

**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.
- **You must answer ALL the questions on this question paper.**
- 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, Twentieth edition, Richard Kidner, Oxford University Press, August 2010.
- 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**

## Question 1

**Sarah Carver**

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

- (a) Using the interview record provided by Jun Liu complete the attached **ET1 form [Document A]**.

**(14 marks)**

**IMPORTANT: Write your candidate number clearly on Document A and attach it securely to your answer booklet.**

- (b) The interview record provides that about £15,000 compensation should be awarded through the basic and compensatory awards. Explain how the basic and compensatory awards are calculated.

**(6 marks)**

- (c) Should the application to the Employment Tribunal be unsuccessful, on what basis can an appeal be made to the Employment Appeal Tribunal and what is the procedure to be adopted?

**(6 marks)**

**(Total: 26 marks)**

## Question 2

### First Build Conservatories Ltd

- (a) Your client, First Build Conservatories, is concerned about the taking over of the business of Treble Top Conservatories. It is particularly interested in taking over just the assets of the business. Explain to your client whether or not this will be possible.

**(6 marks)**

- (b) On the assumption that your client, First Build Conservatories, is not able to take over just the assets of the business, your client wishes to ensure that those employees transferred will work night shifts. Currently the employees working at Treble Top Conservatories only work during the day. Advise your client about the proposed change.

**(6 marks)**

### Heera Chopra

Reference: Questions 2(c) and (d) relate to **Document 2** of the case study materials.

- (c) Following a further conversation with Heera Chopra it is clear that her employer is still not happy about the consequences to the business of her being pregnant. Explain to Heera her rights concerning maternity leave.

**(6 marks)**

- (d) Heera wants to alter her hours when she returns to work from maternity leave so that she can take the baby to nursery, starting work half an hour later and taking a shorter lunch break. How should her request be dealt with by her employer?

**(6 marks)**

**(Total: 24 marks)**

### Question 3

#### David and Danielle Frobisher Furnishings (DDF Furnishings)

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

- (a) Consider the likelihood of DDF Furnishings successfully enforcing the restrictive covenant.

**(7 marks)**

- (b) The business is currently negotiating with a former employee with the intention of entering into a compromise agreement. The Frobishers would like you to continue with the negotiations. Explain to them the effect of such negotiations with regard to the creation of a compromise agreement.

**(6 marks)**

- (c) The Frobishers also want new disciplinary and grievance procedures to replace their current ones which they feel do not meet the needs of the business or its employees. Identify what needs to be considered in relation to the key elements of fairness in the provisions of the policies.

**(8 marks)**

**(Total: 21 marks)**

### Question 4

#### Conor Daly

Reference: Question relates to **Document 4** of the case study materials.

- (a) Relying on the statement provided by your client, assess whether Conor Daly has a prima facie claim for unfair dismissal (**do not consider the procedures followed by the employer**).

**(10 marks)**

- (b) Consider whether the university have acted in an appropriate way in dealing with the dismissal.

**(6 marks)**

- (c) What are the powers of the Employment Tribunal should an appropriate procedure not have been followed?

**(5 marks)**

- (d) Unfortunately the matter could not be resolved and proceedings have been issued. Conor Daly wants to know what the procedure is once the ET1 has been sent to the Employment Tribunal. Briefly explain to him how the case will progress.

**(8 marks)**

**(Total: 29 marks)**

**Document A**  
(this relates to Question 1(a))

## 1 Your details

1.1 Title: Mr  Mrs  Miss  Ms  Other

1.2\* First name (or names):

1.3\* Surname or family name:

1.4 Date of birth (date/month/year): D D - M M - Y Y Y Y Are you: male?  female?

1.5\* Address: Number or Name  
Street  
+ Town/City  
County  
Postcode

1.6 Phone number including area code (where we can contact you in the day time):  
Mobile number (if different):

1.7 How would you prefer us to communicate with you?  
(Please tick only one box)  
E-mail  Post   
E-mail address: @

## 2 Respondent's details

2.1\* Give the name of your employer or the organisation you are claiming against.

2.2\* Address: Number or Name  
Street  
+ Town/City  
County  
Postcode  
Phone number:

2.3● If you worked at a different address from the one you have given at 2.2, please give the full address and postcode.  
Postcode  
Phone number:

If there are other respondents please complete **Section 11**.

