

A man in a dark suit, white shirt, and tie, wearing glasses, is speaking into a microphone. He is gesturing with his right hand. The background is a blurred indoor setting with a circular light fixture visible in the upper left. The entire image has a dark purple overlay.

Ledingham Chalmers
Employment law services
for individuals — pricing

We primarily advise and represent employers but do in some cases act for private individuals, for whom this guide is produced.

We're known for our expertise and professionalism as well as our approachability. Plus, partner Kirk Tudhope is the only Law Society of Scotland-accredited specialist in employment law based in the Highland and Islands area, while Edinburgh-based John Lee is one of only three solicitor advocates in the country to be accredited in both employment and discrimination law.

Advice and support

We provide employment law advice to individuals on a wide range of issues that may arise in the course of their employment including

- Disciplinary and grievances
- Conducting employment tribunal claims including unfair dismissal and discrimination
- Advising on contractual terms including restrictive covenants
- Negotiating settlements and advising on settlement agreements (“compromise agreements”)

We use hourly rates ranging from £150 to £325 per hour (plus VAT) to charge for this sort of work based on the amount of time spent working on the matter.

Settlement agreements

The most common request for advice and support for individuals is on the terms of the settlement agreement an employer proposes to an employee.

Our fees for a straightforward settlement agreement, where detailed negotiations are not required, range from £750 (plus VAT) to £1,000 (plus VAT). Where more complex advice is required, including detailed negotiations, the fee may be higher and range from £1,500 (plus VAT) to £3,500 (plus VAT) or possibly more in high value or particularly complex cases.

What to expect

Typically, the key steps involved when instructing us on general employment law matters include —

Step 1: A telephone call or meeting during which we take your initial instructions including a discussion of the background to the settlement offer and a review of the proposed severance payment.

Step 2: We review the terms of the settlement agreement and other relevant documents such as your contract of employment.

Step 3: We offer advice on the terms of the agreement.

Step 4: If required, we negotiate with your employer on the terms of the agreement.

Step 5: We'll arrange for completion and signature of the agreement including signing the legal adviser's certificate to confirm you have received legal advice.

How long will it take?

The time spent varies considerably depending on the complexity of the matter. More complex cases will require more time (which will impact on your costs).

In our experience, advising on the terms of a straightforward settlement agreement can be done within a couple of days, with completion within seven to 14 days, dependent on the circumstances including employer cooperation.

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Costs

We use hourly rates to charge for general advice on employment law matters. That can range from a short consultation with one of our experts by telephone or in a meeting through to drafting correspondence and negotiating settlements.

We will give you an indication of the anticipated costs at the start of the process, and outline a budget figure based on our hourly rates within our letter of engagement.

We charge in line with the amount of time it has taken to carry out the work that was needed at the relevant hourly rates of the team members involved. The hourly rate which will be applied and the team member primarily working on your behalf will be agreed with you when we are appointed.

We'll keep our work in progress under constant review and let you know if we anticipate going above our initial budget figure. We'll also explain why, and by how much.

Our current hourly rates are —

| | |
|-------------------|---------------|
| Partner | £325 per hour |
| Senior associate | £275 per hour |
| Associate | £250 per hour |
| Senior solicitor | £225 per hour |
| Solicitor | £200 per hour |
| Trainee/paralegal | £150 per hour |

VAT at 20% would be added to these rates.

Our fees are payable regardless of any contribution to your legal expenses which your employer may agree to make. If your employer agrees to make a contribution and does not pay it, you will be responsible for payment of our fees in full.

Making a claim to an employment tribunal

In some cases, we are asked to present a claim to an employment tribunal.

The most common sorts of cases which go to a tribunal involve breach of contract, unfair or wrongful dismissal, whistleblowing dismissal, discrimination, claims for wages or holiday pay, and working time or equal pay.

What to expect

We use hourly rates ranging from £150 to £325 per hour (plus VAT) to charge for this sort of work on a time basis.

Every claim is different, and we will keep you keep you updated and informed throughout. That said, here's the typical process —

Step 1: Taking your initial instructions and providing preliminary advice.

