

Pricing

Employment Tribunal: Range of costs

Cases can vary in their complexity. Whether a particular case is simple or has a medium or high level of complexity can depend on a number of things. First and foremost, some legal claims are more complex than others. A legal claim can be made complex by a general lack of clarity in that area of law which can require us to engage in detailed legal debate. A legal claim can also be made complex by the number of different elements which need to be established.

As a general rule the longer the period of time during which the events complained of or relevant events took place, the more documents there will be to review and so our time costs will increase. Some cases are brought by and/or against multiple parties. Depending on the circumstances, sometimes the parties to a claim cooperate but often they do not. Therefore, the complexity of the legal and logistical elements of a claim can depend on both the number of and stance adopted by those parties.

Unfair dismissal and/or wrongful dismissal claims are often accompanied by other claims under the Employment Rights Act 1996 and/or the Equality Act 2010. Common examples include claims for discrimination, victimisation, harassment and detriments for making whistleblowing disclosures. The more legal claims that are brought by or against a party will increase the cost of that case as time will be spent considering, arguing, and advising on each of those individual claims. However, the fact that one of these additional claims is made does not *necessarily* mean that the case must be expensive. Depending on the strength of the evidence, these claims can sometimes be established with ease. There is no escaping that the complexity of a case will depend on its facts.

Finally, certain contexts lend themselves to more forensic analysis. For example, where a case revolves around the detail of financial instruments or data manipulations this can require a particularly detailed level of analysis of the evidence. Such cases have a tendency to be closer to the high complexity end of the scale.

Rosenblatt usually charges on a time basis. This means we will charge you according to hourly rates (see below). In some limited circumstances we *may* be able to offer alternative fee arrangements such as Damages-Based Agreements where you agree that we will be paid a fixed percentage (up to a maximum of 35%) of any settlement sum you receive or are awarded by a Court of Tribunal.

If you have any applicable insurance policies, it may be possible for your costs to be covered by these. We reserve our absolute discretion in this regard and your funding options can be considered at the initial consultation.

Our pricing for unfair or wrongful dismissal claims or defences

Every claim is different. Because of this, we cannot give you a reliable estimate of the costs until we have all of the details of the claim. These prices below are estimated averages for a claim which goes all the way through to and including a hearing.

The majority of cases in the Employment Tribunal settle before the hearing. This will mean the total cost to you is likely to be lower than the estimates below.

Simple case: £30,000-£50,000 (excluding VAT)

Medium complexity case: £50,001-£120,000 (excluding VAT)

High complexity case: £100,000-£300,000 (excluding 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 whether the claimant has a protected characteristic (which includes but is not limited to being disabled, pregnant or observing a particular religion) (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 in relation to a protected disclosure which means blowing the whistle on your employer;
- Allegations of discrimination which are linked to the dismissal

Our hourly rates

- We will almost invariably charge by the hour. Our hourly rates are:
- Partners - £500 - £850 per hour plus VAT
- Associates & Solicitors - £200 - £425 per hour plus VAT
- Consultants - £400 - £525 per hour plus VAT
- Trainees - £150 per hour plus VAT
- Paralegals - £140 per hour plus VAT

Disbursements

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

We will sometimes/may instruct barristers to work on your case. In fact, if we do enlist the help of a barrister, fees always vary. Barristers will usually quote an hourly rate for some work such as the provision of an opinion but also set fees for accepting a case and then attending any hearing.

If we instruct a barrister for a simple case, they are likely to be a junior to mid-level barrister. Their average hourly charge is around £200-£400 per hour. For medium and high level complexity cases we are more likely to instruct a mid-level to senior barrister. Their average hourly charge is around £350-£700 per hour. The set fees for accepting a case, preparation and attending a hearing are highly variable.

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;
- Dealing with inter-party correspondence;
- Preparing claim or response;
- Reviewing and advising on claim or response from other party;
- Exploring settlement and negotiating settlement throughout the process;
- Preparing or 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 bundle/s of documents;
- 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 Counsel.

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. In large part, the time it will take to reach a conclusion will depend on when a hearing can be scheduled. When a hearing can be scheduled is dependent on how many days the Tribunal thinks it requires to resolve the matter. Simple cases usually require 1 to 2 days and get given a hearing date in

6 to 9 months from the date of the claim. Medium and high level complexity cases usually take 3 to 8 days and can be given a hearing date in 9 to 14 months.

If a settlement is reached during pre-claim conciliation, your case will be resolved sooner than this. Where a claim is made but it is settled before the hearing commences, the settlement can be achieved at any time after the hearing up to the date of the hearing.