



BURLEY LAW

IP. TECH. HR

Burley Law

Costs information for bringing and defending claims for unfair or wrongful dismissal.

Note: all costs are subject to applicable VAT in addition.

We do not do any work involving Tribunal claims on a fixed fee or contingency ('no win, no fee') basis. We would usually charge on an hourly basis depending on the seniority of the fee earner, which in turn depends on the nature of the claim. This can range from £150 per hour for a paralegal to £235 per hour for a senior lawyer. Our fee earners range from junior paralegals to solicitors with many years' experience of HR and employment work. Comprehensive information on the experience and qualifications those working on a case can be found in the 'About' section of the website.

At the outset we will provide you with a written estimate of the costs that are likely to be involved, and we will keep you updated on costs at regular intervals as the matter progresses. We will ensure that the work is done by the most appropriate level of fee earner so that costs are well managed.

The Solicitors Regulation Authority (SRA) requires solicitors to publish information about some of the services we provide. In our case we are required to publish cost information about advising and representing clients (employers and employees) in unfair dismissal and wrongful dismissal claims in the Employment Tribunal.

It is important to point out that in many cases involving unfair dismissal and wrongful dismissal, a settlement is reached before the claim reaches a final hearing. It is also important to point out that in employment tribunal claims costs are almost never recoverable from the opposing party.

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

- Simple case: £7,500-£12,500
- Medium complexity case: £12,500-£20,000
- High complexity case: £20,000-£30,000

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
- Multiple parties

Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as barrister's (also referred to as 'counsel') fees. We handle the payment of the disbursements on your behalf to ensure a smoother process. If a barrister is instructed you will be responsible for their fees. Barristers are only instructed after discussion with you and cost estimates will be usually be obtained prior to them being instructed. A barrister's fees typically range from £1,500 to £3,000 per day (depending on the seniority and experience of the advocate) for attending a Tribunal Hearing (including preparation) – in exceptional cases, this may be higher. We will usually recommend that you are represented by Counsel at a final hearing.

Key stages

The fees set out above cover all of the work in relation to the following 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 or considering a schedule of loss
- Preparing for (and attending) a Preliminary Hearing if relevant to the claim
- 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 or parties' witness statements
- Agreeing a list of issues, a chronology and/or cast list
- Preparation and attendance at Final Hearing, including instructions to Counsel
- Regularly reviewing and advising on the merits of the claim as it progresses
- Dealing with remedies if appropriate (if the claim succeeds at the Final Hearing)

The stages set out above are an indication and if some of the stages above are not required, the costs will be reduced. You may wish to handle the claim yourself and only have our advice in relation to some of the stages, in order to manage your overall legal spend.

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 up to 6 weeks. If your claim proceeds to a Final Hearing, your case is likely to take between 12-18 months but some cases could take longer.

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.

Timescales can also be affected by factors outside our control such as the approach taken by the other party or parties and administrative delays in the Tribunal system. For example, there is currently a significant waiting time for correspondence to be answered by Tribunals due to the COVID pandemic.

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