



Blake Morgan

Employment Tribunal Fees Guide

For Businesses

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Blake Morgan is a large, nationally recognised law firm with Top Tier legal directory rankings for its Employment law teams across various locations in London, the south of England and Wales. We are highly experienced in bringing and defending Employment Tribunal (ET) claims, and many of our solicitors regularly conduct their own advocacy in ET hearings. Over the last 5 years since 2013, even during the vast downturn in the number of ET claims as a result of ET fees, we handled well in excess of 390 ET claims and our success rate, including settlement of claims, is over 99%. Clients know when they come to us that they will receive excellent advice and representation from experienced lawyers who understand how to handle all aspects of ET claims – not just with legal knowledge, but with pragmatic and commercial expertise.

"The team will give advice and work with us to find a solution rather than say it can't be done." – Chambers & Partners 2018

All our lawyers are members of the Employment Lawyers' Association or the Employment Law Bar Association, and one of our consultants is a sitting part-time Employment Judge. We regularly attend local formal ET user group meetings giving us insight into topical ET practice, procedure, and case management issues both nationwide and affecting specific regions. We also regularly write articles for trade publications and the press on Employment law issues.

Advice and representation to employers for defending unfair dismissal or wrongful dismissal claims before an Employment Tribunal

Range of costs

Our pricing for defending claims for unfair or wrongful dismissal:

- Simple case involving a one-day hearing: £15,000-£25,000 (excluding VAT at 20%)
- Medium complexity case: £25,000-£35,000 (excluding VAT at 20%)
- High complexity case: £35,000-£150,000 (excluding VAT at 20%)

This fee range does not include Counsel's fees in cases where it is appropriate to instruct a barrister to conduct the advocacy at the ET hearing (see below). The fee range also excludes other disbursements and expenses. The range of pricing for a simple case involving a one-day hearing does include the cost of our solicitors or barristers conducting the advocacy for you, if we consider that appropriate. However for any ET hearing lasting more than one day, if our solicitors or barristers conduct the advocacy for you, there will be an additional charge for preparing and conducting the advocacy usually in the region of £2,800-£5,500 per hearing day (excluding VAT at 20%) depending on factors such as the seniority of the lawyer. The additional cost for our advocacy in a multi-day case will depend on the complexity of the case and would form part of our fee estimate if we are instructed.

There are a number of other potential ET claims which may be brought alongside a claim for unfair dismissal or wrongful dismissal which could make it more expensive (for example: discrimination, equal pay, unlawful deduction from wages, and breach of contract claims). The figures set out above apply only to cases of unfair or wrongful dismissal but they do include cases which may have a whistleblowing element. The maximum figure above would only be in very rare, highly complex cases - for example an unfair dismissal and whistleblowing case requiring an ET hearing over a number of days or weeks. All ET cases are different and will each depend on their facts, so the estimates above are indicative only. It is worth bearing in mind that lawyers' fees will be payable even if you win your case because, unlike some courts, ETs do not ordinarily order the losing party to pay the successful party's costs.

Factors that could make a case more complex:

- If it is necessary to make applications to amend claims or to provide further information about an existing claim
- Defending claims against litigants in person
- Making or defending a costs application
- Complex preliminary issues such as whether the claimant falls within the definition of "employee" (if this is not agreed by the parties) including preliminary hearings for such matters
- The number of witnesses and documents
- The number of days a hearing takes
- If it is an automatic unfair dismissal claim e.g. the claimant alleges they were dismissed after blowing the whistle or the claimant alleges their dismissal is by reason of a TUPE transfer, especially if more than one employer is a defendant in the claim
- Allegations of discrimination which are linked to the dismissal
- Claims brought by a number of claimants
- Claims alleging a failure to consult collectively in redundancy or TUPE situations
- Responding to data subject access requests including reviewing the documents the employer should validly disclose and/or redacting what is disclosed where appropriate
- Defending more than one person, for example where it includes a claim of discrimination against individuals staff members as well as against the employer itself.

