

## **Employment Tribunal Claims**

At Bromleys, we are clear and open about our fees and our charging rates. Based on the information that you provide to us, we will provide you with our best estimate of the fees for your cases, and who will conduct the case. Our fees are tailored to individuals and case specific requirements.

For Claimants, in appropriate cases, we are able to offer a contingency (“no win, no fee”) agreement, where we take a percentage of the damages awarded. This applies to both wrongful and unfair dismissal cases. Please ask us about this option.

For both Claimants and Respondents, we have extensive experience of working under the terms of any legal expense insurance policy that you may have. Again, please ask us about this option.

If otherwise, you are funding your case then we will assess each case on its merits, and advise you what we believe our estimate for your case will be.

Each case, whether you are a Claimant or a Respondent will go through a procedure involving ACAS, called “Early Conciliation”. To take your instructions and review any documents and represent you through this stage, we would normally estimate our costs to be between £400 and £1,000 plus VAT.

Our charges for bringing and defending claims for wrongful and unfair dismissal will take into account the likely value of the claim, and also the complexity of the case.

However, from our extensive experience, as a guide we would estimate our charges for the following cases would be:-

### **Simple Case**

£1,500 - £3,000 plus VAT and disbursements, to include a barrister who will represent you at the hearing. We will agree a fee for an appropriately experienced barrister with you for the hearings, unless we undertake the hearing in which we will agree a fee with you which is likely to be up to £1,500 plus VAT for a full day.

### **Medium Complexity Case**

£3,000 - £7,000 plus VAT and disbursements, to include, a barrister who will represent you at hearings. We will agree a fee for an appropriately experienced barrister with you for the hearings.

### **High Complexity Case**

£7,000 - £15,000 plus VAT at the prevailing rate and disbursements, to include, by way of example, a barrister who will represent you at hearings. We will agree a fee for an appropriately experienced barrister with you for the hearings

Factors which could make a case more complex include:-

- 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;
- Complex preliminary issues such as whether the Claimant is disabled (of this is not agreed between the parties);
- The number of witnesses and documents;
- If it is an automatic unfair dismissal claim e.g. if you are dismissed for blowing the whistle;
- Allegations of discrimination which are linked to the dismissal; or
- The number and length of hearings.

Should there be any unforeseen developments during your case which changes our assessments of the overall costs, we will notify you as soon as possible and give you an updated estimate of our costs and disbursements.

### **Disbursements**

Disbursements are expenses related to your matter that are payable to third parties, such as tribunal fees and court fees, and in particular, barrister's fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

A barrister's fees are usually between £750 to £3,000 plus VAT per day (depending on the experience of the barrister) for the first day of a final Tribunal Hearing (including preparation) If the hearing is to last more than one day we will agree with you a fee for the subsequent days of the hearing for the barrister. This daily fee is likely to be less than the fee for the first day. For any procedural or interim hearings we will agree with you in advance a fee for representation at that hearing(s) either by ourselves or by a barrister.

### **Key stages of the process**

The fees for the three types of cases above cover all of the work in relation to the following key stages of your claim:-

- Preparing the claim or the response and issuing / serving the same;
- 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 or a counter schedule;
- Preparing for and/briefing a barrister to represent you at 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;

- Reviewing and advising on the other party's witness statements;
- Agreeing a list of issues, a chronology and/or cast list; and
- Preparation for the Final Hearing, including instructing a barrister, and agreeing the fees.

The stages set out above are an indication and if some of stages above are not required, then our fee may be reduced. You may wish to handle the claim yourself and only have our advice in relation to some of the stages. We can agree a specific fee with you for that which you require.

**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 - 8 weeks. If your claim proceeds to a Final Hearing, your case is likely to take 26 - 52 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.