



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

**Unit 19 – The Practice of Employment Law**

**Case Study Materials**

**June 2023**

**Information for candidates**

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

**Instructions and information to candidates during the examination**

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are allowed to take your own unmarked copy of the following designated statute book into the examination **Blackstone's Statutes on Employment Law 2021-2022, 31st edition, Richard Kidner, Oxford University Press, 2021.**
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

***Turn over***

## **CASE STUDY MATERIALS**

### **ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer in the firm of Kempstons, The Manor House, Bedford, MK42 7AB. Your supervising partner is Adam Beasley. You arrive at work and are given the following documentation to review and consider.

- DOCUMENT 1:** Email from Cristal Devon to Adam Beasley dated 11 April 2023
- DOCUMENT 2:** Email from Harjit Singh to Adam Beasley dated 17 April 2023
- DOCUMENT 3:** Email from Harjit Singh to Adam Beasley dated 27 April 2023
- DOCUMENT 4:** Attendance note dated 28 April 2023 Adam Beasley (Advocate) KiKi Ling (Client)
- DOCUMENT 5:** Memorandum from Adam Beasley dated 2 May 2023
- DOCUMENT 6:** Attendance note dated 3 May 2023 Adam Beasley (Advocate) Verity Vasquez (Client)

**CASE STUDY MATERIALS**

**DOCUMENT 1**

**EMAIL**

**From:** Cristal Devon

**Sent:** 11 April 2023, 08:12

**To:** Adam Beasley

**Subject:** Termination of Employment

Dear Mr Beasley

I had been employed by Joyous School, a privately owned and run teaching establishment, for three years as a classroom assistant. I am a mother to one son, Fuat, aged four years. My son is registered disabled as he has certain developmental issues; his disability affects his appearance.

My workplace recently began offering free day care to employees with children under the age of six years. I accepted this offer and sent my son to the day care. When I went to collect Fuat from his first afternoon at day care, I was told by the person minding the children that my son was 'very well behaved' and that they had no problems.

The next day when I returned to work my manager, Mr Esher, called me to his office. He told me that he had had a complaint from another parent regarding my son's presence at the day care. This parent supposedly said that their child was upset and scared by my son's appearance and had refused to return to the day care. Mr Esher then stated that he was unsurprised by this complaint as he also found my son's appearance 'highly unusual'. Mr Esher told me that the offer of day care would no longer be extended to me as they had to consider the safety of the other children. He further asked me if the reason my son looked 'a bit strange' is because I had him when I was 'so old'.

I found these comments against both my son and myself too much to take. I told Mr Esher that he was an 'ignorant bully with a complete lack of human compassion'. He told me to leave his office, and I complied. That evening, I received an email from Joyous School terminating my employment with immediate effect due to gross misconduct in the form of 'abusive and aggressive' behaviour towards Mr Esher during the meeting that day.

I am stunned that I am the one who has been dismissed when my words were mild in comparison to the statements made by Mr Esher. I had only one prior warning given to me at work and that was for mistakenly taking a set of office keys home with me, that I immediately returned on request.

Could you please advise me on my legal rights. Thank you.

Cristal Devon

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**EMAIL**

**From:** Harjit Singh

**Sent:** 17 April 2023, 10:30

**To:** Adam Beasley

**Subject:** Great Greetings Ltd

Hello

I am writing to you in my capacity as the manager of Great Greetings Ltd. We are a small business creating bespoke greeting cards. The designs used for our cards are distinctive and we seek to protect this aspect of our business individuality. One way in which we hope to retain our distinctive approach is by prohibiting our senior designers from working for any industry competitors, during or after their employment. The senior designers in particular, influence and have access to the distinct patterns and colour techniques used in our cards.

I seek your advice as to how we can ensure the highest level of protection for the unique characteristics of our business.

Thank you.

Harjit Singh

**EMAIL**

**From:** Harjit Singh

**Sent:** 27 April 2023, 17:55

**To:** Adam Beasley

**Subject:** Great Greet's Ltd (Email No 2)

Hello

I wrote to you last week seeking advice on protection of our business interests. A further, unrelated issue has since arisen with a former employee. I would appreciate your assistance on this matter also, as explained below.

