

Employment Law

We can help you with a range of employment issues including:

- Unfair dismissal
- Constructive dismissal
- Wrongful dismissal (breach of contract) eg unpaid notice monies
- Redundancy
- Discrimination – sex, race, disability, age, sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership and gender reassignment
- Unlawful deductions of wages
- Claims relating to family friendly rights
- Settlement Agreements and negotiating improved terms
- Employment procedures which may affect you e.g. investigations, suspension, disciplinary (misconduct and performance management) and long-term sickness procedures
- Grievance procedures
- Post-termination restrictive covenants
- Your rights regarding business takeovers where the law on the Transfer of Undertakings (TUPE) applies.

Settlement Agreements

A settlement agreement is used to bring a contract of employment to an end without the risk of the employee bringing a claim in the employment tribunal against you.

TUPE

TUPE (“Transfer of Undertakings (Protection of Employment) Regulations 2006”) are several scenarios where TUPE applies, for example, when a business or part of it, is sold to a new employer. TUPE is designed to protect the original rights and terms and conditions of the employees before and after the sale.

How much will it cost?

This will be calculated on an hourly rate (see our published rates) and will vary, depending on the number of Employees and the rights to be transferred. The minimum cost is **£3,500 + vat = £4,200 to £7,000 + vat = £8,400.**

Employment tribunal

The cost of running a tribunal depends on the complexity of the case: *complex cases involving multiple witnesses and extended documentation will, inevitably mean that the cost will be at the higher end of a costs estimate rather than the lower end.

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What is involved in taking a case to tribunal?

- **Representing an employer:**
The overall cost to an employer defending a claim from an employee for unfair dismissal or discrimination is likely to be more than the employee would even if the case is straightforward. This is because more people are involved (in the investigation and hearing stages) and an employer will have more contractual documentation to be reviewed. Employers also need to remember when defending a discrimination claim that, if the tribunal finds against them, compensation payments are uncapped.
- **Representing an employee:**
An employee bringing a case for unfair dismissal or discrimination is likely to have less contractual paperwork to sift through and there are usually fewer witnesses involved. The overall cost may be lower than that for an employer; nonetheless the complexity of the issues involved will have an impact on the final cost.

How much will it cost?

See our fixed fee table above

How long does it take?

From lodging a claim to a tribunal hearing is likely to take approximately 12 but this depends on the directions set by the Tribunal and the hearing date.

The tribunal will list the hearing and cases can be listed for 1 – 5 days depending on the number of witnesses and complexity of the claim.

Our pricing for bringing and defending claims for unfair or wrongful dismissal

Simple case: **£6,000 + vat to £9,000 + vat**

Medium complexity case: **£8,000 + vat to £14,000 + vat**

High complexity case: **£12,000 + vat to £24,000 + vat**

It would be usual to be represented by a Barrister at the final hearing. Barristers charges vary depending upon their experience. A barrister may charge **£4,000 + vat** for 1 day up to **£12,000 + vat** for 5 days.

Factors that could make a case more complex

- 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 (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
- Allegations of discrimination which are linked to the dismissal

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Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as court fees and we usually request that these are paid to us prior to instructing any third party.

Counsel's fees estimated between £4,800 + vat per day to £12000 + vat (for 5 days) (depending on experience of the advocate) for attending a Tribunal Hearing (including preparation)

What's included?

The fees set out above 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)
- Entering into pre-claim conciliation 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 up to 40 weeks. If your claim proceeds to a Final Hearing, your case is likely to take up to 60 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.

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