



UNFAIR DISMISSAL AND WRONGFUL DISMISSAL CLAIMS IN ENGLAND & WALES

Unfair dismissal and wrongful dismissal claims in England & Wales

Our services

Our employment team provides services to employers and some senior employees in relation to people related issues across the UK and beyond. This document sets out the information required by the SRA Transparency Rules in relation to unfair and wrongful dismissal claims in the Employment Tribunal only.

For information about our other services and for a conversation about our prices and fees for other products please visit the employment section of our website or speak to any of our employment team.

What is an unfair dismissal or wrongful dismissal claim?

If someone is dismissed from their employment they are entitled to complain to an Employment Tribunal about that. There are numerous different types of claim that can be brought. These range from complex discrimination claims to straightforward claims for payment of wages. Unfair dismissal claims involve employees arguing that their employer dismissed them in an unfair way. Wrongful dismissal claims involve employees arguing that their employer breached their contract when they dismissed them.

The key steps in an unfair dismissal or wrongful dismissal claim are:

- Taking initial instructions about the issue and advising on the merits of the claim / defence and tactics.
- Engaging in the ACAS Early Conciliation Process.
- Preparing a document setting out the claim (if the employee) and lodging it with the Employment Tribunal.
- Responding to the claim (if the employer) and lodging that with the Employment Tribunal.
- Reviewing and advising on the claim or response.
- Collating documents and collaborating with the other party to create a bundle of documents.
- Speaking with witnesses and, where ordered, preparing witness statements.
- Attending preliminary hearings to deal with case management and any preliminary procedural issues.
- Preparing for the final hearing.
- Attending the final hearing and presenting the case.
- Throughout the process providing advice about the merits and settlement options and, if possible, working to resolve the dispute without a hearing.



How long does it take?

Typically, a straightforward unfair dismissal claim will take between 6 months and a year to resolve. This is dependent on the availability of tribunal resource in the area in which the claim is brought.

What are our costs and the basis of our costs?

Where we have an existing relationship with a client, our fees are often negotiated.

We either operate an hourly rate which is reviewed every January or we can agree fixed fees for different stages of the litigation process.

As a guide, we estimate that routine claims will cost around:

Number of days in ET	Fee (all plus VAT)
One	£15,000
Two	£20,000
More than two	Between £25,000 and £50,000 depending on complexity

More complex claims can cost significantly more than this. We estimate that more complex claims could cost up to £250,000.



Alternative basis of costs – hourly rates

Our current hourly charge out rates are as follows (plus VAT):

Partner	£525
Managing / Senior Associate	£450
Associate	£400
Senior Solicitor	£335 to £355, depending on experience
Solicitor	£295
Trainee	£200

All work is, of course, carried out at the appropriate level in order to ensure a balance is struck between mitigating professional costs and efficiently progressing the dispute.

We may instruct a barrister to appear in tribunal. These costs would be additional to our own costs. Barristers fees range from £750 per day to £5000 per day depending on the level of the barrister; the urgency of the instruction and the complexity of the issue.

What factors can increase these costs

The approach of the parties. If matters are particularly contentious or emotional, it can take longer to resolve.

Whether there is a party litigant involved. Party litigants often include large volumes of irrelevant material.

The urgency of the issue. If the timescales are particularly short when we are instructed this can increase the costs.

The nature of the claim. Certain claims such as those which involve allegations of unlawful discrimination, victimisation or harassment, or whistleblowing, may be more complex and/or higher in potential value. They may cost more to pursue or defend as a result.

Additional processes such as mediation meetings; additional meetings with parties and witnesses and briefing others who are interested in the claim (such as other internal stakeholders within a business).

Concurrent or overlapping proceedings (such as criminal issues or investigations; High Court proceedings; proceedings in another jurisdiction or regulatory issues).

The level of injury and or loss suffered by the claimant. Where significant compensation is claimed there may be complex arguments about quantum (the value of the claim) or causation (the reason for the loss) or mitigation (what the claimant could / should have done to reduce the loss).



Disbursements

In addition to legal fees, there are a number of other costs, known as disbursements, which may be payable during the estate administration process.

These include:

- Travel and accommodation costs;
- Costs for copying and preparing bundles of documents.
- Costs for storing documents on data sites.
- There are currently no fees payable to the Employment Tribunal Service in respect of lodging or defending a claim.

People

Our team members are listed on our website. For more information, or to discuss a bespoke fee quote, please contact one of our partners who are listed on our [website](#).



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