



Employment Law Pricing Information

Price and service transparency: Employment Tribunal, claims for unfair dismissal and wrongful dismissal

Here at Boardside our clients instruct us either because they have received a trusted personal recommendation or as a result of our industry leading reputation in the work we carry out for senior executives and employers. Clients do not come to Boardside because we are the cheapest option, we aren't. No one enjoys paying legal fees, but our clients recognise that high standards of service and delivery are worth paying for.

The team at Boardside are specialists in advising clients with high value and/or complex employment and partnership disputes in the Employment Tribunal and High Court.

We are obliged by our regulator, the Solicitors Regulation Authority (**SRA**), to provide transparency in respect of the prices we charge individuals and employers for particular types of work: specifically, claims for unfair dismissal and wrongful dismissal. We provide this information below and hope you find it useful in your decision as to which law firm to instruct.

Every client, and every client's matter, is different, and the charges we make depend on a range of factors. These include whether the work is for an individual or a business, the complexity and value of the matter, the seniority of the lawyer or lawyers engaged on it, and the amount of time it takes to complete.

The pricing displayed below covers the following steps in the litigation: drafting the claim or defence, exchange of documents and witness statements, and the final hearing. It does not cover, for example, party-party correspondence or any other work such as relating to applications made by you or your opponent to the Tribunal e.g., in respect of specific document requests for further information.

Services for Individuals

Unless the scope of advice sought is clearly defined and limited (such as signing off on a settlement agreement), we do not usually act on matters where there is less than £25,000 at stake and in many cases, the sums involved are several times that. This is to ensure that, as far as possible, our fees are proportionate to the complexity of the dispute and the value we can add to the matter through our strategic expertise.

We charge primarily on a time spent basis and review our hourly rates on an annual basis, and update them with effect from 1 April each year. In the current financial year (2021/22) our hourly rate for work for individuals range from £200 (plus VAT) to £275 (plus VAT) for our most senior partner.

Bringing Employment Tribunal claims

Boardside acts for senior executives bringing many different types of Employment Tribunal claim against their employer. Often, these will be combinations of claims within one legal action, for example, unfair dismissal claims may be combined with claims for discrimination or being victimised for whistleblowing. This makes it difficult to provide discreet pricing indications for individual causes of action and the following are necessarily approximate guides.

(a) For unfair dismissal

A standalone claim for 'ordinary' unfair dismissal with a hearing length of 1 to 3 days may cost in the region of £8,000 to £30,000 (plus VAT), including disbursements. So,

- Straightforward case - £6,000 to £10,000 (plus VAT)
- Medium complexity case - £10,000 to £20,000 (plus VAT)
- High complexity case - £20,000 to £30,000 (plus VAT)

Typical disbursements will include the fees of counsel (that is, a barrister to represent you at hearings), and incidental costs such as photocopying/printing charges and couriers.

Factors that may determine the complexity might include any of the following:

- The number of Claimants or Respondents;
- 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 (people with no legal representation);
- Making applications for witness orders;
- Applying for medical records or a medical report;
- Making or defending a costs application;

- Complex preliminary issues such as whether the claimant is disabled (if this is not agreed by the parties);
- Preparation of a complex schedule of loss (document detailing all claimed losses);
- The number of witnesses and volume of documents;
- If it is an automatic unfair dismissal claim e.g. if you are dismissed after blowing the whistle on your employer; and no process has been followed by your employer.
- Claims relating to shareholdings or company directorships; Insolvency, TUPE or collective consultation related claims; and
- Allegations of discrimination which are linked to the dismissal

(b) For wrongful dismissal

We have never brought a stand-alone claim for wrongful dismissal (i.e. a claim for notice monies) in the Employment Tribunal and given the current ceiling on compensation for this cause of action in the ET (£25,000) we would be very unlikely to do so. Higher value wrongful dismissal claims are typically brought in the Civil Courts where there is no ceiling applicable.

We do occasionally add this head of claim to another cause of action in the Employment Tribunal, such as discrimination. Were we to bring a standalone claim with a hearing length of 1 day, this **may** cost in the region of £5,000 to £10,000 (plus VAT), including disbursements.

