for bringing and defending claims for unfair or wrongful dismissal:

Simple case: £2,500.00 to £7,500.00 plus VAT

Medium complexity case: £7,500.00 to £15,000.00 plus VAT

High complexity case: £15,000.00 to £50,000.00 plus VAT

Factors that could make a case more complex:

- 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 disability (if this is not agreed by the parties).
- The number of witnesses and documents.
- If it is an automatic unfair dismissal claim e.g. if you are dismissed after blowing the whistle on your employer.
- Allegations of discrimination which are linked to the dismissal.

There will be an additional charge for us attending a Tribunal Hearing at a daily rate of £1,500.00 plus VAT. Generally, we would allow 1 - 3 days for attendance at a hearing depending on the complexity of your case.

It may be possible that you could have Legal Expenses Insurance as part of your home insurance for example. We would always suggest that you look into any insurance policies that you have in order to see if they cover employment claims as if they do they may assist or cover our fees in full. If insurance is not available in certain cases we may also be able to consider a form of "No Win, No fee" agreement if we feel that your case has reasonable prospects of success. These options will always be discussed and explored at your first appointment with us.

DISBURSEMENTS

Disbursements are costs related to your matter that are payable to others, such as Court fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

Barrister's fees are estimated between £1,500.00 to £2,500.00 plus VAT per day (depending on experience of the Barrister) for attending a Tribunal Hearing (including preparation).

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, 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 mandatory to explore whether a settlement can be reached.
- Preparing your claim or response.
- Reviewing and advising on your claim or the response from other party.
- Exploring settlement and negotiating settlement throughout the process.
- Preparing or considering any schedule of loss.
- Preparing for (and attending) a Preliminary Hearing.
- Exchanging documents with the other party and agreeing a bundle of documents for use at the hearing.
- Taking witness statements and agreeing their content with witnesses.
- Preparing bundle of documents for use at the hearing.
- Reviewing and advising on the other party's witness statements.
- Agreeing a list of issues, a chronology and/or cast list.
- Preparation and attendance at Final Hearing, including instructions to a Barrister.

The stages set out above are an indication and if some of stages above are not required, the fee 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 on your individual needs.

HOW LONG WILL MY 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 may take as little as 4 to 8 weeks. If your claim proceeds to a Final Hearing, it is likely to take between 6 & 9 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.

WHO WILL DEAL WITH MY MATTER?

Matthew Becker is a Partner and Solicitor who specialises in Employment claims. [click here](#) to go to our team page and read further information about Matthew's background and experience.