

Employment tribunals – Employer defending an unfair/wrongful dismissal claim

If you are defending an unfair/wrongful dismissal employment tribunal claim brought by an employee there are a number of factors that need to be considered. Seeking legal advice is imperative in ensuring you are able to respond to claims swiftly and effectively.

The cost for defending an unfair/wrongful dismissal claim can vary significantly depending on the complexity of the case.

Holmes & Hills Solicitors charge an hourly rate for legal services relating to defending such cases, which varies according to the seniority and position of the lawyer involved with dealing with your case. In most instances, your case will be managed and worked on by a lawyer at a rate of £225 per hour + VAT. We will advise you of this at the outset.

There are a wide range of factors that can impact how many hours will be required by us to work on your case and how complex your case is, which we will discuss with you. This includes:

- The manner in which the claim is handled by the individual claimant bringing the claim against you and the actions they take
- The need to explore and engage in settlement negotiations (often saving costs in the long run)
- The number of witnesses involved in the case
- The amount of preparatory work required to prepare the case for final hearing

In some instances, the case may be listed for a separate remedies hearing. This may increase the amount of legal work required due to the additional hours required to attend the hearing.

If the case also includes other matters such as holiday pay discrepancies, maternity or pregnancy related disputes then it is likely that additional work is required and a separate quote will be provided upon hearing these details.

Employees must invoke ACAS Early Conciliation before issuing a Tribunal claim. We can also assist you in handling this process if required.

We estimate that to defend an unfair/wrongful dismissal claim brought by an employee (including representation at a one-day hearing) our costs would range from £10,000 to 15,000 plus VAT. A barrister's brief fee will also be required in the region of £1500 plus vat. For a more complex case (perhaps also involving a hearing lasting more than one day), overall fees will be higher. We will provide bespoke fee estimates tailored to the specifics of the case as provided by you.

Our legal fee would include:

- Taking your initial instruction
- Reviewing the ET1 form submitted by the claimant (the form outlining the nature of the dispute)
- Obtaining all documentation available i.e. e-mails, HR contracts and reviewing these
- Interviewing witnesses
- Preparing, drafting and issuing ET3 (the response form)

- Liaising with Acas in order to understand if a settlement can be reached without the need for a hearing
- Liaising with the tribunal office
- Liaising with and briefing barrister to represent you at hearing
- Preparing for the hearing, including complying with tribunal directions for trial
- Advising and updating you throughout

Further work and steps may be required throughout your matter which arise unexpectedly and may incur additional cost. Our team will advise you if this occurs.

Owing to the varied nature of defending unfair/wrongful dismissal claims it is hard to provide an accurate timescale as this will depend on the individual circumstances of your case and the actions of the claimant. Once we know your case our team will advise you and provide you with updates as to how long it may take. However, for a simple case with a one-day court hearing we would estimate that from initial instruction through to final hearing it may take between 6 and 12 months, whereas for a more complex case where more than one hearing is required, we estimate 12 to 18 months.

Experienced staff

Holmes & Hills team of employment lawyers have extensive experience in a broad range of employment services. The team is led by Sam Bawden, Partner and Head of Litigation Team with the majority of employment tribunal cases handled by Senior Chartered Legal Executive, David Dixey. Further information on each individual's experience and qualifications can be found here: <https://www.holmes-hills.co.uk/people/>