

## CASE STUDY MATERIALS

January 2012

Level 6

THE PRACTICE OF EMPLOYMENT LAW

Subject Code L6-19

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 a grey background and black border, containing the text "StudentBounty.com" in white.

## INSTITUTE OF LEGAL EXECUTIVES

### UNIT 19 - 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 ILEX Examination Regulations.

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\* 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**

## ADVANCE INSTRUCTIONS TO STUDENTS

Having worked at the firm of Kempstons of the Manor House, Bedford, MK42 7AB as a trainee Legal Executive you have now moved to the employment law department and your supervising Fellow is Kerry Pleat. Your local Employment Tribunal is situated in Bedford.

Kerry Pleat is taking a two week break and she is leaving you in charge of her caseload, asking that you progress any matters that require attention.

You have been provided with the appropriate files and the following documentation is particularly relevant:

- DOCUMENT 1 - Email from Jonathon Meadows of High Tree Security Ltd to Kerry Pleat**
- DOCUMENT 2 - Letter from Alison Davies MD of High Tree Security Ltd to Jeremy Kent**
- DOCUMENT 3 - Attendance Note recording interview with Tony Peckington of Derrington Private Hospital and Kerry Pleat**
- DOCUMENT 4 - File Note AD Oil Pipes Ltd**
- DOCUMENT 5 - File Note Jane Holden**
- DOCUMENT 6 - Internal Memorandum from HR Department Rothingtons Bank**

DOCUMENT 1  
EMAIL

**To:** KerryPleat@kempstons.org.uk  
**From:** JonathonMeadows@hightreesecurity.org.uk  
**Sent:** [Yesterday's date]  
**Subject:** Sale of High Tree Security  
**Attachments:** Letter

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Hi Kerry

As you know we are looking to sell the business to Duncan Cottingham Security Ltd as a going concern.

We are in preliminary discussions at the moment and we are grateful for your input so far, but a couple of problems have arisen and I thought it would be wise to tell you about them before our next meeting so that you are prepared to advise us.

Alison Davies our MD is dealing with the majority of the negotiations and she has asked me to find out any differences between selling the company as a going concern and just the assets. A little bit above my level of knowledge I am afraid.

Secondly, one of our employees is being very difficult at the moment, he is not prepared to work overtime and has an attitude problem. I attach a letter that Alison sent to him about his attitude last year (**Document 2**).

Thanks Kerry.

Regards  
Jon

*Turn over*

*High Tree Security Ltd*  
*13 Grain Road Kempston MK42 4CD*

Mr J Kent  
21 Richmond Grove  
Great Burlington  
MK42 3AL

14 September 2011

Dear Jeremy

**Re: Conduct at Work**

I have been informed of your recent actions at work and I must say that I am no longer prepared to put up with your attitude. You do not talk to your supervisor in that way and I have no other choice than to put you on a final written warning.

You have been employed by the company for the last ten years and I know you do not agree with the recent changes but either you toe the line or we will have to let you go.

Take this letter seriously as next time I hear that you have acted inappropriately I will sack you.

Yours sincerely

*Alison Davies*

Alison Davies  
Managing Director

DOCUMENT 3

ATTENDANCE NOTE

Attendance on: Tony Peckington, Derrington Private Hospital  
Attended by: Kerry Pleat  
Date: [Yesterday's Date]  
Time taken: 40 minutes – attendance  
8 minutes - dictating attendance note

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Mr Peckington has been referred to us by Richard Surtees and needs some advice on some employment matters in connection with the Derrington Private Hospital which he owns. He has provided a copy of the contract of employment of the relevant employee (**not included**).

The most pressing matter concerns Mr Albin Pawlak who is a surgeon at the hospital carrying out cosmetic surgery procedures. Mr Pawlak has given notice intending to work at another private hospital and this will have a drastic effect on Mr Peckington's business as he is a well known and established surgeon. Mr Peckington expects a number of patients will follow Mr Pawlak and consequently he wishes to restrict Mr Pawlak's access to patients throughout his notice period.

The second matter concerns the current problems with the hospital's employment handbook. The copy (**not included**) provided by Mr Peckington appears to be woefully out of date with several important omissions. I have suggested to the client that the firm rewrite the handbook and he is happy for us to go ahead and do so.

*Turn over*

## FILE NOTE (Re: AD Oil Pipes Ltd)

**To:** Trainee Legal Executive

**Client:** AD Oil Pipes Ltd

**Date:** Today's date

**File ref:** ADOP/54667-4

**From:** Kerry Pleat

William Kidd is the Managing Director of AD Oil Pipes Ltd which provide oil pipes for the oil industry in the North Sea. The head office of the company is in Kempston and all contracts of employment state that this is the employees' place of work. He is very demanding and he is not happy that I am going on holiday for two weeks. You will need to be on top of matters and demonstrate that you can sort problems out quickly and effectively in my absence. To ensure you can do this I have written this file note to summarise the position so far.

The first matter concerns the outgoing head of sales at the company, Holly Travis. She has threatened to bring a claim for sex discrimination against William Kidd and the company. At present we are negotiating on behalf of William Kidd and the company. Holly Travis is due to leave the business next month.

The second matter concerns the retirement of William Kidd's P.A., Chung Wong. Chung Wong is approaching state retirement age and William Kidd would like, in his words, "to get a younger model". As such he would like to ensure that she retires.

I cannot stress enough the importance of ensuring that William Kidd is happy with the advice you give him so make sure you are fully aware of the issues and advise him accordingly.

## FILE NOTE (Re: Jane Holden)

**To:** Trainee Legal Executive

**Client:** Jane Holden

**Date:** Today's date

**File ref:** JH/52111-2

**From:** Kerry Pleat

Jane Holden will be coming into the office to discuss the progress of her case. Check which day she is coming in as she often makes appointments and fails to attend. A bit of background on this particular case is likely to be useful to enable you to advise her accordingly.

Jane was a cashier with the Kempston branch of Rothingtons Bank. She had worked at the branch for the last twelve years and had no real problems until early October 2011 when she was summarily dismissed.

She has two children and on the day in question she was required to leave early to pick up one of her children from school as her childminder was ill. Her manager informed her when she arrived back at work the following day that this was the last straw and dismissed her there and then.

Jane insists that although there were a number of occasions in the past when she left work early due to problems with childcare her manager had never made an issue of it. The view of the company is that she had been warned before and that it was appropriate to summarily dismiss her in the circumstances.

You will see that there is, on file, a purported internal memorandum (**Document 6**) which we have been given by the client. She insists that she received it through the post a couple of days ago and she does not know who sent it to her. There may be some issues in relation to this document, especially as we are not at present sure of its authenticity.

Have a look through the file and please move the matter on.

*Turn over*

DOCUMENT 6

MEMORANDUM

CONFIDENTIAL

**To:** Branch Managers  
**From:** Robert Chives, HR  
**Date:** 28 November 2011  
**Re:** Employee Time Off

In these times of austerity we need to ensure that our workforce are working as hard as they can. We have now had the opportunity to look at the figures for employee time off this year and I am afraid the figures are very poor.

Not taking into account those who have had time off due to illness, we are seeing a marked rise in the amount of time employees are taking off for other reasons such as child care problems. The company insist that this behaviour is restricted as it is having a marked effect on the bank's ability to provide services to our customers.

Managers of branches must deal with these problems when they arise and act to stamp out the practice.

**End of Case Study Materials**

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