

# Defending a Claim for Wrongful or Unfair Dismissal

## HOW LONG WILL MY CASE TAKE?

The average time is about 27 weeks from a person making a claim to getting a Tribunal decision. Sometimes it can take over a year in certain circumstances.

## THE KEY STAGES OF YOUR MATTER

The following list indicates what is typically required in an employment tribunal case:-

- Preparing and submitting your Response.
- Preparation for and attending a Preliminary Hearing (if necessary).
- Advising on the Schedule of Loss setting out how much compensation the Claimant is claiming.
- Providing the Claimant with all the documents that you have relating to your case and them providing you with all the documents that they have.
- Providing a Witness Statement for you and any other witnesses you want to give evidence at the hearing.
- Arranging for the preparation of an indexed bundle to be used at the hearing.
- Attending the Final Hearing.

## HOW MUCH WILL IT COST?

We always aim to give an estimate of the total cost of your case prior to starting work. The following table gives an example of the typical costs in defending an Employment Tribunal Case.

Example Cost of defending a Wrongful or Unfair Dismissal Claim

<b>Employment Tribunal – Defending a Wrongful/Unfair Dismissal Claim</b>		
	<b>(£)</b>	<b>VAT (£)</b>
Providing initial advice and assistance	300 - 500	60 - 100
Providing advice and assistance throughout the matter including preparation for hearings, instructions to Counsel, witness statements, advising on a Schedule of Loss etc.	5,000 – 10,000	1,000 – 2,000
Counsel's fees for attending a Preliminary Hearing, if necessary (dependant on length & complexity of hearing)	750 - 1000	150 - 200
Counsel's fees for attending a Final Hearing (dependant on length & complexity of hearing)	2,500 - 5000	500 - 1000
<b>TOTAL</b>	<b>8,550 - 16,500</b>	<b>1,710 – 3,300</b>
<b>GRAND TOTAL</b>	<b>10,260 – 19,800</b>	

These are average costs and we will provide an individual estimate of costs prior to starting work.

#### **OUR FEE ASSUMES THAT:**

- This is a standard case and that no unforeseen matters arise
- The case is concluded in a timely manner and no unforeseen complications arise
- All parties to the claim are co-operative and there is no unreasonable delay from third parties providing documentation
- Generally, we would allow 3 days for Tribunal Hearings depending on the complexity of your case. There will be an additional charge of approximately £1,500 per additional day (excluding VAT)

Where we have to undertake additional work it will be charged at an hourly charge out rate of £325 plus VAT. We will always inform you first before incurring extra costs.

#### **FACTORS THAT WILL AFFECT THE COST OF YOUR CASE**

- Dealing with multiple witnesses
- Other novel or complex aspects to the case
- Defending claims that are brought by litigants in person
- Expert reports
- Dealing with an appeal
- If it is necessary to make or defend applications to amend claims or to provide further information about an existing claim
- 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 documents
- Allegations of discrimination which are linked to the dismissal
- If the case settles early there may be a significant reduction in costs

Please call and speak to Janine Bryant for advice and an individual estimate of costs - 01202 292424