

Bringing and defending claims for unfair or wrongful dismissal

Our Employment team at Berry & Lamberts recognise that no two cases are ever the same. An unfair dismissal case could be as simple as a rogue employer verbally abusing a member of staff and following no procedure prior to dismissal or as complex as a dispute over whether a member of staff has been fairly dismissed because it has been decided that they are no longer capable of doing their job following a lengthy capability procedure.

Our team recognise that such disputes are concerning to both **employer** and **employee**. In these circumstances our clients find comfort in having a trusted expert deal with their case, a person who they can talk to, who can be relied upon to provide a clear view on what can be achieved and who is focused on ensuring that the benefit to be obtained is not outweighed by the costs incurred in bringing or defending such claim.

There is no escaping the fact that to run even the most simple dismissal case to a tribunal hearing is expensive both in terms of cost and time. Throughout the process, our experienced team will consider and advise on the prospects of an early settlement, on the most favourable terms, and whether the cost in continuing the case is justified by reference to both the risk of not achieving a successful outcome and the value of that outcome if the case is successful.

National statistics show, and we know from our own experience, that the vast majority of cases settle prior to a final hearing, indeed a lot of cases settle prior to a claim being issued in the employment tribunal.

At Berry & Lamberts we are experienced in dealing with a whole range of employment issues including running dismissal cases. We also have strong links with various barristers' chambers and with our LawNet partners, which ensures that we have access to a breadth of knowledge and experience, this enables us to deal with even the most complex cases.

Whilst it is impossible to state precisely the cost of running a case to a final tribunal hearing due to the fact that every case is different, we would expect most cases to fall within the ranges of costs set out below (these costs do not include disbursements, which we detail separately).

Simple case	£6,000 – £10,000 (exc. VAT)
Medium complexity case	£11,000 – £25,000 (exc. VAT)
High complexity case	£28,500 – £47,500 (exc. VAT)

Factors that could make a case more complex:

- If it is necessary to make or defend applications to amend claims or to provide 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 client is disabled (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 after blowing the whistle on your employer; and
- Allegations of discrimination which are linked to the dismissal.

Disbursements (not included in our fee)

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.

Barrister's fees are the most common disbursement that you are likely to incur in running such cases. A barrister's input may be needed to advise on prospects of success on more complicated cases, to prepare the claim or defence form and to represent you at the tribunal on an interlocutory hearing and at the final hearing. We would generally expect to see the fees for barristers within the following ranges:

Simple case	£750 – £2000 (exc. VAT)
Medium complexity case	£6,500 – £16,500 (exc. VAT)
High complexity case	£19,500 – £34,000 (exc. VAT)

In addition, in medium to high complexity cases, a decision may be made to arrange a formal mediation session with a professional mediator. The costs of a mediator can range from £1,000 to £2,500 (exc. VAT) per day (including preparation).

Key stages

The fees set out above cover all of the work in relation to the 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
- Preparing claim or response
- Reviewing and advising on claim or response from other party
- Exploring settlement and negotiating settlement throughout the process
- Preparing for and 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 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 the 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 based on your individual needs.

Timescales

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. If a settlement is reached during pre-claim conciliation, your case is likely to take 4 -12 weeks. If your claim proceeds to a Final Hearing, your case is likely to take 6-12 months for less complex matters and can run for up to 2 years for more complex matters. 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

Our team has many years' experience in delivering high quality work in all Commercial & Dispute Resolution matters.

We have three members of the team who may work on your matter. The team is supervised by Managing Partner and Head of Commercial & Dispute Resolution, Paul Reader.

Paul Reader	Managing Partner and Head of Commercial & Dispute Resolution
Darren Forrester	Partner
Simeon Blewett	Trainee Solicitor