



Guide to Employment Tribunal Fees

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Employment Tribunal fees apply in relation to proceedings in Employment Tribunals and the Employment Appeal Tribunal issued after **29 July 2013**. No fees apply to any aspect of proceedings issued before this date.

What fees are payable and when?

Employment Tribunal fees include:

- Issue fees - which must be paid in order to bring a claim;
- Hearing fees - which must be paid before an Employment Tribunal hearing can take place;
- Application fees - which must be paid when certain applications are made (for further information, see below);
- Fees in Employment Appeal Tribunal proceedings – please contact us for further details.

How much are Employment Tribunal fees and who pays them?

| Employment Tribunal Fee | Type A Claims (e.g. unpaid wages, holiday pay, statutory redundancy pay) | Type 2 Claims (e.g. unfair dismissal, discrimination) | Employment Appeal Tribunal |
|-------------------------|---|--|----------------------------|
| Issue fee | £160 | £250 | £400 |
| Hearing fee | £230 | £950 | £1,200 |
| Who is responsible? | Claimant | Claimant | Party appealing |

Notes

- Where a claim includes, for example, a claim for unpaid wages and unfair dismissal, only one fee is payable, and this will be whichever is the highest.
- Additional application fees may become payable during the course of proceedings, for example, Respondents will be required to pay £160 in relation to any employer contract claims (formerly counter-claims).
- Other examples of where a fee is payable by the Respondent include applications: for the review of an Employment Tribunal decision; to dismiss the proceedings or for judicial mediation.

Group Actions

A separate fee structure applies in relation to group actions (where multiple claimants are bringing the same claim as a group):

| Employment Tribunal Fee | Type A Claims (e.g. unpaid wages, holiday pay, statutory redundancy pay) | Type B Claims (e.g. unfair dismissal, discrimination) |
|-------------------------------------|---|--|
| Issue fee | | |
| Between 2 and 10 Claimants | £320 | £500 |
| Between 11 and 200 Claimants | £640 | £1,000 |
| Over 200 Claimants | £960 | £1,500 |
| Hearing fee | | |
| Between 2 and 10 Claimants | £460 | £1,900 |
| Between 11 and 200 Claimants | £920 | £3,800 |
| Over 200 Claimants | £1,380 | £5,700 |
| Who is responsible? | Claimants | Claimants |

How are fees paid?

Payments are made via the Employment Tribunals' online service by credit or debit card or otherwise by cheque or postal order.

What happens if Employment Tribunal fees are not paid?

Unless an application for fee remission (see below) has been made prior to the date payment of a fee is due:

- Failure to pay the issue fee will result in the claim or appeal being rejected;
- Failure to pay the hearing fee will result in the hearing not going ahead; and
- Failure to pay the fee associated with certain applications will result in the application not being considered by an Employment Tribunal Judge.

What if the Claimant cannot afford an Employment Tribunal fee?

- For those individuals who cannot afford to pay the fees there will be a remission scheme in place.
- As a general rule, everyone is deemed to be able to pay unless they demonstrate (by way of an application) through the remission scheme that they are unable to do so.
- Where an application for remission is made the date for payment of a fee is disapplied.
- In the event that a remission application is successful, the whole (or any part of) the fee will be waived.
- There will be remission of fees if:
 - the disposable capital of the individual and their partner is below a certain threshold (see below); **and**
 - the individual's gross monthly income is below the current threshold (see below).

Disposable capital threshold:

| Fee charged: | Disposable capital threshold: |
|------------------|-------------------------------|
| Up to £1,000 | £3,000 |
| £1,001 to £1,335 | £4,000 |

Gross monthly income:

To be entitled to a full remission an individual's gross monthly income must be below the following thresholds:

| Gross monthly income with: | Single | Couple |
|------------------------------------|--------|--------|
| No children | £1,085 | £1,245 |
| 1 child | £1,330 | £1,490 |
| 2 children | £1,575 | £1,735 |
| Add £245 for each additional child | | |

If an individual's income is above these thresholds then they may be entitled to a partial remission.

Where an individual's gross monthly income exceeds the amounts shown below, no remission is allowed:

| Gross monthly income cap with: | Single | Couple |
|--------------------------------|--------|--------|
| No children | £5,085 | £5,245 |
| 1 child | £5,330 | £5,490 |
| 2 children | £5,575 | £5,735 |

There are rules regarding what constitutes 'disposable capital' and 'gross monthly income' - please contact us for further details.

Can fees be recovered from the Respondent?

The Employment Tribunal will have the power to order the unsuccessful party to reimburse fees paid by the successful party but this is not an automatic entitlement.

If you would like to discuss any of the issues raised in this 'Guide to Employment Tribunal fees', please do not hesitate to contact a member of our Employment department.

Dated October 2013

This 'Guide to Employment Tribunal fees' is intended as a guide only. Payment of Employment Tribunal Fees and entitlements to remission of fees depends on the nature of any Employment Tribunal Claim and individual circumstances. Specific legal advice should be sought in relation to particular proceedings.