

EMPLOYMENT, LABOUR & EQUALITIES - UK

UNFAIR AND WRONGFUL DISMISSAL CLAIMS

Pricing model for England and Wales

We use a cost modeller, based on tracking historical data of time spent and agreed hourly rates at each stage of an employment tribunal claim, to give an accurate costs estimate at the start of each tribunal claim we handle. The Solicitors Regulation Authority (SRA) requires us to provide information about our costs on a typical unfair and wrongful dismissal claim, which might include a claim for automatic unfair and wrongful dismissal for making a protected disclosure (sometimes referred to as whistleblowing).

Costs vary widely for claims depending on numerous factors, such as: complexity of allegations; number of witnesses; amount of relevant documentation that needs to be looked at; potential reputational impact of the claim on the employer; and whether the claim is only one aspect of the firm's work for a client. We have provided below an example range of costs for an unfair and wrongful dismissal claim and an unfair and wrongful dismissal claim based on making a protected disclosure and have also set out the various factors which would inform the actual quote for a particular case.

Unfair and wrongful dismissal claim (no protected disclosure) - £14,500 plus VAT and disbursements¹

This is based on the following assumptions: we prepare a risk analysis when the defence is lodged; there are two witnesses for the employer and two lever arch files of documents to be reviewed.

Unfair and wrongful dismissal claim based on protected disclosure - £23,250 plus VAT and disbursements²

This is based on the following assumptions: we prepare a risk analysis when the defence is lodged; there are three witnesses for the employer and two lever arch files of documents to be reviewed.

What other assumptions have been made in relation to our example pricing models?

The following assumptions have been made in relation to the following key stages of a claim:

¹ Disbursements for this type of claim would typically be photocopying and barrister's fees for advocacy at the final Hearing. Barrister's fees are subject to negotiation with the relevant barrister's chambers and will vary according to the seniority and experience of the barrister. We will always get approval before committing to a barrister's fee on behalf of a client but these will be in excess of £500 plus VAT.

² *ibid.*

- Taking your initial instructions, reviewing the papers and advising you on merits and potential compensation (this is likely to be revisited throughout the matter and subject to change)
- Preparing response
- Considering a schedule of loss
- In protected disclosure cases, preparing for (and attending) one Preliminary Hearing
- Agreeing a list of issues
- Exchanging documents with the other party and agreeing a bundle of documents
- Helping witnesses prepare their written witness statements
- Preparing bundle of documents
- Reviewing and advising on the other party's witness statements
- Preparing a chronology and/or cast list
- Preparation for Final Hearing, including instructions to barrister presenting the case at the Hearing

What will influence our example pricing model for a case?

This is not a complete list but these are the factors which will most commonly influence the costs in a particular case:

- **Appropriate level of legal personnel to handle the case** - we have a range of levels of qualified solicitor in our team as well as paralegals and trainees. Which of them handles a particular case will be determined by a combination of factors including availability, experience and knowledge of the client in question. Here is a link to our team profiles.
- **Complexity of allegations** - if there were an allegation that a dismissal was not just unfair but also discriminatory, this is likely to increase the costs.
- **Number of witnesses** - more complex claims often mean we have to speak to more witnesses and sometimes have to review and get input on more witness statements from the claimant. This increases the costs.
- **Volume of documents** - again, more complex claims tend to produce more documents which all have to be read, considered in light of the claim and disclosure obligations.
- **Our knowledge of the client's business** - we may be dealing with a claim which is similar to one we've dealt with before, for the same client, which may reduce the costs.
- **Whether the claimant is legally represented** - it tends to be more costly to deal with a claimant who is not legally represented and is unfamiliar with the employment tribunal process.

- **Tribunal hearings** - if there are interim hearings to decide applications in cases, this will increase costs as we need to prepare for and attend the hearings, as well as follow through on the resulting action points. Costs for the final hearing in a case will depend on how many days it is heard over and whether those days are consecutive and who attends from our team.
- **Appeals** - these also add to costs, whether they are against interim points or against the final decision.
- **Settlement negotiations** - we may suggest in our risk analysis that you explore settlement and if you instruct us to do that, we would provide a separate quote for handling the settlement negotiations.

How long could the matter take?

The timescale for concluding the matter will depend on a number of factors including how the claimant conducts themselves; the amount of documentary evidence; availability of witnesses and tribunal listing times. To take a case to Hearing, timescales can be anything upwards of six months but typically around 12 months.

If you are interested in receiving a costs estimate for a particular employment tribunal claim, please contact [Jonathan Chamberlain](#) or your usual Gowling WLG contact.