Stage 2: Entering into a pre-claim conciliation through ACAS before a claim can be brought in an employment tribunal, to see if matters can be resolved by agreement. This includes, (if instructed) advising you on beginning conciliation and on any negotiations conducted through ACAS with your employer.

Step 3: If your claim is not successfully resolved during pre-claim conciliation, we'll draft and lodge an employment tribunal claim. To do this, we will —

- Take a detailed statement (if that has not been taken already)
- Draft your claim form and your particulars of claim
- Revise your claim, if necessary, and check you approve it
- Lodge your claim form with the employment tribunal

Step 4: Once the employment tribunal accepts your claim, it is sent to your employer who has 28 days to lodge a response.

We will —

- Review your employer's response with you
- Based on the information available, advise you on the strengths and weaknesses of both parties' cases
- Review any orders the tribunal issues

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- Prepare an initial schedule of loss or quantification of the claim detailing the estimate of the value of your claim and steps taken to minimise loss including details of alternative employment
- Determine whether any tribunal orders may be required, for example for your employer to provide more details of their response
- Consider whether any preliminary applications are required on your behalf
- Consider with you whether any expert evidence may be required, such as medical or actuarial reports

Step 5: Preparing for and attending any preliminary hearing fixed to discuss procedure in the case.

Step 6: Prepare for the final hearing by —

- Collating the documents the tribunal will see at the final hearing
- Taking statements from you and any witnesses
- Prepare questions for witnesses
- Prepare cross examination of the other parties' witnesses
- Prepare legal submissions to support your case

Step 7: If your case has not been settled before the final hearing then we will represent you at the hearing, where both parties' cases will be heard.

Step 8: Review and report to you on the tribunal decision including, if necessary, considering any further options available to you.

How long will it take?

Typically, an unfair dismissal case will take between six to nine months from start to conclusion, but factors like the complexity of the case and availability of the tribunal will impact on that. Many cases are resolved by negotiation in the earlier stages although this will clearly depend on each situation's circumstances.

Costs

We use hourly rates to charge for all work associated with tribunal claims.

We charge according to the amount of time taken to undertake the work needed at the relevant hourly rates of the team members involved. The hourly rate which will be applied and the team member primarily working on your behalf will be agreed with you when we are appointed.

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We can provide an estimate based on our assessment of the case. We base our costs on the time spent on a case. This will vary depending on a variety of factors including —

- Number of documents to review
- Complexity of claim
- Number of preliminary hearings required
- Likely length of hearing on the merits
- What approach your employer takes
- Your approach
- Number of witnesses
- Claim value

We will give you an indication of the anticipated costs at the start of the process, and outline a budget figure based on our hourly rates within our letter of engagement.

We shall keep our work in progress under constant review and let you know if we anticipate our initial budget figure is going to be exceeded. We'll also explain why and by how much.

Our current hourly rates are —

| | |
|-------------------|---------------|
| Partner | £325 per hour |
| Senior associate | £275 per hour |
| Associate | £250 per hour |
| Senior solicitor | £225 per hour |
| Solicitor | £200 per hour |
| Trainee/paralegal | £150 per hour |

VAT at 20% would be added to these rates.

Here is an example pricing structure for bringing a claim for unfair or wrongful dismissal based on our experience of a typical case.

- Simple case: Up to £16,500 plus VAT
- Complex case: £25,000 to £35,000 plus VAT
- Highly complex case: Upwards of £35,000 plus VAT

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Disbursements or outlays

Disbursements or outlays are third party costs that need to be paid as part of the process. These are separate from our legal fees. We can arrange to pay disbursements or outlays on your behalf, but may need you to pay us those funds first.

In employment tribunals there are no costs for bringing a claim, and the only likely costs are if medical evidence is required, or costs of witnesses need to be reimbursed, or expert reports are necessary.

In some cases, we may advise you that it is appropriate to instruct an advocate to undertake the representation at the hearing. Their rates vary depending on seniority but are typically between £1,650 - £3,000 per day.

Our fees are payable regardless of the outcome of the tribunal. It is rare for expenses to be awarded as part of a tribunal award. That means each party typically bears its own costs.

Even if the tribunal awards expenses, that's unlikely to cover all of your costs.