

## Arbor Law Pricing Information

### Defending Claims for Unfair or Wrongful Dismissal

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*This document provides the information required by the Solicitors Regulation Authority (SRA) Transparency Rules where a business wishes to defend a claim for unfair or wrongful dismissal in the Employment Tribunal only. We advise on a broad range of employment issues. For details of our broader service please visit the Employment page on our website.*

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#### Pricing Information

The following pricing information relates to bringing and defending claims for unfair or wrongful dismissal:

- Simple case: £8,000-£15,000 (excluding VAT, charged at 20%, and disbursements)
- Medium complexity case: £15,000-£50,000 (excluding VAT, charged at 20%)
- High complexity case: £40,000-£200,000 (excluding VAT, charged at 20%)

We charge based on an hourly rate which varies depending on the member of staff dealing with your matter. Our lowest hourly rate is £350 and our highest hourly rate is £650. The relevant hourly rate will depend on a number of variables, including the complexity of your matter and the seniority of the lawyers working on your matter.

We look to develop longstanding and meaningful relationships with our clients and may offer alternative pricing solutions beyond the range quoted above, in return for greater commitment and regular workflow. We will discuss this with you when you instruct us.

#### Factors that could make a case more complex

- If it is necessary to make or defend applications to amend claims or to provide or request further information about an existing claim
- Defending claims that are brought by litigants in person (i.e. where the employee is representing themselves)

- Making or defending costs applications
- Complex preliminary issues such as whether the claimant is disabled or whether they have made a protected disclosure (if this is not agreed by the parties)
- Having a preliminary hearing
- The number of witnesses and witness statements that need to be prepared and reviewed
- The volume of documents
- If it is an automatic unfair dismissal claim (e.g. if the employee alleges they were dismissed because they were a whistleblower, or dismissed because of a TUPE transfer)
- Where the compensation sought requires complex calculation (e.g. claims for career-long pension loss)
- If the Claimant has brought other claims in addition to unfair/wrongful dismissal including but not limited to discrimination, detriment, employment status, TUPE, etc.
- Whether there are any postponements of hearing dates due to issues with listing
- If the claim has a wider financial impact (e.g. good leaver/bad leaver provisions impacting an employee's shareholding, bonus or other incentive)
- The existence of any parallel proceedings or process, e.g. a data subject access request or complaint to any regulator or enforcement agency
- Whether expert evidence is required

A claim can become more complex to contest than appears at first sight as the nature and conduct of it become clearer.

### **Disbursements**

Disbursements are costs related to your matter that are payable to third parties, such as counsel's fees, photocopying and document production fees, expert's fees, and court fees. We handle the payment of the disbursements on your behalf to ensure a smoother process.

We may request you to make payment to us in advance of the disbursement being incurred as you are responsible for payment of the disbursements.

### **Counsel's fees**

Counsel's fees estimated between £2,500 to £80,000 (excluding VAT, charged at 20%) per case, for attending a Tribunal Hearing including preparation. The level of Counsel's fees will depend on experience of the advocate, the number of days your case is listed for, and whether advice on the issues is required in advance of the hearing.

We will discuss Counsel's fees with you prior to them being incurred and will consult with you about the choice and costs of Counsel as the case unfolds.

### **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, reviewing the papers and advising you on merits and likely compensation (this is likely to be revisited throughout the matter and is therefore subject to change)
- Entering into pre-claim conciliation to explore whether a settlement can be reached
- Preparing the claim or response
- Reviewing and advising on the claim or response from the other party
- Exploring settlement and negotiating settlement throughout the process
- Preparing for (and attending) a Preliminary Hearing, including preparing an agenda and list of issues for the preliminary hearing
- Exchanging documents with the other party and agreeing a bundle of documents
- Interviewing witnesses to take their witness statements, drafting witness statements and agreeing their content with witnesses
- Reviewing and advising on the other party's witness statements
- Preparing or considering a schedule of loss, and preparing a counter-schedule of loss where appropriate
- Preparing a bundle of documents for use at hearings
- Preparing and Agreeing a list of issues, a chronology and/or cast list
- Preparation and attendance at Final Hearing, including instructions to Counsel and conferences with Counsel where required

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

### **How long will the 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 2-12 weeks. If your claim proceeds to a final hearing, your case is likely to take 12-24 months depending on the complexity of the case and the number of days the claim is listed for.

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.

The Employment Tribunals are currently experiencing a high demand for hearings and as such hearings are being listed nearly 18 months away, and hearings may be postponed at short notice. This can depend on the particular Employment Tribunal where your case is being heard and also whether a preliminary hearing is required. These are factors beyond our control and we will provide you with a time estimate according to our knowledge of the Employment Tribunal where your claim will be heard.