Idris Jones worked for Great Greet's Ltd for 18 months. He resigned from the company on 1<sup>st</sup> September 2022, following a dispute with one of our managers.

Mr Jones contacted me via email yesterday, threatening legal action against Great Greet's Ltd as he claims the company breached its contract with him, thereby forcing him to resign.

Your advice would be appreciated.

Thank you.

Harjit Singh

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**ATTENDANCE NOTE**

Meeting attended by: Adam Beasley (Advocate) Kiki Ling (Client)

Date: 28 April 2023

Meeting with Kiki Ling, owner of ABUXE Ltd, an electronics company with a total of 40 employees.

ABUXE Ltd received three employee complaints over the past 12 months, all of which resulted in tribunal claims that ruled in favour of the relevant employee. The issues raised against the company at tribunal related to failure to prevent and/or address 'unacceptable workplace conduct'.

Kiki Ling seeks advice as to how ABUXE Ltd may avoid any further claims against it.

**CASE STUDY MATERIALS**

**DOCUMENT 5**

**MEMORANDUM**

**To:** Trainee Lawyer

**From:** Adam Beasley

**Client:** KiKi Ling

**Date:** 2 May 2023

Hi

Please see my attendance note detailing a meeting with KiKi Ling, dated 28 April 2023.

Ms Ling emailed me today stating that a further employee complaint has been raised against ABUXE Ltd. I have noted the details of this complaint below, as provided to me in Ms Ling's email. Ms Ling wishes to settle the matter without going to tribunal. Please prepare to assist me with this case.

Thanks.  
Adam

Natasha O'Reilly was employed by ABUXE Ltd for six years as the sales department manager. Ms O'Reilly fell pregnant in the spring of 2022. She was allowed time off for 'some pregnancy-related appointments when the business was able to manage without her'. Any leave given was unpaid.

Ms O'Reilly returned to work after taking 20 weeks' maternity leave; she requested an additional eight weeks' maternity leave, but this request was rejected by ABUXE Ltd.

Ms O'Reilly was given the same job description and pay on her return to work. However, her position had changed as the company had recruited new staff during her maternity leave. This resulted in there being a senior manager working above Ms O'Reilly, where she had previously been the only manager in the department.

Ms O'Reilly resigned from ABUXE Ltd last month, just six weeks after returning to work following maternity leave. Two weeks later, Ms Ling received an email from Ms O'Reilly stating that her statutory rights had been breached by ABUXE Ltd and she would be 'seeking reparation'. No further details were given.

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**ATTENDANCE NOTE**

Meeting attended by: Adam Beasley (Advocate) Verity Vasquez (Client)

Date: 3 May 2023

Meeting with Verity Vasquez, a 50-year-old female. Ms Vasquez was employed by WestWorld09, a theme park, as a park attendant from December 2017 to April 2023.

In November 2022, Ms Vasquez began experiencing symptoms including fatigue, dizzy spells and memory loss. Ms Vasquez underwent various tests and last month her doctor confirmed that she was going through the menopause and that this was causing all her symptoms. The doctor confirmed the symptoms would likely continue for several years and could worsen. Ms Vasquez was given medication to control the symptoms and details of a support group, which she now attends weekly. On learning that her symptoms were due to the menopause, Ms Vasquez requested a meeting with WestWorld09 to discuss ways in which the company could alter her working conditions to 'help her cope with the symptoms of the menopause, as they had done for employees with other health conditions'. WestWorld09 refused the meeting, or any alterations, on the basis that 'menopause is not an illness'.

The next week, Ms Vasquez made a social media post accusing WestWorld09 of putting 'profit before people' as they had not undertaken the required annual maintenance of the park rides in over two years. Ms Vasquez admits that she had been aware of the breach in safety for over a year and raised the matter with her manager several months ago. The issue was not addressed, and she took it no further, believing it to be 'beyond her duties'. Ms Vasquez concedes that she made the post as she was very upset at the company's refusal to meet with her to discuss supporting her through the menopause.

On reading the post (when alerted to it by another employee) WestWorld09 immediately dismissed Ms Vasquez for gross misconduct. It has since been confirmed that WestWorld09 had indeed not undertaken the necessary safety inspections in over two years (but has since done so).

**End of the case study materials**