

PUBLIC ACCESS – EMPLOYMENT TRIBUNAL CLAIMS

Whether you are considering making a claim to the Employment Tribunal (or an appeal) or need representation at a hearing or trial, public access barristers at Five Paper are able to advise you on the issues, tactics and process and represent you in court. We act for both employers and employees.

We deal with a wide range of claims and issues, including unfair & wrongful dismissal, discrimination, breach of contract and whistleblowing. Apart from litigation, we also advise on internal issues such as grievances, disciplinaries and contractual matters. Please see the employment page of the chambers website and our personal profiles for more information about our experience and expertise.

At the outset, we can advise about a claim you may wish to bring against your employer or, if you are an employer, advise on the merits of a claim being brought against you. We can also assist with drafting letters, claims, appeals and other documents for you to send in your own name. As with all public access work, however, we will not be able to issue documents, accept service or correspond with the tribunal or an opponent on your behalf. Lengthy trials involving various witnesses and lots of documents often require considerable administrative resources and are not suitable for public access.

For drafting and advisory work, our barristers endeavour to turnaround work within at least 14 days. If you need the work done in a shorter timescale this will be discussed before instructions are accepted. The timescale for all work undertaken may be affected by the barrister's availability, your availability, the complexity of the case, the urgency of the matter and whether or not any additional documents or information might be required after the initial instruction is accepted.

Once a claim is issued, it is normally listed for a preliminary hearing within 3 months. In straightforward cases, this can often be by way of a telephone hearing. At the preliminary hearing, the judge can decide certain issues and give directions for a full trial. We can represent you at preliminary hearings and trials but we cannot go on the record as acting for you or pay tribunal or other process fees on your behalf.

Timescales for a full merits hearing may vary depending on the complexity of your case and the need to determine any preliminary issues or applications. However, as a rough guide, a full merits hearing is normally listed within 9-12 months.

Fees

We generally work on the basis of fixed fees for specific work which will be described in a public access agreement before any work is accepted. You will need to sign this agreement and perhaps send proof of identity (and or proof of authorisation to instruct if the work is for a company or business). All fees are payable in advance of work commencing.

For advisory and drafting work, our fixed fee estimates are calculated by reference to the barrister's hourly rate and generally depend on the number of hours the work is likely to take, the type of work involved and the experience and expertise of the barrister.

For representation at hearings and trials, our fixed fee estimates will also generally take account of travel time and costs. For one-day hearings and trials, the fixed fee will include attendance at the hearing or trial and normally all preparatory work after exchange of

witness statements and disclosure. Assistance with witness statements, disclosure and other case management matters are generally subject to a separate fixed fee arrangement.

For representation at trials listed for more than one-day, we sometimes provide a fixed fee estimate for (a) a “brief fee” (which includes attendance on day one and all preparatory work after exchange of witness statements and disclosure) and (b) a daily “refresher”(which is a separate fee for each additional day). Alternatively, we might provide a fixed fee estimate for the whole trial irrespective of the number of days the trial actually lasts.

Our hourly rates range from £130 to £250 plus VAT depending on the experience of the barrister and the complexity of the case.

The above information is correct as at April 2020 but is intended to be a guideline only. Each public access barrister has the right to negotiate their own fee and their contractual terms on an individual basis. For a quotation, please contact the clerks on 020 7815 3200 or email clerks@fivepaper.com.