

**CASE STUDY MATERIALS**

June 2013  
Level 3  
THE PRACTICE OF EMPLOYMENT LAW  
Subject Code L3-13



CHARTERED INSTITUTE  
OF LEGAL EXECUTIVES

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**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**  
**UNIT 13 - THE PRACTICE OF EMPLOYMENT LAW\***  
**CASE STUDY MATERIALS**

**Information for Candidates on Using the Case Study Materials**

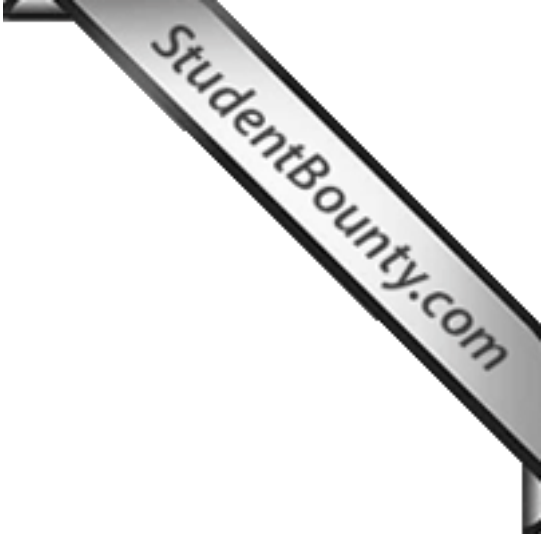
- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to the case study materials. You will be required to answer all the questions on the examination paper.
- You should familiarise yourself with 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 CILEx Examination Regulations.

*Turn over*

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



## CASE STUDY MATERIALS

### ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer in the firm of Kempstons, The Manor House, Bedford MK42 7AB. The firm is a busy high street practice with a successful employment department. Your supervisor is David Ross, a partner in the firm.

David Ross has also sent you a memorandum concerning new client called Pamper Palace. You are asked to familiarise yourself with all documentation provided in advance of your meeting with the client.

- Document 1**            Memorandum from David Ross regarding Pamper Palace
- Document 2**            Draft advertisement
- Document 3**            Email from Stefan Greene
- Document 4**            Letter from Lauren Hawke

## DOCUMENT 1

## Memorandum

**To:** Trainee Lawyer  
**From:** D. Ross  
**Date:** [Today]  
**Re:** **New client Pamper Palace**

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We have a new commercial client, Pamper Palace, which is a spa resort located in the Kempston hills. Pamper Palace is run by husband and wife team Stefan and Tracey Greene. The Greenes set up Pamper Palace five years ago and are rapidly expanding. Pamper Palace is set in a large country house and features four tennis courts, a small nine hole golf course, a hotel and spa facilities within the main house. The Greenes employ 25 staff across the various activities which take place at Pamper Palace.

First of all, we need to deal with drafting contracts of employment for their employees who have received only a basic 'terms and conditions' letter to comply with Pamper Palace's statutory duties.

Second, we need to deal with some problems which have arisen with a member of the housekeeping staff. Following a complaint from a guest, Tracey found Mary, the housekeeping supervisor, asleep in a guest room which Mary was meant to be cleaning. When Tracey woke Mary up she realised that Mary was drunk and sent her home immediately. Tracey likes Mary and is aware that she has been having some personal problems recently. Mary has not returned to work since. That was ten days ago. Stefan suggested to Tracey that they make Mary redundant as an easier way of dealing with the situation than dismissing her.

The third issue is the recruitment of three more staff, a receptionist, one trainee chef and one trainee beautician. Pamper Palace have sent us a draft advertisement to consider (**Document 2**). Stefan is very keen for the receptionist to be young and attractive as he wants a youthful image for the company. He believes it is essential that any receptionist at Pamper Palace is attractive as he thinks this will create the right image for a spa. He is less concerned with the appearance of the trainee chef, who they will sponsor through the relevant training at the local college. However, he thinks the beautician must be well presented, and must be female. They had recently received a speculative application from a self-employed beautician but as she was wheelchair bound, he felt they would not be able to employ her as it 'would look silly' and 'she would not be able to make it upstairs' to the salon.