Again, typical disbursements will include the fees of counsel (i.e. the barrister), and incidental costs such as photocopying charges and couriers. Barristers' fees for assisting with a matter are generally from £850 - £2,500 (plus VAT) per day (depending on experience) for attending a Tribunal Hearing (including preparation for the Hearing). This will be more for a QC.

There will be an additional charge for attending a Tribunal Hearing based on the hourly rate of the fee earner with conduct of the litigation, usually measured on a daily rate basis, albeit we will be happy to discuss fixed fees too.

Generally, we would allow 1 - 5 days depending on the complexity of your case. Hourly rates range from £200 to £275 (plus VAT), depending on the experience and the level of the solicitor dealing with the matter.

Services for Employers

We charge primarily on a time spent basis. Our hourly rates for services for employers vary depending on the seniority of the fee earner engaged. They are reviewed on an annual basis and updated from 1 April each year.

In the current financial year (2021/22) our hourly rates for services for employers range from £200 (plus VAT) for a junior associate solicitor to £275 (plus VAT) for our most senior partner.

These costs will differ for those of our clients on retainers, particularly where the relationship is backed by an insurance policy (before the event).

Defending Employment Tribunal claims

Boardside acts for employers in their defence of many different types of Employment Tribunal claim. Often, this will be the defence of combinations of claims within one legal action, such as for discrimination or victimisation for whistleblowing. As with individuals, this makes it difficult to provide discreet pricing indications for separate causes of action and the following are necessarily approximate guides.

(a) For unfair dismissal

Defending a standalone claim for 'ordinary' unfair dismissal typically costs in the region of £15,000 to £30,000 (plus VAT), including disbursements.

Typical disbursements will include the fees of counsel, and incidental costs such as photocopying/printing charges and couriers.

(b) For wrongful dismissal

Defence of a standalone claim for wrongful dismissal may cost in the region of £5,000 to £10,000 (plus VAT), including disbursements.

Typical disbursements will include the fees of counsel, and incidental costs such as photocopying/printing charges and couriers.

Barristers' fees for assisting with a matter are generally from £850 - £2,500 (plus VAT) per day (depending on experience) for attending a Tribunal Hearing (including preparation for the Hearing).

There will be an additional charge for attending a Tribunal Hearing based on the hourly rate of the fee earner with conduct of the litigation per day. Generally, we would allow 1 - 5 days depending on the complexity of your case. Hourly rates range from £200 to £275 (plus VAT), depending on the experience and the level of the solicitor dealing with the matter.

Work covered and timescales

Employment Tribunal proceedings for unfair dismissal and wrongful dismissal will (unless settled) last somewhere between 9 to 24 months (particularly with issues caused by the Covid pandemic) between the issuing of the initial claim and the parties receiving the Tribunal's judgment. The Tribunal will determine the precise case management timetable at the first preliminary hearing.

Key stages

The fees set out above cover all 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 ACAS Early Conciliation 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 (document detailing losses claimed);
- 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 together with any supplemental documents required; and
- Preparation and attendance at Final Hearing, including instructions to Counsel

The stages set out above are an indication and if some of stages 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 and will impact on price.

Necessarily, the above information should be treated by you as an indicative guide. The information given is not contractually binding between us.

Our service standard

For new prospective individual and employer clients seeking any type of employment law advice which is of a nature where we believe we can add value for what we charge, we understand how important it is that you receive prompt advice from an experienced lawyer.

We, therefore, offer a free (up to 30 minutes), confidential, same-day call with a lawyer to understand what your matter is about, how we can help and also to provide you with an idea of what it may cost.

If you are interested in instructing Boardside, our lawyers will provide you with a more accurate fee estimate during the initial call, and if you instruct us a bespoke estimate will be provided whose solicitor will give you regular written updates on the costs incurred and further estimates of costs as the matter progresses.

Please contact us on 0330 0949 338 or enquiries@boardside.co.uk for further information.

Want to make a complaint

We are committed to providing a high-quality legal service to all our clients. When something goes wrong, we need you to tell us about it. This will help us to improve our standards.

If you have a complaint, please contact us with the details. You can liaise with either our founding partner and Principal Solicitor, Richard Port rport@boardside.co.uk or our Partner Nadine Marston nmarston@boardside.co.uk