

A Guidance on our Fees – UK Employment

Conditional Fee Arrangements / Damages Based Agreements

We are always open to considering whether we can represent you on a ‘no win no fee’ basis. This is not always appropriate, depending on your situation, but it often is.

We can discuss this, and the different forms of ‘no win no fee’ agreement which may be available, for example a conditional fee arrangement (“CFA”) or a damages-based agreement (“DBA”). These generally provide that you will not have to pay anything towards our fees if you do not win your claim, though you would normally still need to pay any reasonable expenses and/or disbursements incurred on your behalf (discussed below).

Fees for Unfair Dismissal / Wrongful Dismissal Claims

You may prefer not to have a ‘no win no fee’ agreement, however. Below are rough estimates of our fees for representing you in an unfair or wrongful dismissal claim up to, but not including, a final hearing, if you are to pay as the matter proceeds. They do not include VAT (20%) or expenses and disbursements, which will need to be paid in addition.

- Simple case: from £5,000 (averaging £5,000-£20,000)
- Medium complexity case: from £20,000 (averaging £20,000 - £50,000)
- High complexity case: from £50,000 (averaging £50,000-£100,000)

Factors that may make a case more complex include, for instance:

- If it is necessary to amend your claim, for instance to add claims or additional respondents.
- If your case entails complex legal issues, such as employment status or involves the laws of another country.
- If the factual matters in dispute are complex or numerous.
- If there are many witnesses and/or documents relevant to the issues.

We will provide a more bespoke estimate as you consider engaging us, and we come to learn more about the facts of your case. In general, where possible and appropriate, to reduce your costs, we will delegate work to the least costly fee earner who is competent to complete the task.

Hearings

Hearings for unfair and/or wrongful dismissal claims generally last between one and ten days. Our fees for representing you at a final or preliminary hearing will generally be between £1,500 and £3,000 plus VAT per day. The length of the hearing will depend on the complexity of your case (discussed above), but for simple claims it should usually last no more than three days.

THE PEARCE BUILDING | WEST STREET | MAIDENHEAD | SL6 1RL | ENGLAND | +44 (0)20 3048 5959 | DX 6411 MAIDENHEAD

METLIFE BUILDING | 200 PARK AVENUE | SUITE 1700 | NEW YORK, NY 10166 | USA | +1 (212) 433-3456 | MCOLAW.COM

Expenses and Disbursements

The above estimates do not include expenses and/or disbursements incurred on your behalf. Expenses include, for instance, printing/postage and travel costs. These are usually up to and potentially exceeding £1,000 over the course of a case, if it reaches the final hearing. Disbursements include fees paid towards third parties, and may include any experts or barristers engaged on your behalf. For instance, you may prefer us to instruct a barrister for any hearings, and, depending on their experience, this is likely to cost between £1,500 and £3,000 plus VAT per day.

Litigation Steps

We will advise you on what we think is the best strategy for achieving your objectives, which will have some bearing on how we propose to run your case. The typical timeline, however, for unfair and wrongful dismissal claims is as follows:

- We first take instructions from you and consider whether there is any scope for resolving the dispute without involving ACAS or the employment tribunal. If not, then we will file first with ACAS and then the employment tribunal. For the latter, we will need to set out the basis of your complaint in an ET1, giving the details of your claim.
- The respondent (your former employer) is then required to submit a response called an ET3, which is usually 28 days after being sent your ET1.
- A preliminary hearing is then held by the employment tribunal, by phone or in person, to set a timeline for the parties to complete key tasks for the preparation of the final hearing, including disclosure, schedules of loss, and witness statements, and to decide any preliminary issues.
- Disclosure requires the parties to share with the other side any documents they have that are relevant to the issues in the case.
- A schedule of loss is a statement of your losses caused by respondent's unlawful behaviour, and how much you are seeking to recover if you win your claim.
- A witness statement is a formal statement of the witness's recollection of facts which is certified by them as true to the best of their knowledge.
- Once these stages are complete, then the case will proceed to a final hearing.

A case may be settled at any stage during the course of litigation, if both parties agree.