

CASE STUDY MATERIALS

June 2011
Level 3
PRACTICE OF EMPLOYMENT LAW
Subject Code L3-13

The logo for ILEX, consisting of the word "ilex" in a blue, lowercase, sans-serif font.A diagonal banner in the top right corner with the text "StudentBounty.com" in a white, sans-serif font on a dark background. A small crest is visible above the text.

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. As part of your duties you take it in turns to deal with the free advice clinic which runs on a weekly basis. Whilst you act for both employers and employees with both contentious and non-contentious work, the advice clinic is used by potential new clients to the firm. It is therefore very important to make a good impression right from the start.

Your supervising solicitor is David Ross who has left a note of the new clients you will be seeing in the advice clinic this week.

- Document 1** Attendance note of conversation with new client, Alan Barnett.
- Document 2** Memorandum from Angela Jones, secretary to David Ross concerning the advice clinic.
- Document 3** Email list of interview questions from Yuri.

DOCUMENT 1

Attendance Note

David Ross attending Alan Barnett - new client.
Today's date.

Alan was employed as a dog walker for the last 12 years. He is aged 63. Alan had a regular run of 10 dogs which he walked every day. He loves animals and found it enjoyable working outdoors. However recently he has been given a new dog to walk, Bernie. Bernie is a large golden Labrador who pulls very hard on the lead. Alan has reported to his boss, Wayne, about the dog and said he feared he will be hurt and fall over one day.

On Tuesday, Bernie saw a squirrel in the park and pulled Alan so hard he fell over. Bernie ran away chasing the squirrel across the park. Alan realised he had broken his arm when he fell. He eventually caught Bernie but only after the dog had caused a traffic accident. Bernie was unhurt.

When Alan took Bernie home he was running over an hour late for his other dogs that day. Alan rang Wayne to see if anyone else could help him but Wayne got very angry and told him to come to the office the next morning for a meeting. Alan went and visited all the dogs but some were very anxious when he arrived later than usual and two had made a mess of their houses because he was late.

The next morning when Alan arrived at the office, he saw Wayne was still very angry with him. Wayne told Alan he was dismissed. He told Alan to go and never come back and said he would not give him a reference as he had been such a terrible employee.

Alan is very upset and believes he is owed four days holiday pay and two weeks pay for the work he has done so far this month. He is concerned that without a reference he may not be able to get another job. He really does not want to make a fuss but he feels the whole incident was not his fault.

DR

Time taken 20 minutes

Memorandum

To: Trainee Legal Executive
From: A Jones
Date: [Today]
Re: **Advice Clinic**

I understand from David that you are running this week's advice clinic.

David suggested you may need some preliminary details to help you consider what issues may arise when you see them.

The clients so far for this week's advice clinic are as follows:

Roger Franks 4.30pm

Roger works as a plumber for a local building firm. He and his partner have just adopted a two year old girl called Aisha. Roger is concerned that his employer will still want him to work at weekends whilst Aisha is adjusting to living with them. Roger wants to be able to spend as much time as possible at weekends as a family rather than working.

Yuri 4.45pm

Yuri runs a florists in Kempston high street. He is very successful and is in the process of buying other premises in Bedford. Our commercial department is doing some work on his purchase and has suggested he comes to see us about the employment aspect. At the moment he does not have any documentation for his employees and wants to keep everything simple. He says he wants to keep costs low and does not see the point in having lots of legal documents as he and his employees get on very well and have never had any problems.

As he needs to recruit some staff for the new shop he has drafted an advertisement which he would like us to look at. He has also drafted some interview questions which he will email later.

Shop staff needed for exciting new florists opening soon in Bedford.
No experience required. Must be bright and bubbly.
School leaver preferred.
Pay £3.45 per hour. 18 days holiday a year.
Contact Yuri on 01234 000111 for an informal discussion of the job requirements.

Danni Chambers 5.00pm

Danni works as a barmaid at a small local pub. She has just been offered a new job at a local hotel three miles away from the pub. The rate of pay is much higher but she is worried because her current contract of employment says she cannot work within a 20 mile radius of her current place of work for a period of two years. Danni really wants to work at the hotel as she wants to work in hotel management in the future.

Christina Heighton 5.15pm

Christina runs a small automotive supply company. Unfortunately, in recent months the business' income has declined significantly. She believes that she may have to reduce her workforce from 30 employees to 10. She is really worried about making people redundant especially as she thinks some of them will try and sue her if she gets anything wrong. She would like you to explain the basics of how to make her staff redundant fairly and what she should do.

Christina has written a list of the criteria that she will use to select her employees for redundancy (see below). She would like your advice when you meet.

1. Sickness record
2. Time keeping
3. Complaints against management
4. Qualifications
5. Accuracy
6. Age
7. Union membership
8. Flexibility
9. Promotion potential
10. Disciplinary record.

Thanks

Angela

Turn over

Email

To: David.Ross@Kempstons.co.uk
From: Yuri1002@aol.com
Re: Interview questions

Hi Dave

I was thinking of asking the following questions - let me know what you think.

1. Why do you want this job?
2. What do you think of flowers?
3. Are you willing to work weekends?
4. I have lots of people who want the job - how much do you expect to be paid?
5. Are you lazy?
6. We sometimes have to work long hours when preparing for a wedding - do you have any restrictions on your ability to work at night?
7. How old are you?
8. I have a strict moral code and will not allow my staff to wear short skirts above the knee - is this a problem?

Thanks
Y

End of Case Study Materials

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