

**EMPLOYMENT**  
**TRIBUNAL CLAIMS FOR UNFAIR OR WRONGFUL DISMISSAL**

**OUR CHARGES**

Our charges for bringing and defending claims for unfair or wrongful dismissal, on a private-paying basis, will be at an hourly rate of £201 per hour plus VAT. Routine letters, emails and telephone calls will be charged as units of one-tenth of an hour. Other letters, emails and calls will be charged on a time basis. On 1 January of each year, the hourly rates are reviewed to take into account changes in overhead costs and you will be notified in writing of any increased hourly rate.

**DISBURSEMENTS**

In addition to your legal costs with Butterworths, you may also incur some disbursements. Disbursements are costs related to your matter that are payable by you to third parties, such as counsel's fees, expert's fees or medical records. We handle the payment of the disbursements on your behalf to ensure a smoother process but you may be required to pay the funds to us on account before we incur these.

**FACTORS THAT CAN HAVE AN EFFECT ON THE COST OF YOUR CASE**

It is difficult to give an accurate assessment of your likely legal costs at this early stage. There are a number of factors can affect the complexity and / or length of your case, and therefore the amount of your legal costs with Butterworths, such as:

- The number of parties to the case;
- The willingness of the parties to negotiate and the ability to reach a settlement;
- If it is an automatically unfair dismissal case;
- Any preliminary issues, such as disabilities or discrimination;
- The involvement of any litigants in person;
- The number of witnesses involved in the case;
- The amount of documentation involved in the case;
- Whether tribunal proceedings are required;
- If it is necessary to make or defend applications, to amend claims or to provide further information about an existing case;
- Making or defending a costs application;
- The number of hearings;
- Whether tribunal proceedings proceed all the way up to and including a final hearing;
- The length of the final hearing.

Counsel's fees are estimated at £1,500 to £2,500 per day plus VAT (depending on experience of the advocate) for attending a tribunal hearing lasting 1 full day (including preparation). Generally, we would expect the final hearing to last 1 full day, although additional days may be required in more complex matters. Shorter hearings, such as interim hearings, are typically proportionately less, although counsel may not be required for these.

OUR ESTIMATE (UP TO AND INCLUDING A FINAL HEARING)

Complexity	Our charges (excluding VAT)	Disbursements (excluding VAT)
Simple	£5,035 - £6,030 : 25 – 30 hours	£1,500 - £2,500
Medium	£7,035 - £9,045 : 35 – 45 hours	£1,500 - £2,500
High	£10,050 - £15,075 : 50 – 75 hours	£1,500 - £2,500

The estimate above is not a binding quotation and cannot allow for each and every scenario which may occur. We will be able to provide you with a more accurate estimate of your costs once we know more about your case and once we know the other side's position. Should our estimate change, for example, due unforeseen complexities or where additional work is required, we will advise you of this and provide revised costs information.

The estimate above does not apply to claims brought under discrimination legislation.

WHAT WORK IS INCLUDED IN OUR ESTIMATE?

The estimate set out above includes all of the work in relation to the following key stages of a case:

- 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 the claim documentation or the response to the claim documentation;
- Reviewing and advising on the claim documentation or the response to the claim documentation from other party
- Exploring settlement and negotiating settlement throughout the process;
- Preparing or considering a schedule of loss;
- Preparing for (and attending) any preliminary or interim hearing;
- Exchanging documents with the other party and agreeing a bundle of documents;
- Taking witness statements, drafting statements and agreeing their content with witnesses;
- Reviewing and advising on the other party's witness statements;
- Preparing a bundle of documents for the final hearing;

- Agreeing a list of issues, a chronology and / or cast list;
- Preparation and attendance at final hearing, including instructions to counsel.

The stages set out above are an indication only. If some of stages above are not required, the fee will be reduced. You may wish to handle parts of the case yourself and only have our advice in relation to some of the stages. This can be arranged in accordance with your individual needs.

#### COSTS THAT YOU MAY HAVE TO PAY THE OTHER PARTY

As a general rule, legal costs are not awarded to the successful party in an Employment Tribunal claim. However, the Employment Tribunal can order that one party pays the other party's legal costs (including disbursements):

- if the tribunal has postponed the day or time fixed for a hearing on the application of a party, that party may be ordered to pay the other party's legal costs;
- if the paying party has, in bringing or conducting the proceedings, acted vexatious, abusively, disruptively or otherwise unreasonably or the bringing or conducting of the proceedings by the paying party has been misconceived;
- If a party has not complied with an order or practice direction.

#### OTHER METHODS OF FUNDING YOUR CASE

##### No win no fee

Butterworths is unable to assist you with this matter on a no win, no fee basis.

##### Before the event legal expenses insurance

You may be entitled to fund your claim by way of before the event legal expenses insurance (BTELEI). In particular, this may apply if you or someone you live with have home buildings or contents insurance, some car insurance, business insurance or with certain bank accounts. Depending upon the terms of your policy, this would mean that your insurer, not you, would be responsible for either or both of your legal charges and disbursements and / or the other side's fees if you lost the claim (where applicable), although there are usually restrictions imposed on the scope or limit of funding available. Please note that most LEI policies do not permit you to claim back any legal costs that you have already incurred. We strongly urge you to look at your policy documentation to see whether you may have such cover, and, if you do have cover, to make an application for assistance under the policy. Generally, you must submit your application to them within 90 or 180 days of discovering that there is a dispute although policies do vary so you should always check your policy wording.

##### After the event legal expenses insurance

It is unlikely that you will be able to obtain after the event legal expenses insurance (ATELEI) in this case.

### Legal Aid

Legal Aid is not available for Employment Tribunal matters.

### Union funding

If you are a member of a union, you may be able to obtain free or discounted advice and assistance from them.

### 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 2 – 4 months. If tribunal proceedings are required and your claim proceeds to a final hearing, your case is likely to take 7 – 10 months. 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.