

## EMPLOYMENT TRIBUNAL COSTS GUIDANCE

Karen South is a Consultant and shall have the day-to-day conduct of your matter. Louise Axon, a qualified Paralegal, may also assist from time to time. Adam King is the Litigation Partner and is ultimately responsible for the matter and supervises the Litigation Department.

Karen South can usually be contacted by telephone on 020 7404 1995 between 9.30 am and 5.30 pm on weekdays. Louise Axon will be able to help you with any queries if Karen South is not available when you call. You can also contact Karen South via the following email addresses: [ks@portner.co.uk](mailto:ks@portner.co.uk) and [la@portner.co.uk](mailto:la@portner.co.uk).

The following costs guidance is only applicable to employment cases that need to be decided by the Employment Tribunal.

This costs guidance does not cover any matters prior to the issue of an Employment Tribunal application and therefore does not cover any discussions with your employer or your employee that would lead to a Settlement Agreement.

The costs of handling your Employment Tribunal matter are largely determined by the type of claim we ask the Tribunal to decide and is governed by the number of days that the Tribunal would need to decide the claim.

Because the majority of cases require each party to pay their own costs (no matter if they lose or succeed) then at Portner we do our utmost to avoid the case becoming a Tribunal matter. The costs of taking a case to a Tribunal (even in a simple matter) are significant – this is solely due to the number of hours required to prepare and make your matter Tribunal ready.

Each case is unique and it is difficult to simply slot a case into a simple medium or complex. Each case would turn on its own facts and each of those facts will determine how many Tribunal days are required. It is the length of the Tribunal itself that determines what the costs levels for your matter will be.

As a guide, these are the costs (excluding VAT) you would pay for our time alone:

Days in Tribunal	Preparation time	Complexity	Costs Range
1-2 days	10 to 15 hours	Simple	£3,250 - £4,875
3-5 days	20 to 35 hours	Medium	£6,500 - £11,375
5 + days	40+ hours	High	£13,000+

Factors that will increase the time spent on your matter:

- 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.
- Making or defending a costs application.
- Complex preliminary issues such as whether the claimant is disabled as defined in law (if this is not agreed by the parties).
- The number of witnesses and documents.

- If it is an automatic unfair dismissal claim e.g. if you are dismissed after blowing the whistle on your employer or due to discrimination.
- Allegations of discrimination which are linked to the dismissal.

There will be an additional charge for attending a Tribunal Hearing which will be at the hourly rate of £325 per hour (excluding VAT). The Tribunal usually sit for 5 ½ hours per day so on average £1,787.50 per day (excluding VAT).

Additionally, our time attending at the Tribunal time

Days in Tribunal	Tribunal time	Complexity	Costs Range
1-2 days	5.5 – 11 hours	Simple	£1,787.50 - £3,575.00
3-5 days	16.5 – 27.5 hours	Medium	£5,362.50 - £8,937.50
5 + days	27.5 hours plus	High	£8,937.50 plus

### Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as court fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

Counsel's fees are estimated between £750 to £1,500 per day (depending on the experience of the advocate) for attending a Tribunal Hearing (including preparation).

Days in Tribunal	Complexity	Costs Range
1-2	Simple	
3-5	Medium	
5+	High	

### Key stages

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

- Taking your initial instructions on the issue of an ET1 if negotiations have failed, reviewing the papers and advising you on merits and likely compensation (this is likely to be revisited throughout the matter and subject to change)
- Entering into pre-claim conciliation via ACAS where this is mandatory to explore whether a settlement can be reached;
- Preparing claim or response
- Reviewing and advising on claim or response from other party
- Exploring settlement and negotiating settlement throughout the process
- preparing or considering a schedule of loss
- 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, including instructions to Counsel

The stages set out above are an indication and if some of stages above are not required, the fee will be reduced. 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.

### **How long will my 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 your case is resolved. If a settlement is reached during pre-claim conciliation, your case is likely to take 4-16 weeks. If your claim proceeds to a Final Hearing, your case is likely to take 52-88 weeks due to Tribunal listing constraints. 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.