Other pricing structures may also be available for example as part of procurement and tendering arrangement, under an insurance arrangement or a fixed-fee yearly retainer service with us. Where they are available, these arrangements are bespoke to each client, taking into account a number of factors including the nature of your business and our ongoing relationship with you. Please speak to us if you require further information about this. We do not offer "no win no fee" arrangements or Conditional Fee Agreements. We do not offer free initial interviews.

Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as court fees. ET Fees were abolished in 2017 but on occasion there are other disbursements that may be required, such as the cost of an independent medical report or courier fees (when required). The cost of these will depend very much on the circumstances of the case. We handle the payment of the disbursements on your behalf to ensure a smoother process but liability for the amount of the payment will remain with you.

Depending on the complexity of the case, it may be appropriate to instruct a barrister to conduct the advocacy. Barristers' fees are usually expressed as a 'brief fee' for their preparation for the hearing and advocacy on the first day of the hearing and a daily 'refresher' to cover each subsequent day of the hearing. Brief fees depend on the complexity of the case and the location and seniority of the barrister but an indicative range for a one day unfair dismissal case might be:

- Counsel up to 10 years' call - £1,750; refresher (per additional day) - £1,250
- Experienced Counsel 10 years' call plus (not QC) - £4,500; refresher (per additional day) - £2,000
- QC - £7,500; refresher (per additional day) - £4,000

These ranges are excluding VAT (20% where applicable) and excluding any expenses.

We have an excellent relationship with a number of leading sets of barristers and work in close and effective partnership with them in complex cases.

Key stages

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

- 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;
- Reviewing and advising on claim or response from the claimant(s)
- Preparing the response form when a claim has been made against the business
- Exploring settlement as appropriate throughout the process
- Considering and contesting a schedule of loss
- Preparing for (and attending) a Preliminary Hearing dealing with administrative and/or provisional rulings before the Final Hearing
- Exchanging documents with the other party and agreeing a bundle of documents
- Taking witness statements, drafting statements and agreeing their content with witnesses
- Preparing a 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 Final Hearing, including where applicable instructions to Counsel
- In some cases, preparation and attendance at a further hearing regarding the amount of any compensation to be awarded, if not dealt with at the Final Hearing

The stages set out above are an indication and if some of the stages above are not required, the fee will be reduced. You may wish to handle part of the claim yourself and only have our advice in relation to some of the stages. This can also be arranged on your individual needs. Please note that all cases are different and we will give you further information of what is and what is not included in a letter of engagement if you decide to instruct us. That letter will take precedence over the information outlined above.

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 4-6 weeks. If the claim proceeds to a Final Hearing, your case is likely to take 26-52 weeks. There is currently a significant backlog of ET claims which the Government intends to reduce through the appointment of more Employment Judges. However, the date when a case is listed for Final Hearing and how many days it is listed for is a decision by the ET and outside our control. Complex cases may take even longer to resolve. 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.

Who will deal with the case?

Our Employment team is made up of over 30 highly experienced lawyers, trainees and paralegals. [Click here](#) to see a list of our team who might deal with your case. Usually it will be dealt with by someone who works in the office closest to you or is otherwise the most suitably qualified to assist you.

Our rates

Unless the work is covered within the terms of a fixed-fee retainer service with us, the basis for our charges for Employment Tribunal claims are hourly charging rates (excluding VAT), which are usually reviewed

annually. These are dependent on the level of seniority and experience of the individual doing the work for you (and may be different if a special pricing structure has been agreed with you, for example as part of a tender arrangement).

For our regional offices (i.e. outside London) the standard range of our hourly rates, excluding VAT at 20%, is:

- Partners and Legal Directors: £280 to £350 an hour
- Solicitors (depending on seniority and post qualification experience): £160 to £260 an hour
- Trainees and Paralegals: £110 to £130 an hour

For obvious reasons all law firms in the City of London tend to charge significantly higher rates than their offices (or other firms) outside London. The standard range of hourly rates for Employment Tribunal claims at our London Office (subject to review and/or certain exceptions), excluding VAT at 20%, is currently:

- Partners and Legal Directors: £350 an hour
- Solicitors (depending on seniority and post qualification experience): £200 to £320 an hour
- Trainees and Paralegals: £130 to £160 an hour

[Click here to view Team Members](#)