**Direct Access Request**

**Contact Details:**

Name: Click or tap here to enter text.

Address: Click or tap here to enter text.

Email: Click or tap here to enter text.

Telephone number: Click or tap here to enter text.

**Please tell us the names of other individuals or organisations potentially involved in your case:**

We need to know this so that we do not share this form with a barrister advising or representing another party involved in your case. Please make sure the spelling is correct as we conduct the checks electronically. Please provide all potentially relevant company names, particularly if you are not sure which company in a group company structure employs you

Click or tap here to enter text.

**Please give us a brief description of your situation:**

Please aim to write a short (under 200-word) summary of the key events, chronologically

Click or tap here to enter text.

**Please tell us what assistance you would like from a barrister**

Please note, we use the words “barrister” and “counsel” interchangeably

Click or tap here to enter text.

**Please tell us about any upcoming court or tribunal deadlines or hearings:**

For each date, please tell us what is happening on that date or needs to be done by that date

Click or tap here to enter text.

**Have you had any professional advice on this matter so far? If so, from whom:**

Click or tap here to enter text.

**Please tell us if you are funding your case privately or if you have legal expenses insurance:**

Click or tap here to enter text.

**How did you hear about us?**

Click or tap here to enter text.

**Please tell us if you require any reasonable adjustment(s) in the way we communicate with you:**

Click or tap here to enter text.

Are you happy for us to contact you by:

[ ]  Email

[ ]  Telephone

Please take the time to read through the frequently asked questions on the following pages. Once you have done so, please tick the box below, so that we can progress your enquiry:

[ ] **FREQUENTLY ASKED QUESTIONS ABOUT PUBLIC ACCESS**

* **You specialise in a number of areas; in which of these do you accept public access instructions?**

We accept public access enquiries and instructions in employment matters, representing both employees and employers. If you need assistance in any other specialisms listed on our website via the Public Access Scheme, please contact our clerking team. Fee structures vary by area of law; some areas do not lend themselves to receiving instructions in this way. We do not accept no win no fee cases (CFA) via public access as we require counsel to be paid in advance for their work. We can, however, recommend specialist solicitors and alternative resources who will be able to work with you to resolve the matter and subsequently instruct a barrister where appropriate.

* **My case is related to an employment matter. Will I still need a solicitor?**

If your case would benefit from a solicitor’s input, we will advise you of this at the outset or when the need arises. We work with some of the UK’s best employment solicitors, so, if necessary, we can introduce you to a specialist solicitor.

* **How much will it cost?**

We can only advise how much it will cost once we have all of the necessary information about your case (this applies equally to instructions from solicitors). Costs vary according to the complexity of your case, the volume of documentation, number of witnesses involved, whether you need a senior or junior barrister, the value of your case and the estimated length of hearing.  We will agree fees with you in advance and in writing so you have clarity.  If you would like to receive a quotation, please contact one of our clerking team. **For further information on fee structures, please see the section below.**

* **What could impact on the timescales of my case?**

Timescales for your case may vary depending on barristers’ availability, the complexity of your case, the need for additional documents and the other side’s approach. As a guide only, straightforward cases in the Employment Tribunal tend to have a hearing date within four to six months of a claim being made.

* **What could cause delays to my case/advice?**

Unforeseeable factors such as: Employment Tribunal delays , cases overrunning, barrister illness and other factors outside of our control could cause delays. We will endeavour to work with you to ensure we meet your expectations, and exceed them where possible. Where we are unable to meet your expectations, we will communicate clearly and regularly with you to guide you through any challenges.

* **Which barrister is right for my case?**

Once the clerks have all of the necessary information about your case, they will be able to match your needs to the available barrister with the most relevant experience within your budget. Our clerks are highly skilled and very experienced in matching the right counsel to appropriate cases.

* **Are barristers regulated?**

Yes, all barristers, and Chambers, are regulated by the Bar Standards Board.

* **Is there anywhere else I can research whether the Public Access Scheme is right for me?**

Yes, our regulator, the Bar Standards Board, publish a [‘Public Access Guide for Lay Clients’](https://www.barstandardsboard.org.uk/uploads/assets/20f0db2a-a40c-4af9-95b1b9557ad748e9/Public-Access-Guidance-for-Lay-Clients.pdf) (i.e. members of the public using the Public Access Scheme to instruct a barrister directly) which may also help you to reach an informed decision.

* **Can you provide me with an idea of the stages and timescales in relation to my case?**

Every case varies according to the nature, complexity and stage of the case. As an example, a client wishing to raise/defend a case of unfair dismissal at Tribunal would typically go through the following stages:

* + Enquiry received
	+ Request Form completed. It is important that you identify the names of other individuals or organisations potentially involved in your case so that we do not share the Request Form with a barrister advising or representing another party involved in your case
	+ Further information sought where necessary (within three working days, but often more quickly)
	+ If it is a matter we can accept via public access your enquiry will be sent to our appropriate public access barristers, unless you have made a specific request for a specific barrister/s or unless the case requires a specific expertise particular to a member/some members of the team.
	+ They are asked to respond as to whether they would be willing to take on your case and, where applicable, meet any timescales you have outlined (if you already have a Tribunal date for example).
	+ We expect to get back to you within a further three working days, at most.
	+ If we are unable to represent you, we will offer you details of organisations you can contact for support and assistance.
	+ If we are able to represent you, we will provide an indicative quotation for the work required according to the information supplied. The barrister may at this stage wish to speak with you directly but it is likely that communication will be via a member of the clerking team, initially.
	+ If you wish to accept the quotation, you will be asked to do so in writing and make payment in full before the barrister starts work on your case.
	+ The timescales, once we have received your instruction to begin work, will vary according to the matter, any existing deadlines and the barrister’s workload at that time. The clerk will liaise with you to communicate the timescale the barrister has advised and will monitor this to ensure delivery of the service you have requested.
	+ Please be aware that any delay in you providing documentation to us could result in your barrister not being available to conduct the work as their professional commitments can change on a day-to-day basis. A barrister will not expect to work evenings and weekends ahead of a case because requested information has not been supplied so that they can prepare your case. This could have a significant impact on your prospects of success and cause you to incur additional costs so please make sure you respond promptly to any requests received.
* **I’d like to go ahead and speak to someone in greater detail. What should I do now?**

