

PRICING FOR DEFENDING CLAIMS FOR UNFAIR OR WRONGFUL
DISMISSAL

DEFENDING EMPLOYMENT TRIBUNAL CLAIMS



Lexcel
Legal Practice Quality Mark
Law Society Accredited



Nalders
Solicitors

Our fees for defending claims for unfair or wrongful dismissal are shown in the table below.

Simple Wrongful Dismissal	Simple Unfair Dismissal	Medium Complexity	High Complexity
£2,000 to £3,000	£5,500 to £8,000	£8,000 to £15,000	£16,000 to £30,000

All above fees exclude VAT which will be applied in all cases.

Factors that could make a case more complex:

- if you require us to allege that the employee lacks 'standing' to bring the claim for some reason – for example, you say they were not employed or not employed for long enough to qualify them to bring a claim;
- if it is necessary to make or defend applications to amend claims or to provide information about an existing claim;
- making or defending a costs application;
- complex preliminary issues such as whether the person bringing the claim is disabled (if this is not agreed between you and the employee);
- the number of witnesses and documents;
- if it is an automatic unfair dismissal claim, e.g. someone is dismissed after blowing the whistle on you;
- if there are allegations of discrimination which are linked to the dismissal.

There will generally be an additional charge for attending a Tribunal hearing of £1,500.00 per day (excluding VAT). Generally, we would allow 1 to 5 days, depending on the complexity of your case.

How will I know which price bracket is applicable to the claim I face?

The price brackets set out above cover all of the work in relation to the key stages of a claim but we acknowledge that when you are trying to make a decision as to whether to instruct a solicitor to help defend any claim, these brackets are only moderately helpful at best. However it is very hard to give an accurate estimate of the likely legal costs for defending an employment tribunal claim for wrongful or unfair dismissal as every case is different.

The best yardstick we can provide as to how much this will cost you is to say, the more steps we are required to take in the process, the more you can expect to pay. Please click [here](#) to see an overview of all the steps involved in bringing an employment tribunal claim.

This is an overview of all steps required and can be used to plan and budget but it is not an exhaustive list of the tasks necessary to complete the matter. Certain tasks may not apply in every claim or may be carried out in a different order from the one presented. If some of the steps are not required, the overall fee will be reduced. You may wish also to handle the claim yourself and only have our advice in relation to some of the stages. This may be able to be arranged based on your individual needs.

You can cap the amount of legal costs you have to pay at an early stage by making an offer to settle the claim, even if you do not agree that the person bringing a claim against you has a solid basis for doing so and even if you think that they will lose if they bring the claim to a tribunal hearing. Many employers make a business decision to settle claims at an early stage as any costs which they incur in successfully defending a claim are generally not recoverable from the employee at the end of the claim; it therefore proves more economic to pay off the claim, than to defend it.

Disbursements

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

For example, in some cases, expert evidence will be required to assist the tribunal in determining an issue in the proceedings, such as whether the employee was disabled at the relevant time. The expert will charge a fee for preparing his report. Ordinarily the claimant will meet the cost of that report, but sometimes, particularly where it is a joint report, the tribunal may ask you to contribute towards it. The cost of this report will vary depending on the complexity of matters or the amount of involvement required from the expert but it may range from £200 to £1,000. VAT may apply to this fee.

It is usually more cost effective to ask a barrister to attend any final tribunal hearing on your behalf. Barristers are commonly known as “counsel”. Counsel’s fees are estimated at between £1,000 to £2,000 per day (depending on experience of the barrister) for attending a Tribunal Hearing (including preparation). If we engage a barrister to attend on your behalf, we are unlikely to also attend and therefore there will be no additional Tribunal hearing fee for our attendance.

Alternatives to paying privately

The fees on this information sheet will apply where you decide to pay us privately for our services. However there are other options available to fund your costs, such as:

- business legal expense insurance, e.g. under general commercial policies;
- via other membership organisations, perhaps the Federation of Small Businesses;

You may wish to check whether any of these options are available before you instruct us. However remember that the employment tribunal procedure is supposed to be simple enough for you to use without the assistance of lawyers. It is always open to you therefore to defend the claim yourself without any legal assistance (however please see the note on ACAS below)

ACAS

If you consider that you do not wish to instruct solicitors, you may wish to consider contacting the Advisory, Conciliation and Arbitration Service (ACAS). ACAS offers an independent and trusted service for dealing with disputes:

- between groups of workers, their representatives and their employers
- where individuals claim their employer has denied them a legal right

ACAS can offer alternative methods of resolving employment disputes, such as arbitration, mediation or conciliation and these services may be offered free of charge. You can find more information on the ACAS website at www.acas.org.uk or by calling the ACAS helpline on 08457 47 47 47 (Monday to Friday, 8am–8pm and Saturday, 9am–1pm).

How long will it 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 the claim is resolved. If a settlement is reached at the “initial considerations” stage, the matter is likely to take around 8 weeks. If the claim proceeds to a Final Hearing, it will take between 6 months to 1 year again depending on how complex the issues are. This is just an estimate and we will of course be able to give you a more accurate timescale once we have more information and as the matter progresses.

Our Team

[Dale Band](#)

[Gayle McDermott](#)

[Lee Middleton](#)

[Luke Smith](#)

[Grace Holland](#)