

**Key stages of an employment tribunal (ET) for employees**

Estimated hours for each stage

|                     | Taking instructions of potential claim, reviewing papers & advising on prospects of success | Advising on & conducting mandatory pre-claim conciliation | Preparing your claim form (ET1 form) | Review & advice on response from employer (other party) | Exploring settlement & negotiation of settlement | Preparing a schedule of loss of earnings | Prepare for and attend preliminary employment tribunal hearing | Exchanging documents with the other party and agreeing the bundle | Drafting witness evidence statements, taking instructions & agreeing content with witnesses | Reviewing & advising on the other party's witness statements | Instructing a barrister to represent you at the final hearing | Preparing for & attendance at the final hearing | Reporting to you on the outcome of the final hearing | Total hours |
|---------------------|---|---|--------------------------------------|---|--|--|--|---|---|--|---|---|--|-------------|
| <b>Simple case</b>  | 3-5   | 1-2   | 4-6                                  | 2-4   | 2-4  | 1-3                                      | 2-5  | 2-5   | 8-15  | 3-6  | 1-2   | 10-17   | 0.5-1  | 39.5 – 75   |
| <b>Medium case</b>  | 5-6   | 2-4   | 6-7                                  | 4-5   | 4-8  | 3-5                                      | 5-7  | 5-8   | 17-20   | 6-8  | 2-3   | 18-22   | 1-2  | 78 – 105    |
| <b>Complex case</b> | 7-8   | 4-7   | 8-9                                  | 5-8   | 8-12   | 6-7                                      | 8-9  | 9-12  | 21-30   | 8-12   | 4-8   | 23-35   | 2-5  | 113-162     |

## **Factors affecting the overall fee**

Unfortunately, it is impossible to list all the factors that will affect the overall fee, as each case varies, but these are the most common items:

- The point at which the matter concludes, either if an out of tribunal settlement is agreed or following a final tribunal hearing
- The number and complexity of the claims being made and the number of respondents
- Any counter-claim against you made by your employer opponent
- Making or responding to applications for case management orders made to the tribunal at any stage. The most common types of applications are to amend claims or responses, for the provision of further information from the other party, for postponement of hearings, to strike out claims or responses with no reasonable prospect of success, or for a sanction to be imposed on a party that has not complied with case management orders
- Making or defending a costs application
- Preliminary hearings to determine legal issues (for example, whether a claim was made in time or whether you are disabled for the purposes of a disability discrimination claim)
- The number of witnesses on both sides
- The amount of correspondence and documents
- The length of the final hearing
- Postponements of hearings
- The amount of telephone and email correspondence with you and with the other side
- If we are instructed by you after you have started your tribunal claim
- If there is an ongoing disciplinary or grievance appeal process

## **Disbursements**

- Counsel fees ranging from £1,500 - £5,000 per day, depending on their level of experience and availability, we would obtain a quote.