The fourth issue is the return to work of Etsuko, one of the fitness instructors at the gym who also runs fitness classes. Etsuko has been on maternity leave for the last five months. In the interim, Tracey has recruited a new temporary fitness instructor, Olga, who has introduced thai chi, baby massage and baby yoga classes, which have proved very popular. Tracey wants to keep Olga, the new instructor, and is considering moving Etsuko elsewhere within the spa when she returns to work next month. Tracey also needs to sort out the paperwork for Olga.

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The final issue is Lauren Hawke, who was dismissed and has threatened to Pamper Palace. I have received an email from Stefan with full details (Document 3), together with a copy of the letter he has received from Lauren (Document 4).

See what you think and we can have a chat before we meet them.

Regards

David

DOCUMENT 2

Draft advertisement

Leading spa resort, Pamper Palace, seeks three young and talented new staff for their prestigious business.

**Role 1** is a receptionist. She must be attractive and have a good manner with customers.

**Role 2** is a trainee chef. No prior experience required but an aptitude and interest in cooking is desirable. Full training will be given and the trainee will be given the opportunity to study for qualifications through our local college on a day release basis.

**Role 3** is a trainee beautician. She must be interested in beauty products and treatments and have an aptitude for using make up. A smart professional appearance is essential.

Email [info@pamperpalace.co.uk](mailto:info@pamperpalace.co.uk) for an application form and job description.

DOCUMENT 3

Email from Stefan Greene

Dear David

I am emailing, as requested, with full details of our dispute with Lauren Hawke.

Lauren was employed from January 2009 until 6 June 2013. Lauren worked hard and so in January 2013 we promoted her from waitress to restaurant manager.

However, some of the other staff were unhappy about Lauren's promotion and this had caused some difficulties within the team of waiters and waitresses. Our daughter Scarlett is one of the part-time waiting staff. Scarlett works mainly at weekends as she is a student and is at college Monday to Friday. Last Wednesday, Scarlett told my wife, Tracey, that she had seen Lauren receiving a gift from the meat supplier after a delivery the previous weekend. None of the staff are allowed to accept gifts from suppliers without our authorisation, as we believe that this can lead to suppliers not being selected on a competitive basis. This is covered in our staff handbook.

Clause 13.2

*'Any member of staff receiving a gift from a supplier shall immediately disclose this to their line manager and request their approval of the gift before taking it home. Failure to do so shall constitute gross misconduct and may result in instant dismissal.'*

Lauren failed to inform either Tracey or myself of the gift, which is in contravention of clause 13.2 above. When Tracey asked her about the gift, Lauren reacted angrily and said it was inappropriate for Tracey to ask her during a staff meeting and trying to use her as an example would not work. We asked Lauren to attend another meeting on 5 June but she did not turn up.

The next day we told security not to let her in and left an envelope for her containing a letter and her P45.

We have now received a letter from Lauren (**Document 4**) and would like your advice as to whether we are in any difficulties or whether we can defend the claim.

Thanks

Stefan

DOCUMENT 4

Letter from Lauren Hawke

Lauren Hawke  
23 Sandyfield Way  
Kempston  
MK42 1AA

12 June 2013

Dear Mr and Mrs Greene

I am writing to formally notify you that I have taken legal advice and have been advised that I have an excellent claim for unfair dismissal against you.

I am very angry at the way you treated me when I had not done anything wrong. I was given a gift of four sirloin steaks by Mick, our meat supplier, because I am a friend of his wife's. I was the one who recommended his company to you. It had nothing to do with work at all, but you never gave me a chance to explain.

I am disappointed that Tracey tried to speak to me about it when all the staff were present at a staff meeting, as this was very embarrassing and unprofessional. I was ill on the day you arranged the next meeting. Leaving me a letter, rather than dismissing me to my face when I returned to work, was a cowardly thing to do.

I want you to pay me my notice period, the 15 hours overtime I am due and a compensatory payment of £12,000 representing six months wages. This offer is open for seven days, otherwise I shall start a claim for unfair dismissal.

Yours sincerely

*L Hawke*

Lauren Hawke

**End of Case Study Materials**