

## **Employment Tribunal transparency**

### **Introduction**

The employment team at B P Collins LLP is experienced in handling all forms of tribunal claims. We are recognised in both the Legal 500 and Chambers directories as leaders in this field.

If you find yourself in the unfortunate position where you have to pursue or defend a tribunal claim, our experienced team can guide you through that process.

We pride ourselves on achieving the best possible and most cost effective outcomes for our clients, be that through pursuing a strike out of some or all of a claim or defence or negotiating an appropriate settlement.

### **Funding**

At the outset of any matter, we explore all available funding options with our clients.

This will usually including checking household or contents insurance to see if there is already appropriate insurance funding in place to cover either pursuing or defending an employment claim. Whilst insurers are keen to push their policyholders towards their own appointed panel solicitors, you have a legal right to choose your own solicitor. If you are able to secure insurance funding, this will often cover at least some, if not, all of the costs associated with a tribunal claim.

### **Recovery of Costs**

Unlike other dispute forums, in the employment tribunals, the starting position is that each party bears their own costs. Therefore, even if you successfully pursue or defend a claim, you will not automatically have your costs reimbursed to you by the losing party. However, there is scope to pursue an application for costs in the employment tribunal for up to £20,000 depending on the circumstances of the case. Our team is alert to these issues and will always pursue such an application where appropriate to reduce your overall costs liability.

### **Breakdown of work and costing**

We have set out below a summary breakdown of the work usually involved at each stage of pursuing or defending an employment tribunal claim for unfair or wrongful dismissal and the average costs involved at each stage.

This breakdown is provided on the basis that the claim proceeds to a full hearing without settlement at any stage.

Please note: The information given in this cost estimate necessarily includes a large element of speculation. Although we have adopted a cautious approach (i.e. we would prefer to come in under the estimates given than above them), the estimate may be exceeded in the event of unforeseen applications, events, requirements or complexities arising. Equally, in the event that a task proves more straightforward than expected or in the event that a task is not required or the matter settles, the estimate may be too high. Please also note that the costs information given below is general and we will give more precise and personalised information once instructed.

All estimates referred to below are exclusive of VAT.

### **Initial Advice and Commencement/Defence of Proceedings**

1. Review of papers, initial meeting to take instructions and advise on value of claim and prospects of success of pursuing or defending the claim
2. Letter of advice
3. Letter before action or review of letter before action and reply
4. Negotiations to seek an early settlement

5. Preparing ET1 Claim form including grounds of claim or ET3 form including grounds of resistance
6. Reviewing ET3 if applicable, considering any preliminary applications required

**Average costs minimum - £2,950**

**Average costs maximum - £6,850**

### **Preparation for Hearing**

1. Preparation of Preliminary Hearing Agenda and List of Issues
2. Liaising with other side regarding directions
3. Request for specific discovery and pursuit of the same
4. Telephone Preliminary Hearing (PH) / PH in person at ET
5. Collation of Documents and preparation of List
6. Consideration of other side's documents
7. Taking witness evidence
8. Preparation of Witness statements (assuming no more than two witnesses)
9. Consideration of other side's statements and taking instructions from you on the same
10. Preparation of final hearing bundle
11. Liaising with Counsel prior to hearing
12. Continuing settlement discussions where appropriate

**Average costs minimum - £5,250**

**Average costs maximum - £13,150**

### **Hearing**

1. Attendance at Hearing (assuming a 2 day hearing which does not settle at court door)
2. Consideration and advice on decision

**Average costs minimum - £5,250**

**Average costs maximum - £6,100**

### **Contingency and Disbursements**

1. Contingency for unforeseen circumstances
2. Counsel's fees for final hearing

**Average costs minimum - £5,250**

**Average costs maximum - £10,000**

### **Grand Total**

**Minimum - £18,700**

**Maximum - £36,000**

### **Complex matters**

The above estimates are provided in respect of a straightforward unfair or wrongful dismissal claim.

However, there are factors which could make a case more complex, including unfair dismissal claims involving:

- TUPE
- Whistleblowing
- Pregnancy or maternity discrimination
- Dismissals for any other automatic unfair reason;
- Discrimination.

In such circumstances there is likely to be additional work involved which can include:

- Additional Preliminary Hearings;
- Expert evidence;
- More witness evidence;
- More voluminous disclosure and bundles;
- A longer hearing length.

Consequently, costs could increase on such matters by around a further £5,000 - £10,000.