

INSTITUTE OF LEGAL EXECUTIVES
UNIT 19 – THE PRACTICE OF EMPLOYMENT LAW*

Time allowed: 3 hours plus 15 minutes reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read the question paper fully.** However, you may make notes on the paper or in your answer booklet during this time if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- **Candidates may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Employment Law 2010-2011, Richard Kidner, Oxford University Press.**
- Candidates must comply with the ILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ball point pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following ILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

Question 1 Claire Berry

Reference: Question relates to **Document 1** of the case study materials.

- (a) Explain the basic legal position regarding written particulars of employment.
(6 marks)
 - (b) What is the effect of clause 15.1 of Claire's contract of employment?
(8 marks)
 - (c) What post termination restraints would be appropriate in Claire's contract?
Explain their effect.
(8 marks)
 - (d) Draft an appropriate clause restricting the employee's ability to work for a competitor.
(6 marks)
- (Total: 28 marks)**

Question 2 Tim Tom Limited

- (a) Kate has had 'an informal chat with the managing director'. What is the procedure that should be adopted in this situation to ensure the complaint is formalised?
(8 marks)
 - (b) There is no specific policy in place at the company concerning members of staff having relationships with one another. What action, if any, is to be taken against Boris?
(5 marks)
 - (c) On the assumption that a hearing is held concerning Boris's conduct, what is the process that should be adopted?
(6 marks)
 - (d) If Tim Tom Limited do not adopt the process in its entirety, what effect could this have on an application to an Employment Tribunal by Boris for unfair dismissal?
(5 marks)
- (Total: 24 marks)**

Question 3 Spencer & Roberts Partnership

Reference: Question relates to **Document 2** of the case study materials.

- (a) Jasmine has been employed by the Spencer & Roberts Partnership for 12 months. She has discovered that she is pregnant and she has been told by the HR Manager that she will not be entitled to time off for antenatal care. Advise the business on the legality of such a decision.

(6 marks)

- (b) The memo from the HR Manager makes it clear that he is of the opinion that employees should not be able to take time off other than planned and notified holidays. What is the legal position in regard to such situations and what can an employee do if permission is unreasonably refused?

(8 marks)

- (c) Advise the Spencer and Roberts Partnership on the appropriate action it must take to ensure an employee who is approaching their 65th birthday has to retire at 65.

(5 marks)

- (d) A member of staff has made a claim to the Employment Tribunal. An ET3 has been sent to the Employment Tribunal and the tribunal has indicated that a Pre-hearing review is to be held.

What is normally discussed at a Pre-hearing review and what order(s) may be made by the Tribunal?

(5 marks)

(Total: 24 marks)

Question 4 Paresh Singh

Reference: Question relates to **Document 3** of the case study materials.

Further Information: You have had a brief conversation with the solicitor acting for Holly Benson and she has made it clear that her client denies that she dismissed your client in the way described in his preliminary statement. As far as she is concerned Paresh Singh resigned and as such any claim for unfair dismissal will be rigorously defended.

- (a) Assess whether Paresh Singh has a successful claim for unfair dismissal, using the information that has been provided.

(12 marks)

- (b) What compensation would potentially be available to Paresh Singh if he were to succeed in a claim to the Employment Tribunal for unfair dismissal?

(Do not attempt to calculate an exact amount)

(7 marks)

- (c) Following your advice Paresh has settled his claim and has been asked to sign a compromise agreement. What are the requirements for you to be able to advise him on the contents of the compromise agreement?

(5 marks)

(Total: 24 marks)

End of Examination Paper

BLANK PAGE

StudentBounty.com