

Key stages of an employment tribunal (ET) for employers

Estimated hours for each stage

	Taking instructions & reviewing papers & advising on prospect of success	Advising on & conducting mandatory pre-claim conciliation	Review & advice on employment tribunal claim received	Preparing your response – drafting an ET3 form	Exploring settlement & negotiation of settlement	Prepare for and attend preliminary employment tribunal hearing	Exchanging relevant documents with the other party and agreeing the tribunal hearing 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
Simple case	3-5	1-2	4-6	2-4	2-4	3-7	4-8	12-19	3-6	1-2	10-17	0.5-1	45.5-81
Medium case	5-6	2-4	6-7	4-5	4-8	7-10	8-12	19-24	6-8	2-3	18-22	1-2	82-111
Complex case	7-8	4-7	8-9	5-8	8-12	11-15	12-18	25-34	8-12	4-8	23-35	2-5	117-171

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 other respondents
- Where the claimant employee is not legally represented
- 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 the claimant is 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 filed your response to the 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.