

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.

WHAT WORK WILL BE INCLUDED IN THE KEY STAGES OF YOUR CASE

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

- An 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 stage).
- Reviewing and responding to the claim and advising on responses from the other side.
- 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 other side.
- Preparing bundle of documents.
- Reviewing and advising on the other party's witness statements.
- Agreeing a list of issues, a chronology and/or cast list.
- Preparation and attendance at the final hearing, including working with the barrister representing you (which may include a meeting between the witnesses, the barrister and ourselves 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, the costs will be higher. Additional stages 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 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.

OUR FEES

The price of defending a claim made by an employee will largely depend on how complex the case is, and we can estimate 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.

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 recently 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	Our Average legal fees for key stages
Simple cases	£5,000 to £7,000 +VAT at 20%
Moderately complex cases	£7,000 to £12,500 +VAT at 20%
Extremely complex cases	£12,500 to £20,000 +VAT at 20%

*The figures indicated above in the average total fee information includes the SA Law employment team advising you and providing legal advice as per each of the key stages of your case as details below. It also includes an average expected cost of disbursement charges. However, this is dependent on the specifics of your case and varies for every matter, depending on complexity.

Disbursements

Disbursements are amounts we pay to third parties for expenses such as travel costs and counsel's fees (Barrister fees), and court fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

If your case ultimately proceeds to an Employment Tribunal hearing, then bear in mind that we would usually instruct a barrister to represent you. Their fees will typically include a preparation fee, and a cost per day for representing you at the tribunal itself, with most tribunal hearings completed in under 3 days in respect of more straightforward unfair dismissal claims. The fees for the barrister will also depend on the complexity of the case and the experience of the barrister, but we suggest you budget £1,000 to £5,000 +VAT at 20% for preparation fees, and between £750 and £3,000 +VAT at 20% per day for tribunal representation.

Exclusions

Despite our efforts to ensure that our role is clear, clients sometimes make incorrect assumptions about what we are and are not going to do for them. To help avoid any such misunderstanding, we bring to your attention the below are excluded from the above and that we are not providing you with any advice on any of the following:

- Making or defending applications to amend your defence, or to provide further information to the Tribunal.
- Making or defending a costs application.
- Defending additional claims in the Employment Tribunal, such as discrimination or whistleblowing, or a claim in another Court of England and Wales.
- There is more than one Claimant or Respondent.
- Applications having to be made for witness orders.
- There being detailed or complex preliminary issues, including complex legal arguments.
- Claims which include reference to company directorships, shareholdings or corporate governance.
- Claims which include issues relating to insolvency, TUPE, or collective redundancies.
- Mediation outside of negotiations through ACAS.
- Preparing for a preliminary hearing ordered by the Tribunal or requested by the parties.
- Reviewing and disclosing documents which exceed 150 pages.
- Calling more than one witness to give evidence for your claim.
- Where the hearing is listed for more than one day by the Tribunal.
- Representing you at the Tribunal hearing or a preliminary hearing as opposed to instructing a barrister to do so.
- Anything not specifically identified in the essential elements of a straightforward claim as set out above.
- Any detailed tax advice, for example relating to a settlement payment.
- Any detailed pension advice.
- Any insurance cover you may have in place.
- Anything else not specifically identified in the Summary of Work above.

If applicable, we will price these and any other requirements separately for you. When necessary, we will, in consultation with you, obtain such additional advice as is required from appropriately qualified third parties.

HOW LONG WILL IT TAKE?

If a settlement is possible early on in the process, then you can expect the case to 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?



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