

Pricing for defending a claim made by an employee



Our expertise defending employment claims will ensure your dispute is resolved as quickly and efficiently as possible.

Most organisations face an employee claim at some point, and we can guide you through the process of defending your position, with the aim of resolving the claim as cost-effectively as possible.

We advise a wide range of clients on the defence of claims, from FTSE 100-listed companies to SMEs, and typically liaise with HR departments, directors and owner-managers. Our advice is clear and practical and will help you make the best decisions about how to proceed.

If you'd like to find out more about our **Employment services for organisations**, our employment solicitors can advise on how to remain compliant with your legal obligations as an employer.

Our fees

The cost of defending a claim made by an employee will largely depend on how complex the case is, and we can assess this in our initial conversation with you. We can advise you on the type of claim you are facing, and the likelihood of its success.

Every case is different and many of our cases are complex and involve multiple parties and claims and difficult legal issues. There is no such thing as a typical case. However, for convenience we have divided employment tribunal claims into three bands according to complexity.

The following table provides an indication of our fee range for defending an Employment Tribunal Claim depending on the complexity of the case.

Factors that could make a case more complex tend to be:

- A large number of witnesses or documents
- Difficult challenges, such as determining whether an employee is disabled
- Defending a claim of 'automatic unfair dismissal' in situations that may look suspicious in the eyes of an Employment Tribunal - for example, if the employee is pregnant, or recently made a 'whistleblowing' allegation.
- Applications for legal costs from the employee or your organisation

- Allegations of discrimination linked to a dismissal
- Employees that choose to defend themselves

An indication of our fees based on the complexity of cases is as follows:

| Case Type | Average fees for SA Law legal fees |
|---|------------------------------------|
| Simple cases e.g. unlawful deduction from wages | £5,000 to £10,000 +VAT at 20% |
| Moderately complex e.g. claims of wrongful or unfair dismissal | £10,000 to £30,000 +VAT at 20% |
| Extremely complex cases e.g. claims of discrimination or whistleblowing | £30,000 to £100,000 +VAT at 20% |

On instructing the firm, we will assess the complexity of your case at the earliest opportunity to determine which case type your matter falls within and will provide you with an accurate indication of your anticipated fees. We base our charges on hourly rates, which vary depending on the seniority and experience of the solicitor who carries out your work. Our hourly rates range from £240 +VAT at 20% for our non-partner fee earners and £425 +VAT at 20% for partners.

If you would like your employment solicitor to be with you during the tribunal, this will incur a further cost of £900 to £2,000 +VAT at 20% per day depending on the seniority of the solicitor involved.

As no two cases are the same, the above indication of fees should be referenced as a guide only. In the event of any conflict between this guide and our fee estimate provided on instructing the firm, our fee estimate shall take precedence.

Disbursements

Disbursements are payments we make to third parties for expenses such as travel costs, counsel's fees (barrister fees), court fees and expert fees. Once received, we will pay any disbursements on your behalf to ensure a smoother process.

If your case ultimately proceeds to an Employment Tribunal hearing, a barrister would usually be instructed to represent you. Barristers tend to charge a daily fee for appearing at the tribunal itself (£750 - £8,000 +VAT at 20% per day, depending on experience), and an additional fee for preparing for the final hearing (£750 - £20,000 +VAT at 20%).

We will discuss all disbursements with you in advance of incurring any on your behalf.

What legal work will be included in key stages of the case?

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

- Initial conversation about the situation, and advice on the best course of action
- Exploring whether a settlement can be reached early on (this is a mandatory requirement)
- Reviewing and responding to the claim, and advising on responses from the employee
- Exploring the potential for undertaking settlement negotiations
- Preparing for and attending any preliminary hearing (if this is required)
- Preparing documents (including agreeing a bundle of documents), and exchanging them with the other side
- Taking, drafting and finalising witness statements, and reviewing any witness statements sent to us by the employee
- Preparing bundle of documents

- Reviewing and advising on the employee's witness statements
- Agreeing a list of issues, a chronology and/or cast list
- Preparation for/and attendance at the final hearing, including briefing and updating the barrister representing you (which may include a meeting between the witnesses, the barrister and us prior to the hearing).

If appropriate, you can choose to negotiate a settlement package with the employee at any point during the case. This can greatly reduce your legal costs.

If there are additional stages, then further costs will be incurred. Additional stages might include:

- Making or responding to additional applications, for example applications for specific disclosure, to strike out a claim, to seek additional time to take a step in the process, to seek an unless order to compel the other side to complete a step in the process
- Joining additional parties or dealing with additional parties
- Amending pleadings
- Dealing with appeals

The key stages set out above are an indication. If some of the stages are not required, the fee will be lower. 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 in accordance with your individual needs.

For the avoidance of doubt, we will advise you if there is anything outside the scope of the legal advice we provide in the key stages which will incur additional fees

Do you have insurance that can help with fees?

Insurance can help to cover some or all of these costs, so check whether any of your existing insurance policies provide legal expenses cover for employment claims. For example, commercial insurance policies often include legal expenses such as employer's liability insurance.

How long will it take?

If a settlement is possible early in the process, then ordinarily the case will last between 4 and 6 weeks. If the case runs all the way to a final hearing, it can take between 3 months and 2 years depending on its complexity and the caseload of the Employment Tribunal. We will keep you updated on the likely timescale through the duration of the case.

Who will undertake the work?

You will be advised on defending a claim made by an employee by one of our specialist employment lawyers.



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