To start the process, please email our clerking team on clerks@oldsquare.co.uk providing your contact details and giving a brief (we would suggest no longer than 200 words) outline of your case. If the clerks feel we may be able to assist you under the Public Access Scheme, you will be sent a form to complete and return to us. If the clerk requires further information to assess as to whether the case is suitable for public access, or if it is a matter we do not feel we can assist on via this scheme but can provide recommendations on, then we will come back to you to let you know that that is the case. If you would prefer to speak to somebody by telephone, please call 020 7269 0300 to speak to a member of the team. If you require any reasonable adjustments to the process, please do contact either our Senior Clerk or Chambers Director on the above details for assistance.

**Further information on fee structures**

There are various different fee charging models available and these will vary according to each individual case. All costs will be agreed in writing prior to commencement of any work by the barrister and work will not begin until fees have been paid.

One of the fee structures most commonly used for cases in the Employment Tribunal, or written advice ahead of any such action, is a fixed fee. This means we will quote a fee in advance of the work being carried out. Any potential variations to this fee, will be outlined in the Terms of Work contract that we send you. We provide a basic overview at the end of this document to assist you in understand what this terminology means as well.

Please see below estimates based on the ranges of fixed fees for barristers at Old Square Chambers in ordinary unfair dismissal and wrongful dismissal claims.

|  |  |
| --- | --- |
| **Stage of case** | **Range of fixed fees (estimates)** |
| Written advice on your claim | £350 to £2,500 plus VAT |
| Preparation of case, including any meetings with you, telephone conferences, and assisting you with drafting of any tribunal documents | £750 to £3,000 plus VAT |
| Preliminary hearing in London region | £750 to £3,000 plus VAT |
| First day’s tribunal appearance based upon a 2 day hearing in London | £1,500 to £8,000 plus VAT |
| Tribunal appearances per day, after the first day | £500 to £4,000 plus VAT |
| Remedy hearing (once a judgment has been passed and a decision needs to be made in relation compensation) with a time estimate of 1 day in the London region | £1,000 to £5,000 plus VAT |
| All information is correct as at the time of publication, being January 2020. |

Your fees may be towards the higher end of the range if you need or would prefer a more experienced barrister and/or you have a more complex case. Some examples of factors that could increase costs are, unexpected applications being issued by the other side, hearings being adjourned by the Tribunal and/ or the hearing lasting longer than expected.

**Other things to consider**

When we provide you with the Terms of Work we will outline to you any potential additional costs that may be incurred clearly.

Here, we provide some further information on the terminology we use. Your case will not be deemed as instructions received until we have received a signed copy of the Terms of Work and payments due as outlined. If you decide not to proceed once you have received the Terms of Work, simply let the clerk know this is your decision. Work will not commence on your case beyond securing terms with you before payment is received and the signed contract is returned.

The quotation and Terms of Work will advise as to whether a cost supplied includes VAT or excludes VAT. For all UK based work, VAT will be applicable if stated. If you feel your tax position means you will not be liable for VAT, please ensure you advise us of this at the outset so that we may make suitable enquiries. The majority of barristers are VAT-registered which means the HMRC requires them to charge VAT other than in certain exceptional circumstances.

**Pricing structures**

The following pricing structures may be applied:

**Fixed fees** – A fee will be quoted that is a fixed sum, payable in advance to the barrister. The services that will be provided for the fee will be outlined to you in the quotation and the Terms of Work.

**Brief fee and refresher** – A brief fee is a fixed fee which covers preparation for a hearing and includes the first day of the hearing. A refresher is a fixed fee for each subsequent day of the hearing. A re-reading fee is likely to be chargeable if a case is postponed or adjourned, because your barrister will need to re-read the original papers and consider any further papers in order to represent you effectively at the resumed hearing. This cost will be outlined in your Terms of Work agreement.

**Hourly rate** – A fee is charged per hour worked on the case. The setting of hourly rates is not necessarily straightforward and a number of factors may determine the rate charged. As with all public access instructions, payment must be received in advance before work is undertaken, so if you choose to work to an hourly rate, whilst an estimate of time will be provided, further incremental payments may be made or required during the case. In circumstances where fees have not been paid in advance, we reserve the right to refrain from providing you with any written advice or pleadings until the fees have been paid.

**YOUR PERSONAL DATA**

Old Square Chambers and its members take the privacy of our clients, instructing solicitors and anyone we come into contact with seriously and we are compliant with the GDPR. All members subscribe to Chambers' default privacy notice unless you are specifically advised otherwise. To access this policy, please visit our website and view the ‘Barrister Privacy Policy’.

Please note that individual members of Chambers (i.e. barristers) are self employed and as such are individually registered as Data Controllers with the ICO.

Old Square Chambers is a separate entity to our self employed members. For further information on Old Square Chambers' GDPR policies, please contact our Chambers Director at gdpr@oldsquare.co.uk.

By providing the information requested above you are giving us permission to process this data in accordance with our internal processes to assist you in finding appropriate representation. The data may be shared internally in order to provide this service. Your data will be kept secure at all times.

You have the right to request amendments to or deletion of any data held by us about you at any time. If you would like to request this, please do so by emailing gdpr@oldsquare.co.uk, which reaches our Senior Management Team.