

## Guide to Employment Tribunal fees for business

ELS supports the public, private and charity sectors that require employment legal advice including:

- Discrimination claims
- Maternity or pregnancy related claims
- Holiday pay claims
- TUPE
- Whistleblowing
- Court of Appeal
- Employment tribunal claims

Our Employment Team works with clients to resolve conflicts and to offer practical solutions, whether it is resolving disputes, building the best resourcing structure, or assisting with employment processes and legislation.

### Our 18/19 and 19/20 Charge Out Rates

ELS provides services to a number of different organisations and is part of several framework agreements which may have different charge rates. We will confirm the charge rate and the expected cost to deal with a matter at the start of each case. The rates below will apply where an agreed pricing arrangement is not in place.

We have 5 members of the team who may work on your matter. Regardless of who works on your matter they will be supervised by Emma Thomas, Legal Services Manager. Emma will be supervised by Katie Bray, Head of Legal at ELS.

	Year qualified		(Excluding VAT)
Emma Thomas	2004	Legal Service Manager/Solicitor	£182 an hour
Ovril Tomlinson	2006	Solicitor	£108 an hour
Emily Mulleady	2009	Solicitor	£108 an hour
Caroline Iszard		Trainee Legal Executive	£79 an hour
Shannon Boden		Caseworker	£79 an hour

The typical cost of bringing and defending claims for unfair dismissal are as follows:

- Simple cases: £1,000 - £6,000 (excluding VAT)
- Complex cases: £10,000 - £20,000 (excluding VAT)

Factors that could make a case more complex that could exceed the amounts referred to above include the following:

- If it is necessary to defend applications to amend claims
- Defending claims that are brought by litigants in person (i.e. claimants who are not legally represented)
- Making or defending a costs application
- Complex preliminary issues such as whether the claimant is disabled (if this is not agreed by the parties)
- The number of witnesses and documents
- Allegations of discrimination which are linked to the dismissal.

The length of the hearing will also depend on the complexity of the case and therefore a more complex case will require the Employment Tribunal to schedule to the hearing for more days which will increase the cost.

You may also require a barrister if the case goes to Tribunal. This is a disbursement cost. Disbursement costs are costs related to your matter that are payable to third parties including costs to barristers. We handle the payment of the disbursements on your behalf to ensure a smoother process.

Barristers' fees are on average estimated between £750 to £3,000 per day (depending on the experience of the barrister) for attending a Tribunal Hearing (including the preparation for such hearing).

### **Key stages**

The estimated 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)



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- Entering into pre-claim conciliation where this is mandatory to explore whether a settlement can be reached
- Preparing the response to the claim and lodging this at tribunal
- Reviewing and advising on the claim from the other party
- Exploring settlement and negotiating settlement throughout the process
- Considering a schedule of loss
- Preparing for (and attending) a preliminary hearing
- Exchanging documents 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 for use at the final 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 the final hearing, including instructions to the barristers.

The stages set out above are an indication of some of the typical stages of a claim of this type and if some of the stages above are not required, the fee will be reduced. You may wish to handle defending the claim yourself and only have our advice in relation to some of the stages. This can also be arranged on your individual organisation's 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



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is reached during pre-claim conciliation, your case is likely to take approximately 4-6 weeks. If the claim proceeds to a final hearing your case is likely to take 3 – 12 months. This is just an estimate and will also depend when the Employment Tribunal schedule the final hearing. We will of course be able to give you a more accurate timescale once we have more information and as the matter progresses.



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