

SIMKINS

Fee Information: Employment Tribunals

Our normal method of charging for advising on Employment Tribunal claims is at our standard hourly rates. A list of rates is set out below:

	Standard hourly rate (excluding VAT)
Partner	Depending on experience, £395 to £450
Associate	Depending on experience, £225 - £350
Trainee	£170

At the outset of each matter, we will try to give our clients an estimate of the time we expect to spend on any particular claim either in total or stage-by-stage. We will also keep our clients up-to-date on costs regularly as the matter progresses.

Fees

The costs for advising on Employment Tribunal claims (wrongful or unfair dismissal claims) vary widely, depending on the factual circumstances and the legal issues involved. We set out below the range of our typical charges for simple and more complex cases (for disbursements, including Counsel's fees, see further below):

- Simple case: £3,000 to £10,000 plus VAT.
- Medium complexity case: £10,000 to £25,000 plus VAT.
- High complexity case: £25,000 to £100,000 plus VAT.

Factors that could make a case more complex:

- If it is necessary to make or defend applications to amend claims or to provide further information about an existing claim.
- Claims that are brought by litigants in person or other unrepresented parties.
- The number of parties.
- The location of the Tribunal in which the claim is issued.
- 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 witnesses and documents.

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- The need for expert evidence (for example, in relation to pension loss or share valuation).
- If it is an automatic unfair dismissal claim e.g. if the employee is dismissed after blowing the whistle on their employer.
- Allegations of discrimination.
- Defending a counterclaim.

While the cost ranges set out above cover the majority of cases, there are occasions when we are involved in exceptionally complex cases. These might include cases involving discrimination, whistleblowing or multiple parties, or cases where the value is exceptionally high or the points of principle critically important for our client. In such cases, our costs might exceed the highest end of these usual price ranges. It will normally be obvious at the outset if a case is exceptional in this way and we will discuss with our clients at that point the costs we expect to incur.

Please note that it is not our normal practice, if Counsel is involved, to attend each day at a Tribunal hearing in full. If the case requires, or the client so requests, that we attend each day in full, then there may be an additional charge. We will discuss this with you at the time.

Disbursements

Disbursements are costs related to a case that are payable to third parties, such as court fees, couriers, travel costs, expert fees and Counsel's fees. We handle the payment of the disbursements on behalf of our clients. Disbursements vary from case to case, depending on need.

Counsel's fees vary widely depending on the experience of the barrister chosen to represent our client at Tribunal. We will normally recommend Counsel that we think appropriate for the case, but will discuss the choice of Counsel with our client before instructing them. At that point, we will be able to obtain a full fee quote for the chosen Counsel.

Typically, however, we would expect to pay the following fees to Counsel:

Type of case	Brief fee (excluding VAT)	Daily rate (for each day at Tribunal) (excluding VAT)
Simple case	£1,250 to £5,000	£250 to £750
Medium complexity case	£5,000 to £15,000	£750 to £3,000
High complexity case	£15,000 to £100,000	£3,000 to £10,000

Other charges

In addition to our fees and disbursements, we make charges for electronic bank transfers, photocopying, printing and faxes.

- Electronic money transfer fee – Priority Payment: £40.00.

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- Electronic money transfer fee – BACS (three-day transfer): £5.00.
- Photocopying at 20p per A4 page (black & white), 75p per A4 page (colour). Larger format jobs priced on request.
- Printing at 15p per A4 page (black & white), 75p per A4 page (colour).
- Faxes at 25p per A4 page plus call costs.

Time for payment

We bill on a monthly basis and bills are payable upon presentation.

We also reserve the right to ask for money on account of our fees and disbursements such as counsel's fees before starting work or incurring the same.

Key stages

The fees set out above cover all of the work in relation to the following key stages of a claim:

- Taking initial instructions, reviewing the papers and advising on merits and likely compensation (this is likely to be revisited throughout the matter and subject to change).
- Entering into early 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) Preliminary Hearing(s).
- 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.
- Conference with Counsel.
- Preparation and attendance at Final Hearing, including instructions to Counsel.

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The stages set out above are an indication and, if some of stages above are not required, the fee will be reduced. Clients may wish to handle the claim themselves and only have our advice in relation to some of the stages. This can also be arranged based on your individual needs.

How long will the claim take?

The time that it takes from taking initial instructions to the final resolution of a claim depends largely on the stage at which the case is resolved. If a settlement is reached during early conciliation, the case is likely to take up to 6 weeks. If the claim proceeds to a Final Hearing, timing depends on how busy the relevant Tribunal is, the anticipated duration of the hearing and client/witness availability. Altogether, it is likely to take at least 26 weeks from receipt of the claim by the employer and it could take up to 24 months. We will, of course, be able to give you a more accurate timescale once we have more information and as the matter progresses.

Simkins LLP
1 October 2021