

INSTITUTE OF LEGAL EXECUTIVES
UNIT 19 – 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) Advise whether or not Clause 10 would be effective. **(9 marks)**
- (b) On the assumption that Jane Reeves was told to leave Hair 2day as soon as she told Claire Oliver that she was resigning, what effect would this have on the validity of Clause 10? **(6 marks)**
- (c) The extract provided does not contain a non-poaching clause. Draft an appropriate non-poaching clause to meet the needs of Hair 2day. **(6 marks)**
- (Total: 21 marks)**

Question 2

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

- (a) In the circumstances will Patrick Kerry be able to dismiss Jenny Lin? What rights might she have to take maternity leave? **(8 marks)**
- (b) Advise Patrick Kerry on the procedure which should be adopted to deal with Robert Barry's grievance. **(5 marks)**
- (c) Explain to Patrick Kerry how the key elements of fairness will impact on the disciplinary procedure to be adopted in relation to Rachel Surtees. **(8 marks)**
- (d) On the assumption that Patrick Kerry follows an appropriate disciplinary procedure in relation to Rachel Surtees, would she be able to claim unfair dismissal? **(8 marks)**
- (Total: 29 marks)**

Question 3

Reference: Question relates to **Documents 4 and 5** of the case study materials.

- (a) In relation to voluntary redundancy advise Tom Robertson how he can "make this official"?
(7 marks)
- (b) Is Atom Haulage able to make Rodney Adams redundant?
(8 marks)
- (c) If the redundancies are not sufficient for Atom Haulage to survive and the business can be sold to Fastlane Haulage, will such a sale be a relevant transfer?
(12 marks)
- (Total: 27 marks)**

Question 4

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

- (a) Draft the statement of case for Natasha Smith.
(8 marks)
- (b) The matter progresses to the Employment Tribunal with the employer defending the claim. The Employment Tribunal direct that a case management discussion should be held. Prepare a Case Management Discussion Agenda for the forthcoming meeting.
(10 marks)
- (c) There are a number of issues with regard to evidence. How is the matter of hearsay evidence dealt with by Employment Tribunals?
(5 marks)
- (Total: 23 marks)**

End of Examination Paper

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