

Employment Tribunal Matters

At Grainger Appleyard with regard to Employment Tribunal matters we endeavour to provide a bespoke service tailored to the client's needs. Whilst taking into account clients aspirations we try to provide practical, realistic advice with regards to the prospects of success and the likely amount to be recovered. We will also endeavour to determine whether clients have appropriate legal expense insurance as well as the likelihood of a losing Defendant being unable to pay the sums and costs awarded. At the outset it may be difficult to undertake a true costs-benefit analysis, due to the fact that any claim for compensation may depend on the length of time an employee remains out of work following termination of employment. We therefore tend to apply hourly rates, but can undertake individual tasks such as drafting the Claim form, and the document setting out the factual detail of your claim and the legal basis thereof for a fixed fee.

Our range of prices for bringing and defending claims for unfair or wrongful dismissal:

1 day Simple case: £2500-£5000 (excluding VAT)

(Unfair dismissal disciplinary issues)

2 days Medium complexity case: £5000-£7000 (excluding VAT)

(redundancy, harassment/victimisation)

3 days High complexity case: £7000-£15000 (excluding VAT)

(TUPE, Discrimination, Equal Pay)

Factors that could make a case more complex:

- If it is necessary to make or defend applications to amend claims or to provide further information about an existing claim
- Defending claims that are brought by litigants in person
- Making or defending a cost application
- Complex preliminary issues such as whether the Claimant is disabled (if this is not agreed by the parties)
- The number of witnesses and documents
- If it is an automatic unfair dismissal claim e.g. if you are dismissed after blowing the whistle on your employer
- Allegations of discrimination which are linked to the dismissal

Costs:

Our charges are based on the time we spend dealing with a case. Time spent on your case affairs will include meetings with you and perhaps others, also any time spent considering, preparing and working on papers, correspondence and making and receiving telephone calls. For ease of reference these costs are itemised below.

Preparation and attendance	£210 per hour
Advocacy at Court	£250 per hour
Attendance at Court with Counsel	£125 per hour
Conference with Counsel	£125 per hour
Travelling and waiting time	£110 per hour
Routine letters written and telephone calls	£21 each
Routine letters received	£10.50
Lengthy letters and telephone calls	Time basis at our hourly rate
Mileage	45p per mile

VAT is charged in addition at whatever is the appropriate rate currently 20%.

The above charging rates are reviewed each year having regard to inflation and if they are increased we will write to you to inform you. Normally, we ask our clients to pay our charges as the case progresses so that a regular check can be made upon costs and so as to prevent excessive charges arising without warning.

In addition to the time spent, we may take into account a number of factors which include the complexity of the issues, the speed at which action must be taken, the expertise or specialist knowledge that the case requires and, if appropriate, the value of the property or subject matter involved. On the basis of the information currently available, we expect these factors to be adequately covered by the hourly rates set out above. The rates may be higher if, for example, the matter becomes more complex than expected. We will notify you of this, should it occur.

If you become involved in Tribunal proceedings against another party, then you must understand that if you lose then you may be ordered to pay your opponent's costs.

Disbursements:

Disbursements are costs related to your matter that are payable to third parties. There are no longer any issue or hearing fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

Counsel's fees estimated between £1000 and £2000 plus VAT per day (depending on experience of the advocate) for attending a Tribunal Hearing (including preparation).

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;
- Preparing claim or response
- Reviewing and advising on claim or response from other party
- Exploring settlement and negotiating settlement throughout the process
- Preparing or considering a schedule of loss
- Preparing for (and attending) a Preliminary 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 bundle of documents
- Reviewing and advising on the other party's witness statements
- Agreeing a list of issues, a chronology and/or case list
- Preparation and attendance at Final Hearing, including instructions to Counsel

If the stages set out above are not required, the fee will be reduced. 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 on your individual needs either on an hourly or fixed fee basis.

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 weeks. If your claim proceeds to a Final Hearing, your case is likely to take 26 weeks. 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.

Conditional Fee Agreements:

With regard to employment matters we may subject to our views on the merit, cost-benefit analysis and enforceability of any sums awarded offer a conditional fee agreement (CFA) whereby we agree to receive our costs based upon a fixed proportion of the damages received (usually between 25-35%). If you lose the case then we do not seek to charge for our costs.

In some circumstances we may seek to charge you the disbursements (barrister fees) incurred. We reserve the right to withdraw from the agreement if the circumstances are such that we no longer

consider the case viable and to charge our usual hourly rate for the services undertaken (see above) if you fail to cooperate with any reasonable requests or any of the information provided by you proves to be false or misleading.

Whilst we may charge for any legal advice tendered to you, we will not normally do so for the CRA assessment which we would hope to complete within a period of 14 days.

Further details concerning the CFA will be provided if we consider that this is an appropriate way of funding your case.