

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 2011-2012 21st Edition, Richard Kidner, Oxford University Press. August 2011.**
- 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 LAW AND**

Question 1

Reference: Question relates to **Documents 1 and 2** of the case study materials.

- (a) Will it be possible for High Tree Security Ltd to transfer just the assets of the business to Duncan Cottingham Security Ltd?
(6 marks)
- (b) If the transfer does include the employees, can High Tree Security Ltd dismiss individual employees before the transfer takes place?
(6 marks)
- (c) High Tree Security Ltd wish to dismiss Jeremy Kent. Advise the company on the procedure that should be adopted to ensure that such a dismissal is fair.
(6 marks)
- (d) If Jeremy Kent decides to bring a claim for unfair dismissal will he meet the qualifying requirements?
(8 marks)

(Total: 26 marks)

Question 2

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

- (a) What is the common law position regarding preventing Albin Pawlak working at the Derrington Private Hospital during his notice period?
(7 marks)
- (b) Tony Peckington would like a clause inserted in future contracts of employment to make employees remain at home and prevent them working for a competitor during their notice period. Explain what this type of clause is and how effective such a clause will be considering that he wishes it to be inserted in both medical and non-medical staff contracts of employment.
(6 marks)
- (c) Identify the core policies which will need to be included in the staff handbook and briefly state their functions.
(14 marks)

(Total: 27 marks)

Question 3

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

- (a) During the negotiations concerning the sex discrimination claim, Holly Travis is known to have discussed the matter with her union representative. Briefly explain how the rules of privilege will affect this matter should it go to an Employment Tribunal.

(6 marks)

- (b) Negotiations, between AD Oil Pipes Ltd and Holly Travis, are successful and a compromise agreement is to be prepared. Draft the relevant clauses relating to the independent legal advisor. Note that the advisor is the solicitor David King of the firm of Lippingtons LLP.

(12 marks)

- (c) On the assumption that Chung Wong does not wish to retire, advise the company on the options available to terminate her employment, if any.

(5 marks)

(Total: 23 marks)

Question 4

Reference: Question relates to **Documents 5 and 6** of the case study materials.

- (a) On what basis can a claim for unfair dismissal be made by Jane Holden and would such a claim be successful?

(9 marks)

- (b) If a claim is made outside of the prescribed period, under what circumstances can time limits be extended generally and on what basis in the present situation?

(8 marks)

- (c) Explain how the rules relating to disclosure will relate to the confidential memorandum (**Document 6**).

(7 marks)

(Total: 24 marks)

End of Examination Paper

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