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For Individuals: The Provision for Advice and Representation to Employees in Relation to the bringing of Claims before the Employment Tribunal against an Employer for Unfair Dismissal of Wrongful Dismissal

AND

For Businesses: The Provision of Advice and Representation to Employers in relation to Defending Claims before the Employment Tribunal Brought by an Employee for Unfair Dismissal or Wrongful Dismissal

Detail of Fee Earner:

Mrs Kam Ubhi qualified as a solicitor in 1986.

Employment tribunal: Range of costs

1. The Estimate set out below is for a claim for unfair dismissal/wrongful dismissal.

If the Claim also includes a claim based on discrimination or victimisation or other issues such as whistleblowing then your legal costs could be higher.

2. We are under a duty to advise you that you should check the availability of legal expenses insurance or the cover of any other insurance in relation to your legal costs. Accordingly you should check whether you have legal expenses cover for example a relevant Motor Insurance policy or a relevant Household Insurance policy.
3. It may be that your liability for costs may be paid by another person for example a Trade Union. If you are a member of a Trade Union then please check whether or not you have any legal costs insurance through the Trade Union.

It may be that after investigating matters you may have an insurance policy in existence which may cover your legal fees.

If so, you should make a claim under your legal expenses insurance and ask them how to proceed and whether you are able to instruct us under that insurance policy.



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Employers/Companies can have Legal Expenses Insurance as part of their insurance and should make enquiries with their Insurance company or broker and take advice on how to proceed.

Claims bought by an Employee and Claims defended by Employers

In employment matters, the **Employee** brings the claim (by completing a form called ET1) and will be known as the Claimant. As well as completing ET1, the Employee usually sets out details of its Claim under the Particulars of Claim.

The **Employer** is usually the Defendant in Employment Tribunal Claims and has to file a Response (Form ET3) where a Claim has been made against it.

After the parties have set out their respective cases, the Employment Tribunal can either give Directions (i.e. the steps that have to be taken by the parties to ensure that the matter is ready for a hearing) or set a Directions Hearing at which a timetable for those steps is given.

It is possible for there to be preliminary hearings to either deal with directions or to seek a provisional decision (by either party) during the course of the proceedings.

If a party does not comply with a direction or an order made by the Employment Tribunal, then either the Employment Tribunal can make an unless order i.e. state that if you do not comply with a certain order by a certain date, you cannot continue with your Claim or Defence (this is often known as an Unless Order).

An Estimate of our fees

Our pricing for bringing and defending claims for unfair or wrongful dismissal

| | |
|------------------------|---------------------------------|
| Simple Case | £6,000-£10,000 (excluding VAT) |
| Medium Complexity Case | £8,000-£15,000 (excluding VAT) |
| High Complexity Case | £13,000-£25,000 (excluding 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
- Defending claims that are brought by litigants in person
- 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
- If it is an automatic unfair dismissal claim e.g. if you are dismissed after blowing the whistle on your employer
- Allegations of discrimination which are linked to the dismissal

There will be an additional charge to the above sum for us to attend a Tribunal Hearing which will be in the region of £1,000-£1,200 per day (excluding VAT).

Generally, we would allow 1-4 days hearing depending on the complexity of your case.

A Simple Case can usually be heard in one day whilst a highly complex case could take over 5 days.

Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as court fees. If the Case involves disability (which could make it a complex case), there may be additional fees for medical reports. We handle the payment of the disbursements on your behalf to ensure a smoother process.

We estimate that Barristers fees (called Counsel) will be between £1,000 to £1,600 per day (depending on experience of the advocate) for attending a Tribunal Hearing (including preparation)

In addition there can be travel expenses for attending a Tribunal Hearing by this firm if the matter is heard outside Leicester.

Key stages

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

- If acting for the **Employee** 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).
- If acting for the **Employer** taking your initial instructions on the claim; obtaining information about the employment; details of any grievance/disciplinary hearings and obtaining instructions on the loss claimed. Taking instructions regarding evidence.
- Checking dates relied upon to ensure that the matter is within the limitation period

- Entering into pre-claim conciliation where this is mandatory to explore whether a settlement can be reached;
- Preparing claim (if acting for employee) or
- Preparing a response (if acting for employer)
- 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 (and obtaining evidence and challenging steps to mitigate loss if acting for employer)
- 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 (on some occasions Counsel will require a telephone conference with you or a pre hearing conference).

The stages set out above are an indication and if some of 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 on your individual needs.

How long will my matter 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 your case is resolved. If a settlement is reached during pre-claim conciliation, your case is likely to take 4-18 weeks.

If your claim proceeds to a Final Hearing, your case is likely to take 20-52 weeks.

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. If your case proceeds to a Final Hearing, the timescale will depend on how busy the Employment Tribunal is and when it can list the matter and/or whether or not a number of preliminary applications and/or preliminary hearings have to take place.