

Employment Fees



We provide practical advice both to employees and employers for bringing and defending claims for unfair or wrongful dismissal.

BES Legal Ltd
S O L I C I T O R S

The fees as set out below are a general indication of the costs involved in bringing or defending claims of wrongful or unfair dismissal before an Employment Tribunal. No circumstances are the same therefore we will work to tailor our fees to your own requirements and the particular circumstances of your case. In order to obtain an accurate indication of costs, please give us a call, and one of our solicitors will discuss your case with you.

Our Fees

Simple Cases

£1,500.00 - £9,999.00 plus VAT

If the case has one or more of the following aspects:

- It is undefended by your opponent;
- The facts of the case are straightforward and/ or largely agreed by both parties;
- It involves a straightforward issue of law;
- A hearing of no more than 1 day is listed by the Employment Tribunal.

Medium Complexity Cases

£10,000.00 - £29,999 plus VAT

High Complexity Cases

£30,000.00 plus VAT onwards

Please bear in mind that cases which start as simple ones may become medium or high complexity as the matter progresses. Factors that could make a case more complex:

- complex or disputed issues of law or fact
- multiple, disputed allegations by either party
- numerous witnesses giving evidence on either side
- a claim for a large sum of money even if the claim is otherwise "simple"
- a large volume of documents
- cases listed for a hearing lasting more than 1 day
- amending a claim or defence
- providing further written particulars about the claim or defence
- dealing with complex preliminary issues, for example;
- whether the claim was brought in time;
- whether the claimant was disabled;
- attending and preparing for Preliminary hearings
- making or defending applications to the Employment Tribunal
- defending claims that are brought by unrepresented Claimants
- making or defending a costs application
- allegations of discrimination which are linked to the dismissal
- if there is a mix of corporate and personal liability.

Timescales

Timescales for dismissal claims can vary significantly. The process is likely to take up to 12-18 months from start to completion. Please bear in mind that more complex claims are likely to take longer to conclude than more straightforward claims. Other factors outside your control may affect the timescales such as:

- The efficiency of the Tribunal service;
- The approach of your opponent;
- How quickly and efficiently you provide us with your instructions.

Estimates of cost and timescale will be provided to you. You will also be able to fix a limit upon you pay to us and normally we would suggest that this is done with reference to the main steps as set out below. If you do this, then we would only be obliged to provide our professional services up to the agreed limit (financial or stage) and would not be obliged to take the business's Dismissal claim to its final determination.

Steps in bringing Claims of Wrongful/ Unfair Dismissal

Not all of the following steps may apply to your case.

Step 1. Instruct one of our solicitors

At our initial meeting or discussion, we will talk you through the details of the case on which you are seeking our advice. We may ask you for additional information and/or documentation. At or shortly after this initial meeting or discussion we will advise you as to your options and the merits of the case. We will provide you with a quote, and if you choose to instruct us to proceed, we will send you our terms of engagement letter confirming your instructions and our charges.

Step 2. Pre-claim conciliation

In most cases, an employee will be required to contact the Advisory, Conciliation and Arbitration Service (ACAS) before lodging an Employment Tribunal claim. We will advise you on the merits of using ACAS's free 'Early Conciliation' service and, if you wish us to do so, conduct any negotiations via ACAS on your behalf.

Step 3. Employment Tribunal Claim

We will draft your claim or response, seek your approval of the document and lodge it as appropriate with the Employment Tribunal. We will prepare or consider a schedule of loss setting out the compensation being claimed in the case.

It may be necessary to request further particulars from your opponent about aspects of their case. If so, we will draft a request for further particulars, serve on your opponent, consider their responses and seek your comments thereon.

Step 4. Ongoing settlement issues

Even if Early Conciliation has failed the services of ACAS are generally available and, if you wish us to do so, we will continue to discuss with ACAS the possibility that your case may be settled without recourse to a Tribunal hearing. If the case is settled we will advise you about (and if necessary draft) the settlement agreement.

5. Preliminary Hearing

The Tribunal may decide that a Preliminary Hearing is necessary – for example because there is a preliminary issue of law to be dealt with or because the Tribunal wishes to better understand and identify the issues in your case. If a Preliminary Hearing is listed by the Tribunal some or all of the following steps may be necessary:

preparation of an agreed list of issues/ chronology

preparation of agreed directions

collation of a bundle of documents for use at the Preliminary Hearing

drafting any witness statements for use at the Preliminary Hearing

We will advise you about whether your attendance at the Preliminary Hearing is necessary and discuss whether we will represent you or whether we recommend the instruction of Counsel.

In some complex cases more than one Preliminary Hearing may be necessary.

Step 6. Directions

It will be necessary for us to comply with any Directions issued by the Tribunal. Directions are the procedural steps that the parties must comply with in preparation for the final Hearing of your case.

Typical actions we will need to undertake as a result of the Tribunal's directions include:

- preparing/responding to requests for further particulars
- collating documents relevant to your case
- disclosing those documents to your opponent
- preparing/agreeing an indexed and paginated bundle of documents for use at the final Hearing
- preparing a Schedule of Loss or counter-Schedule
- interviewing you and any of your witnesses who will give evidence at the final hearing
- drafting, seeking approval of and finalising written witness statements of all your witnesses
- exchanging witness statements with your opponent
- considering, advising you about and seeking your comments on your opponents witness statements
- preparing/agreeing a list of issues
- preparing/agreeing a chronology
- lodging witness statements, bundles and other relevant documents with the Tribunal in readiness for the hearing.

Step 7. Hearing

Well in advance of the hearing we will discuss with you whether we recommend that Counsel be instructed. If the latter, we will send a written set of instructions to Counsel together with copies of all relevant paperwork.

Please note that, following the conclusion of the hearing on the merits of your case, there may be a separate hearing to determine the amount of any compensation to be awarded.

8. The Decision

The Tribunal will either issue its decision about your case orally at the conclusion of the hearing or will send its written decision to the parties at a later stage. Following receipt of the Tribunal's decision we will discuss with you the implications of that decision and if necessary advise about your ability to appeal or review the decision.

For more information, please seek advice from one of our specialist legal team.

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