



SHEPHERD WEDDERBURN

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# Employment – Unfair/Wrongful Dismissal England and Wales

# Employment

## Bringing and Defending Claims for Unfair Dismissal and/or Wrongful Dismissal in the Employment Tribunal

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### Our Team

Our Employment team is led by [Neil Maclean](#). The core team currently comprises two Partners, two Associates and two further Solicitors (who are admitted in Scotland). Our senior Employment team biographies can be found [here](#).

Our Employment team is supported by experts in Pensions, Litigation, Corporate and Personal Taxation, Employee Incentives, Immigration and HR consultancy to provide a holistic human resource and employment law service.

### Our Pricing

#### Initial Consultation

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An initial consultation, which can be done in person or by phone or video conference (normally lasts around 45-60 minutes) and will cost £300 plus VAT.

#### Fixed Fee

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After the initial consultation, we will provide a fixed fee quotation, which will depend on our assessment of the complexity of your case and be influenced by factors set out below.

Our pricing for bringing and defending claims for unfair and/or wrongful dismissal in the Employment Tribunal is:

- **Simple case: £5,000 to £15,000 (plus VAT of 20%)**  
A claim listed for a hearing of up-to 2 days.
- **Medium complexity case: £15,000 to £30,000 (plus VAT of 20%)**  
A claim listed for a hearing of 3 to 5 days.
- **High complexity case: £30,000 plus (plus VAT of 20%)**  
A claim listed for a hearing of over 5 days.

There will be an additional charge for the days spent attending the Tribunal Hearing of between £1,000 and £5,000 per day (plus VAT of 20%). Generally, we would envisage that an unfair dismissal claim would take between 1 to 10 days in a hearing depending on the complexity of your case. As explained in the section headed "Disbursements" below, disbursements are also charged in addition to the pricing set out above. The most common disbursement is Counsel's fees. In most cases in England and Wales we would instruct Counsel to represent you at the hearing. Counsel's fees would be in addition to the fees listed above.

## Complicating Factors

If a claim has one or more complicating factors, that could increase the complexity categorisation of your claim (simple, medium, high) and/or the price point within that band. Examples of complicating factors are:

- 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.
- Preliminary hearing on case management.
- Preliminary hearing on a substantive issue such as whether a claim is out of time or whether the Tribunal has jurisdiction.
- The number of witnesses and documents.
- Whether there are any expert witnesses.
- If it is an automatic unfair dismissal claim e.g. if the employee is dismissed after blowing the whistle on their employer or for a reason connected to a transfer of their employment.
- If the claim is for a high value.
- The level of support that you require.
- Matter of significant reputational concern.
- Floodgates matter with far reaching implications for a business.
- The hearing takes longer than expected and/or is split over more than one sitting.
- There is a separate hearing on compensation.
- The level of travel required to attend the Tribunal or provide our service to you.

The fees quoted above are for unfair and/or wrongful dismissal claims in the Employment Tribunal in England and Wales only. They do not cover other locations or claims such as equal pay or discrimination for example. Nor do they cover appeals or claims in the civil courts.

## Disbursements

Disbursements are costs related to your matter that are payable to third parties (including travel/accommodation if relevant) or court fees (if applicable) or the cost of expert medical or other opinion. We handle the payment of the disbursements on your behalf to ensure a smoother process. You will be invoiced for these disbursements and they will be shown separately on your invoice.

The most common disbursement in unfair dismissal/wrongful dismissal cases is Counsel's fees. In an unfair dismissal/wrongful dismissal claim, Counsel's fees are estimated between £1,000 to £5,000 per day (plus VAT of 20%) for attending a Tribunal Hearing (including preparation) depending on the nature of the case and experience of Counsel. There may also be an upfront fee (known as a brief fee) for preparation in advance, some or all of which may not be recoverable even if the hearing is cancelled.

## Tribunal Fees

There are currently no Tribunal fees for making a claim of unfair dismissal/wrongful dismissal in the Employment Tribunal.

## Key Stages

The range of fees set out above cover all of the work in relation to the following key stages of an Employment Tribunal claim in England and Wales:

- 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). The initial consultation is charged – i.e. we do not offer a free initial consultation.
- Entering into pre-claim conciliation where this is mandatory to explore whether a settlement can be reached.
- 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.
- Reviewing and 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 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 where used.
- Preparation and attendance at a separate hearing on compensation.

#### Exceptional Circumstances where Fees may Exceed the Quoted Fee

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On very rare occasions, the final fee will be higher than our quoted fee. Rest assured this only happens in exceptional circumstances, which are outside our control. If your fee is going to be higher than the quoted fee then we would alert you to this as soon as practicable.

#### 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 and when any claim is listed by the Tribunal for a Hearing. If a settlement is reached during pre-claim conciliation, your case is likely to take 1 to 10 weeks. If your claim proceeds to a Final Hearing, your case is likely to take between three and twelve months. This is just an estimate and we will be able to give you a more accurate timescale once we have more information and as the matter progresses. However, there will always be an element of litigation uncertainty.

#### Other Sources of Funding?

If you are a member of a trade union or professional body, the cost of your legal fees may be covered by the union/professional body, although you may be obliged to use their appointed solicitor to represent you in your case.

It is common to find, legal expenses insurance bundled with general home and contents or motor insurance policies either as an optional extra or a free add-on. You should check the contents of any insurance policies to ascertain whether you have insurance that might pay for some or all of your legal expenses. Your insurance provider might recommend that you use a solicitor appointed by the insurer to handle your claim. You are not obliged to do so and have the legal right to instruct a solicitor of your own choosing.

If your claim is high-value, then it may be suitable for inclusion in our litigation-funding portfolio. If so, we would be able to take your case on a contingency basis. Full details of our litigation funding offer will be provided if your case is thought suitable for inclusion in the portfolio.