

Employment Services

Bringing and defending Employment Claims

The Service

Bringing and defending claims for unfair/constructive unfair and wrongful dismissal in an Employment Tribunal, the County Court and/or High Court.

As part of The Service we will:

- Provide you with a dedicated and experienced employment solicitor to work on your matter with other members of the team.
- Discuss your circumstances in detail
- Take your initial instructions and review your papers
- Confirm whether this is the most appropriate method to defend/ bring a claim or any other options that may be available to you.
- Give you advice about the chances of success to defend the/ make a claim.
- Give you advice on the merits and likely compensation (this is likely to be revisited throughout the matter and subject to change)
- If you do not currently have a strong case/ defence, whether this can be overcome and how.
- Consider any supporting evidence you provide.
- Where necessary, help you to obtain further evidence (such as medical records, training/ HR records), including statements of any witnesses.
- Enter into pre-claim conciliation where this is mandatory to explore whether a settlement can be reached.

	<ul style="list-style-type: none"> • Prepare your claim/ defence to a claim in relation to unfair/constructive, unfair dismissal/ and or wrongful dismissal and submit it on your behalf • Review and advise on your claim/ defence or response from other party • Explore settlement and negotiate settlement throughout the process with the assistance of ACAS • Prepare or consider a schedule of loss • Prepare for and attend a preliminary hearing in relation to case management and the listing of a hearing, and judicial mediation if agreed to by the parties • Exchange documents with the other party and agree/ prepare a bundle of documents for the hearing • Take interviews with witnesses and draft statements and agree their content with witnesses. • Prepare applications for witness orders for those not giving evidence voluntarily. • Review and advise on the other party's witness statements. • Agree a list of issues, a chronology/ and/or a cast list. • Prepare for and attend a Final Hearing, including instructions to Counsel.
<p>Average timescales</p>	<p>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 up to 3 months to conclude from the date of dismissal or discriminatory act. If your claim proceeds to a Final Hearing, your case is likely to take between 6 and 9 months, subject always to the Tribunal or Court's availability.</p>



	<p>Please note the anticipated number of hours and fees are an estimate based on the facts of your case.</p> <p>All claims/ defences are likely to vary and of course, we will give you a more accurate estimate once we have more information about your specific case and as your matter progresses.</p>
<p>What is the Average fee?</p>	<p>Our price for bringing and defending claims for unfair or wrongful dismissal is:</p> <p>Simple case: £10,000-£15,000 (plus VAT)</p> <p>Medium complexity case: £15,000-£25,000 (plus VAT)</p> <p>High complexity case: £25,000-£40,000 (plus VAT)</p> <p>On average costs are between £15,000 and £25,000.</p> <p>All figures exclude VAT, unless where specifically stated.</p> <p>Our hourly rates are between £150 to £350 per hour (plus VAT), depending on the person dealing with your matter.</p> <p>You should note that the amount of hours spent on your matter depends on the number of documents, whether anything is missing and how long it will take to obtain the missing documents.</p> <p>The stages set out in "The Service" are an indication and if some stages are not required, the fee will be reduced. You may wish to handle the claim yourself and only have our advice in</p>

	<p>relation to some stages; this can also be arranged to suit your individual needs.</p> <p>You may have other funding options available to you, such as business protection or cover under a home contents or car insurance policy, although an excess may be payable.</p> <p>Please see section below regarding Information on Average Fee and Potential Additional Costs.</p>
<p>Information on Average Fee</p>	<p>The following factors could make a case more complex:</p> <ul style="list-style-type: none">• 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 (i.e. those without legal representation)• Making or defending a costs application• Complex preliminary issues to be considered such as whether the claimant is disabled (if this is not agreed by the parties), whether the claim is out of time or whether the Court has jurisdiction to hear the claim• The number of witness documents• If it is an automatic unfair dismissal claim (e.g. if you are dismissed after blowing the whistle on your employer, because you are pregnant or because of a TUPE transfer)• Allegations of discrimination which are linked to the dismissal. <p>Your fee will reflect the time spent on your particular matter, so where we spend more time on your matter, your costs will reflect the time spent to deliver the service to you.</p>

<p>Likely disbursements (these are costs related to your matter that are payable to third parties. We handle the payment of the disbursement on your behalf to ensure a smoother process)</p>	<ul style="list-style-type: none"> • Counsel’s fees estimated between £1,000 and £3,000 plus VAT per day (depending on the experience of the barrister) for attending a Tribunal Hearing (excluding preparation) • Copies of medical records/independent expert reports e.g. medical reports (if applicable) • If we are attending interviews with you/conferences with your barrister - our travel/ mileage costs
<p>Potential Additional Costs</p>	<p>If we are required to attend a Tribunal Hearing our fee will be £1,000 per day, plus VAT. Generally we would attend for between 2 and 5 days depending on the complexity of your case.</p> <p>We will always provide you with a fee estimate at the start of each new matter, therefore if you would like a bespoke estimate for your particular matter/ case please contact us to discuss.</p> <p>Please rest assured, if your case involves unexpected complications, we will always inform you of those, including any additional fees that may apply, so that you can make an informed decision as to how to proceed.</p>

If you would like information on our other employment related services, such as:

- **The negotiation of exit packages and advice on settlement agreements**
- **Advice on the appropriate process to follow in a redundancy exercise or a TUPE transfer**
- **Advice on discipline, performance management and grievances and professional discipline**
- **Advice on maternity and flexible working**
- **Advice on sickness and incapacity**
- **The drafting of documentation whether contracts of employment, service and consultancy agreements, staff handbooks or court documents**

- The bringing and defending of claims in the courts for discrimination, bullying and harassment, whistleblowing, and equal pay, unlawful deductions from wages and breach of contract
- Injunctions
- Contractual Terms concerning Bonuses, Restrictive Covenants and Holiday Pay
- Employment Status and Self-Employment
- Pay and Benefits
- Cross-Border Issues

Please contact our Associate, Rachel Lester on rachel.lester@axiomstone.co.uk or her direct dial 020 7016 9342.