

CASE STUDY MATERIALS

January 2011

Level 3

PRACTICE OF EMPLOYMENT LAW

Subject Code L3-13

ilex

StudentBounty.com

INSTITUTE OF LEGAL EXECUTIVES

UNIT 13 – PRACTICE OF EMPLOYMENT LAW*

CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to the case study materials. You will be required to answer all the questions on the examination paper.
- You should familiarise yourself with the case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss the materials with your tutor/s either face to face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relates to the case study materials.

Instructions to Candidates Before the Examination

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or text books into the examination.
- In the examination, candidates must comply with the ILEX Examination Regulations.

Turn over

* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

ADVANCE INSTRUCTIONS TO STUDENTS

You are a trainee Legal Executive in the firm of Kempstons, The Manor House, Bedford, MK42 7AB. The firm is a busy high street practice with a successful employment department. The department runs a weekly free advice clinic, which is a good source of work for the firm. Some clients send in material for you to consider before you meet them. You are asked to familiarise yourself with the documentation provided in advance of your meeting with the client.

Your supervising solicitor is David Ross. He has left a note of the new clients you will be seeing in the advice clinic this week, together with a memorandum concerning Shane Brown.

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|-------------------|--|
| Document 1 | Memorandum from A Jones (David Ross' secretary) re advice clinic. |
| Document 2 | Memorandum from David Ross re Shane Brown |
| Document 3 | Email from Shane Brown with an extract of his contract of employment |
| Document 4 | List of interview questions from Peter Adams |

DOCUMENT 1

Memorandum

To: Trainee Legal Executive

From: A Jones

Date: [Yesterday]

Re: **Advice Clinic**

I understand from David that you are running this week's advice clinic. These are the enquiries so far:

Alicia MacDonald

Alicia has been given notice of redundancy to take effect tomorrow. She works very hard and has never had a day off sick. Last week, her supervisor told her she was the best worker he had.

Alicia made a formal request for flexible working as her daughter has just started primary school. Alicia is finding it difficult to start work at 8.30 am and asks to start at 9.00 am and take half an hour for lunch instead of one hour. She thinks her request may have led to her selection for redundancy. Alicia does not know what to do as she has been with her employer only six months and wants to know if she will be entitled to any pay and what her employer may say in any reference she may need.

Shane Brown

Shane is employed as a salesman at a small used car dealership. He thinks there is a clause in his contract which restricts his ability to work for a competitor. He has just been offered a job with a rival car dealership at a much higher salary and is worried his employer will not let him leave. He has sent an email with details of the contract (**Document 3**).

Peter Adams

Peter is employed as a cleaner at a local shopping centre. He has recently been interviewed for a new job at the shopping centre, but is a little concerned about the questions he was asked.

He has given us a list of the questions (**Document 4**).

Kavita Rai

Kavita has been suspended by her employer 'Agency Accountants' following an allegation of theft. She works as an office junior. Kavita is in charge of the stationery supplies at the firm. Two expensive ink cartridges and five memory sticks have gone missing.

Kavita has worked for 'Agency Accountants' for just over a year. She is taking a part-time accountancy course as she wants to become an accountant. She is very upset that she has been suspended. She suspects her colleague Diana may have stolen the missing items. Diana told her that she is very short of money and was asking Kavita questions about where she kept the keys to the stationery room. The items went missing the next day.

Good luck with your preparation.

A Jones

ps We have a work experience student with us next week who may have some questions for you.

DOCUMENT 2

Memorandum

To: Trainee Legal Executive
From: David Ross
Date: [Yesterday]
Re: **New Client - Shane Brown**

Shane has been offered a job at a rival car dealership situated approximately five miles away. The salary is significantly more than he currently earns and he really wants to take the new job.

He has sent an email with the relevant clause from his contract of employment contract (**Document 3**) and would like advice as soon as possible.

Please have a look and let me have your thoughts before the meeting.

David

DOCUMENT 3

**Email from Shane Brown with extract from his
Contract of Employment**

To: davidross@kempstons.co.uk
From: shanebrown@hmail.co.uk
Re: My contract of employment

I have typed out the relevant clause from my contract below, let me know what you think:

'The employee shall not for a period of 12 months, work for any competitor within a 50 mile radius in any capacity whatsoever.'

I am really keen to take the new job so I need your opinion quickly.

Thanks again
Shane

DOCUMENT 4

List of interview questions from Peter Adams

1. Please give us an example of when you have worked as part of a team.
2. Please confirm that you will be able to work weekends when required.
3. The other candidates have said they will accept a wage below the statutory minimum rate of pay in order to be successful. Will you?
4. Where did you go to school?
5. What skills make you suitable for this job?
6. Why do you want this job?
7. Why should we choose you?
8. How old are you?
9. Where do you live?
10. How long does it take you to get to work?
11. Are you willing to do overtime?
12. Are you religious?
13. If so, how often will you have to pray during the working day?

End of Case Study Materials

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