



**Employment  
Fees Guide  
For  
Businesses**

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## **For businesses**

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. Since 2013, even during the vast downturn in the number of ET claims stemming from the now-abolished ET fees, we have handled well in excess of 500 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.

*"Very risk-focused – takes the time to understand our business, our attitude to risk; and makes recommendations on that basis" – Legal 500 2022*

*"Blake Morgan's employment team is exceptional in understanding our business scenario; our preferred outcome; and any other key factors such as time and resource restrictions before applying their insight and experience to give us the art of the possible" – Legal 500 2022*

*"The commitment shown by all Blake Morgan team members was extremely impressive." – Chambers & Partners 2022*

*"Blake Morgan is an amazing firm...The client service is brilliant, and they provide really clear and concise documentation" – Chambers & Partners 2022*

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: £13,750-£22,000 (excluding VAT at 20%)
- Medium complexity case: £22,000-£38,500 (excluding VAT at 20%)
- High complexity case: £38,500-£165,000 (excluding VAT at 20%)

This fee range does not include advocacy at the final hearing of the case, whether this is done by our experienced in-house advocates or by a barrister (referred to as "Counsel") instructed by us to conduct the advocacy (see below). Please also note that unfair dismissal cases are rarely listed for only one day – they will usually be two or more days. The fee range also excludes other "disbursements" (costs related to your matter that are payable to third parties – see the section on 'Disbursements' below) and expenses.

If our in-house advocates conduct the final hearing for you, our fees for preparing and conducting the advocacy will usually be in the region of £3,000-£6,000 for a one-day case (excluding VAT at 20%), depending on factors such as the seniority of the lawyer. For an ET hearing lasting more than one day, there will be an additional charge in the region of £2,750-£3,300 per hearing day (excluding VAT at 20%) again depending on factors

such as the seniority of the lawyer. The fee for our advocacy on the first day may also be higher in a multi-day case, depending on the complexity of the case, the number of witnesses and so on. This would be detailed in our case-specific fee estimate if we are instructed.

Barristers' fees for conducting the advocacy at ET hearings are treated as disbursements. These are therefore dealt with in the 'Disbursements' section below.

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 from us 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. You may find you have other funding options such as under an insurance policy of your own and we can check this with you.

## 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'/Counsel's 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 and length of the case and the location and seniority of the barrister. Unfair dismissal cases are rarely listed for only one day, but an indicative range for a one day hearing might be:

- Counsel up to 10 years' qualification – brief fee up to £2,500
- Experienced Counsel 10 years' qualification or more (not King's Counsel (KC)) – brief fee up to £5,000
- KC – brief fee up to £7,500

Most unfair dismissal cases will be listed for two or more days. The initial brief fee for preparation and first day of a two-day hearing may be up to double the above, and more if it is multi-day hearing. For hearings of more than one day, the refresher fee for additional days might be:

- Counsel up to 10 years' qualification – up to £1,750
- Experienced Counsel 10 years' qualification plus (not King's Counsel (KC)) – up to £4,000
- KC – up to £5,000

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 or even longer. There is an even greater backlog of ET claims, increased by the COVID-19 pandemic, which the Government intends to reduce through the appointment of more Employment Judges and the continued use at least for the time being of "Cloud Video Platform" (i.e. remotely, using internet videoconferencing technology) for hearings. 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 20 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, Legal Directors and Consultants: £320 to £410 an hour
- Solicitors (depending on seniority and post qualification experience): £195 to £305 an hour
- Trainees, Legal Executives and Paralegals: £120 to £195 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, Legal Directors and Consultants: £400 to £550 an hour
- Solicitors (depending on seniority and post qualification experience): £235 to £370 an hour
- Trainees, Legal Executives and Paralegals: £130 to £220 an hour





[Click here to view Team Members](#)



Offices in:

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Cardiff  
Reading  
Oxford  
Southampton

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