### 3 Employment details

3.1 Please give the following information if possible.

When did your employment start?

DD-MM-YYYY

Is your employment continuing?

Yes  No

If your employment has ceased, or you are in a period of notice, when did it, or will it, end?

DD-MM-YYYY

3.2 Please say what job you do or did.

### 4 Earnings and benefits

4.1 How many hours on average do, or did, you work each week?   hours each week

4.2 How much are, or were, you paid?

Pay before tax

£    ,    .00

Hourly

Normal take-home pay (including overtime, commission, bonuses and so on)

£    ,    .00

Weekly

Monthly

Yearly

4.3 If your employment has ended, did you work (or were you paid for) a period of notice?

Yes  No

If 'Yes', how many weeks' or months' notice did you work, or were you paid for?

weeks   months

4.4 Were you in your employer's pension scheme?

Yes  No

**Please answer 4.5 to 4.9 if your claim, or part of it, is about unfair or constructive dismissal.**

4.5 If you received any other benefits, e.g. company car, medical insurance, etc, from your employer, please give details.

4.6 Since leaving your employment have you got another job?  
If 'No', please now go straight to section 4.9.

Yes  No

4.7 Please say when you started (or will start) work.

4.8 Please say how much you are now earning (or will earn). £     ,    .00 each

4.9 Please tick the box to say what you want if your case is successful:

- a To get your old job back and compensation (reinstatement)
- b To get another job with the same employer and compensation (re-engagement)
- c Compensation only

## 5 Your claim

5.1\* Please tick one or more of the boxes below. In the space provided, describe the event, or series of events, that have caused you to make this claim:

- a I was unfairly dismissed (including constructive dismissal)
- b I was discriminated against on the grounds of
 

Sex (including equal pay)	<input type="checkbox"/>	Race	<input type="checkbox"/>
Disability	<input type="checkbox"/>	Religion or belief	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	Age	<input type="checkbox"/>
- c I am claiming a redundancy payment
- d I am owed
 

notice pay	<input type="checkbox"/>
holiday pay	<input type="checkbox"/>
arrears of pay	<input type="checkbox"/>
other payments	<input type="checkbox"/>
- e Other complaints

5.2\* Please set out the background and details of your claim in the space below.

The details of your claim should include **the date when the event(s) you are complaining about happened**; for example, if your claim relates to discrimination give the dates of all the incidents you are complaining about, or at least the date of the last incident. If your complaint is about payments you are owed please give the dates of the period covered. Please use the blank sheet at the end of the form if needed.

5.3 If your claim consists of, or includes, a claim that you are making a protected disclosure under the Employment Rights Act 1996 (otherwise known as a 'whistle blowing' complaint), please tick the box below if you wish a copy of this form, or information from it, to be forwarded on your behalf to a relevant regulator (known as a 'prescribed person' under the relevant legislation) by the Tribunals Service.

## 6 What compensation or remedy are you seeking?

6.1 Completion of this section is optional, but may help if you state what compensation or remedy you are seeking from your employer as a result of this complaint. If you specify an amount, please explain how you have calculated that figure.

## 7 Other information

7.1 Please do not send a covering letter with this form. You should add any extra information you want us to know here. Please use the blank sheet at the end of the form if needed.



## 8 Your representative

Please fill in this section only if you have appointed a representative. If you do fill in this section, we will in future only send correspondence to your representative and not to you.

8.1 Representative's name:

8.2 Name of the representative's organisation:

8.3 Address:      Number or Name  
                          Street  
                          + Town/City  
                          County  
                          Postcode

8.4 Phone number (including area code):

Mobile number (if different):

8.5 Reference:

8.6 How would they prefer us to communicate with them?      E-mail       Post   
 (Please tick only one box)

E-mail address:  @

## 9 Disability

9.1 Please tick this box if you consider you have a disability      Yes   
 Please say what this disability is and tell us what assistance, if any, you will need as your claim progresses through the system, including for any hearings that may need to be held at Tribunal Service premises.

## 10 Multiple cases

10.1 To your knowledge, is your claim one of a number of claims against the same employer arising from the same, or similar, circumstances?      Yes       No

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