How much does it cost to bring a claim for Unfair or Wrongful Dismissal?

Our costs for bringing claims for Unfair or Wrongful Dismissal on behalf of (ex) employees are based on an hourly rate of £250+VAT. All work on your case will be done by Jacob A. Fabowale-Makinde, who qualified in 2005 and has since spent the majority of his time dealing with claims in the Employment Tribunal, including for Unfair and Wrongful Dismissal.

A simple case for Wrongful Dismissal only will cost less than a claim for Unfair Dismissal. Not all claims for Unfair Dismissal will cost the same, as they vary in complexity depending on the reason for dismissal (including whether it is alleged that this was because of whistleblowing), the amount of documentation, number of witnesses and whether there are any legal arguments such as regarding employment status, disputes about which documents are relevant, or if it is necessary to make or defend applications to amend the claim or response, to provide further information about an existing claim or in respect of legal costs. It can sometimes cost more if your opponent is representing themselves.

Most claims we bring in the Employment Tribunal settle before the final hearing. The costs incurred will vary depending on at which stage the claim settles. Settlements are possible at any stage from ACAS Early Conciliation up to the day of the final hearing.

Key stages

Our fees cover all of the 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)
- Preparing a schedule of loss and updating it, for example if you get a new job
- Entering into pre-claim ACAS Early Conciliation
- Drafting your claim
- Reviewing and advising on response from your ex-employer
- Exploring settlement and negotiating settlement throughout the process
- 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 cast list
- Preparation and attendance at final hearing, or instructing a barrister to represent you

The stages set out above are an indication and if some of stages above are not required because the case settles before they are necessary, the cost will be less. 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 costs will reflect this.

A simple case of Wrongful Dismissal only is likely to cost between £2,000+VAT and £5,000+VAT.

A claim for Unfair Dismissal that is capable of being heard in a 1-day hearing is likely to cost between £2,000+VAT and £8,000+VAT.

A complex claim for Unfair Dismissal could cost between £5,000+VAT and £25,000+VAT. There are unusual circumstances where it could cost more. If this is likely to happen in your case, we will tell you.

If your claim involves other complaints, such as discrimination or a claim for historic holiday pay, costs could be higher than these ranges. We will give you an estimate of costs depending on your individual case. If you have Legal Expenses Insurance, we will agree our hourly rate and overall costs with your insurer. Your insurer may set reserves, or limits, on the costs we can incur. If they do, we will tell you and discuss whether you want to pay for work that would not be covered by these limits.

Disbursements

Disbursements (or expenses) are costs related to your matter that are payable to third parties, such as fees for medical records or experts' reports or payments to barristers who represent you. We handle the payment of the disbursements on your behalf to ensure a smoother process.

It is not usually necessary to instruct an expert in an Unfair Dismissal claim unless there is a need to explain why you have been unable to find another job. Fees for obtaining medical records cost up to £50 per hospital, GP or other professional. Fees for medical reports range from £150 to around £1,500. Sometimes that cost can be shared with your opponent if they agree.

Fees for an experienced barrister are around £2,000+VAT for a 1-day hearing, £3,500+VAT for a 2-day hearing or £5,000+VAT for a 3-day hearing. This includes preparation. It is possible, though unusual, for a claim for Unfair Dismissal to involve a longer hearing, which would cost more.

How long will my matter take?

The time that it takes from taking your initial instructions to the final resolution of your claim depends largely on the stage at which your case is resolved and the date we are offered for the final hearing. It is currently difficult to predict the length of cases in the Employment Tribunal because Tribunal resources are struggling to cope with the volume of claims, meaning that hearings are listed sometime in the future and/or hearings are postponed at short notice because there is no judge available.

However, we generally advise that a claim for Unfair or Wrongful Dismissal will take between 6 and 12 months. It is sometimes possible to settle a claim at an early stage, which could be within a matter of 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.