



UK price transparency disclosure

In accordance with the SRA Transparency Rules, we set out below details as to the likely level of costs for conducting cases in the Employment Tribunal where a claimant alleges that they have been either wrongfully or unfairly dismissed.

The types of unfair dismissal cases we handle

The employment group at Herbert Smith Freehills Kramer is renowned for its skilful handling of a wide variety of complex contentious matters, both domestic matters and matters involving several jurisdictions. We do not generally handle unfair dismissal or wrongful dismissal cases in the Employment Tribunal as they are not the complex matters which we handle best, and because the costs that would be incurred would be likely to be disproportionate to the amounts at stake.

However, there will be certain unfair dismissal cases where we consider we would add considerable value either because of the level of complexity or because the amount involved in the dispute is considerably higher than the maximum amount that applies in most cases.

We would normally only act for respondents to these claims and what we set out below reflects that assumption.

Our charges

Our charges will normally be calculated by reference to hourly rates agreed for the particular matter although we are prepared to consider alternative fee structures on a case-by-case basis.

For a simple matter, our costs could be in the range of £150,000 - £300,000 plus VAT. For more complex cases, our costs could start from £1 million or more plus VAT. These costs will include disbursements, the bulk of which would be fees paid to counsel and, if appropriate, experts. Counsel's fees are estimated between £5,000 to £20,000 per day, depending on the seniority of counsel. There may also be a "brief fee" charged by counsel in advance of a hearing, which can range from £50,000 plus VAT for simple cases to £500,000 plus VAT or more for more complex cases. All fees and disbursements will attract VAT.¹

In our experience complex unfair dismissal cases will generally involve most of the following features;

- large numbers of factual allegations often going back over a number of years;
- large amounts of documentation to be assimilated, sometimes held in multiple locations and jurisdictions;
- data protection issues; often a response will be required to a data subject access request by a claimant, itself engaging large amounts of data and documentation;
- consideration of the interaction between the tribunal proceedings and other –existing or threatened – proceedings either by the claimant or by the respondent;
- serious allegations being made which could adversely affect the reputations of senior executives and corporate reputations, and consequential liaison with internal and external PR consultants;
- the possibility of involvement by a regulator;
- large amounts being claimed which can involve the use of expert evidence (e.g. recruitment consultants and accounting experts)
- Attending a (directions) preliminary hearing to determine the issues in the case and the timetable for its future conduct;
- Working with you to ensure that all necessary documents relating to the claim are disclosed to the Claimant, including advising on questions of relevance, privilege and confidentiality;
- Reviewing the documents disclosed by the Claimant and advising whether further documents should be sought from them;
- Meeting with relevant witnesses, assisting them with the drafting of their witness statements and providing appropriate assistance to them in preparing them to give evidence at the hearing;
- Reviewing the witness statements served on behalf of the Claimant;
- Instructing experts where appropriate, working with them to finalise their report and reviewing the report of any expert instructed by the Claimant;
- Agreeing a list of issues, a chronology and/or cast list;
- Preparation and attendance at Final Hearing, including instructions to Leading and Junior Counsel

You can find details of our UK employment partners and associates on the "Our People" section of our website.

Key stages

The fees and disbursements set out above cover all of the work in relation to the following key stages of a claim

- Taking initial instructions, preparing initial proofs of evidence, reviewing those documents likely to be key to the claim;
- Advising on the merits and likely quantum of the claim;
- Advising you on the defences to the claim and preparing the Grounds of Resistance to the claim;
- Exploring and negotiating settlement throughout the process;
- Advising on any application to stay the proceedings, for example where other proceedings have also been commenced;

How long will the 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 a case is resolved.

In general terms, if the matter is not resolved prior to the hearing it could take between 9-18 months for the resolution of the matter (assuming neither party appeals the decision of the tribunal).

All legal fees and disbursements incurred by UK fee earners working on UK matters would be subject to applicable standard VAT at the prevailing rate (currently 20%).