



**CILEX Level 3 Certificate in Law and Practice/  
CILEX Level 3 Professional Diploma in Law and Practice**

**Unit 13 – The Practice of Employment Law**

**Case study materials**

**November 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 **not** allowed access to any statute books in the examination.
- 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 at Kempstons, The Manor House, Bedford, MK42 7AB. You work in the employment department and your supervising partner is Tina Kernell.

Tina would like you to continue with your training and, to this end, she has left some files on your desk that she would like you to work on. She has also provided you with a memorandum, which sets out further information on the files she has given you. The files are as follows:

- Document 1**     Memorandum from Tina Kernell to Trainee Lawyer
- Document 2**     Email from Steve Willow of Tiny Tots Building Blocks Ltd to Tina Kernell
- Document 3**     Telephone Message concerning Barbara Valentine
- Document 4**     Letter from Walter Smyth of Tinbo Leisure Park Ltd to Leo Cross
- Document 5**     Memorandum from Jenny Pilkington to Trainee Lawyer

MEMORANDUM FROM TINA KERNELL TO TRAINEE LAWYER

To: Trainee Lawyer  
From: Tina Kernell  
Date: [Today's date]  
Re: Work this week

I have left the relevant files on your desk. Please read through them carefully and ensure that you carry out the required work.

1. **Tiny Tots Building Blocks Ltd** (ref: TTBB/TK/36/22). You will see on the file an email from Steve Willow, the managing director of Tiny Tots Building Blocks Ltd (**Document 2**). Tiny Tots Building Blocks Ltd is a longstanding client so please deal with the issue that Steve Willow has raised as a priority.
2. **Barbara Valentine**. Ms Valentine has left a telephone message concerning her place of work closing (**Document 3**). Please arrange for Ms Valentine to come to the office for a meeting.
3. **Leo Cross** (file ref: LC/TK/47/23). Mr Cross applied for the role of entertainment manager at Tinbo Leisure Park. He has a great deal of experience working as an entertainment manager in the leisure industry but was not offered the role (**Document 4**).

Mr Cross is sure that the reason he did not get the job is because he is a wheelchair user. He had notified the employer that he used a wheelchair, however, they seemed surprised when he attended the interview using a wheelchair and had to quickly find an alternative room.

During the interview, Mr Smyth, the interviewer, kept mentioning that the job was 'very draining' and that really only 'a fit person' would be able to cope. Other than those comments, Mr. Cross felt the interview went well so he was disappointed by the outcome.

Please begin proceedings.

4. You will also find on your desk a memorandum from Jenny concerning the Advice clinic (**Document 5**). As I will be unable to cover the Advice clinic this week, I would like you to do so in my place.

**Turn over**

**DOCUMENT 2**

**EMAIL FROM STEVE WILLOW OF TINY TOTS BUILDING BLOCKS LTD TO TINA KERNELL**

To: t.kernell@kempstons.co.uk  
From: s.willow@tinytotsbuildingblocks.co.uk

Re: Employment query

Hello Tina

I may have a problem with an ex-employee who has left a message on the office answering machine saying that he "is going to get some compensation for being sacked".

Andrew Padley had worked at the Kempston Tiny Tots Building Blocks play centre as a welcome assistant since February 2019. Part of the role of welcome assistant involves taking payments when families arrive at the play centre.

Up until a couple of months ago, I had no problems with Andrew. Andrew was conscientious and got on well with the children and parents. He then started to become withdrawn and did not engage with the customers. One of the other welcome assistants told me that Andrew was in financial difficulties and that he could not pay his rent.

At the beginning of last month, while cashing up the cash register in reception, I noticed that there was £150 missing. I questioned the four members of staff who had access to the cash register, including Andrew. All of them denied that they had taken the money.

Because of what I had heard about Andrew's financial situation, I was pretty sure that he had taken the money. I approached Andrew at work and told him that he was sacked for taking the money. I then escorted him off the premises.

I made sure that Andrew was paid his wages up until the day he left, as well as the notice he was owed.

Please get back to me as soon as possible as this is really worrying me.

Regards

Steve

**TELEPHONE MESSAGE CONCERNING BARBARA VALENTINE**

**From:** Barbara Valentine  
**For:** Tina Kernell  
**Time/Date:** 16:34 [Date]  
**Message Taker:** Jenny Pilkington  
**Telephone No.:** 01543 987125

Ms Valentine was distressed on the telephone and would like to make an appointment to see you as soon as possible. She has provided me with some preliminary information.

Ms Valentine has been informed that the salon she works at in Bedford, Just Hair, is closing. Ms Valentine has worked for Just Hair as a senior stylist for the last six years; she is 32 years of age. She receives weekly pay of £592. She is not a member of a trade union.

The other salon run by Just Hair is in Kempston and is to stay open. The distance between the salons is 10 miles.

Please note that Ms Valentine was very concerned about how she would pay for our services if she were to lose her job. I informed her that funding of any potential claim would be discussed at the initial meeting, for which no charge would be made.

I informed Ms Valentine that you would call her back and arrange a meeting to discuss.

***Turn over***

LETTER FROM WALTER SMYTH OF TINBO LEISURE PARK LTD TO LEO CROSS

Tinbo Leisure Park Ltd  
The Glades  
Kempston  
MK23 2SA

Ref: WS/143/23

[Date]

Mr. Leo Cross  
1 Hardcastle Mews  
Kempston  
MK53 2AF

Dear Mr. Cross

**Re: Entertainment Manager Vacancy**

Thank you for taking the time to meet with me about the Entertainment Manager role at Tinbo Leisure Park. It was a pleasure to learn more about your skills and accomplishments.

Unfortunately, you have not been successful on this occasion.

I wish you success in your hunt for an appropriate role.

Yours sincerely

Walter Smyth  
Managing Director

**MEMORANDUM FROM JENNY PILKINGTON TO TRAINEE LAWYER**

To: Trainee Lawyer

From: Jenny Pilkington, Secretary to Tina Kernell

Date: [Today's date]

Re: Advice Clinic

Tina has asked me to write a brief memorandum about who you will be seeing at this week's Advice clinic. The following people have confirmed their attendance.

**1. Ned Beavis, 4.30 pm**

Ned Beavis started working at Latham's Haulage Company two months ago as a lorry driver. Since starting work he has not had a contract of employment and he is concerned that his interpretation of what the terms are may differ with those of his employer.

**2. Laurel Yang, 5.00 pm**

Laurel Yang, aged 30, seeks our advice. She started work as a sales assistant for a mobile phone shop in Kempston six months ago. Laurel often works from 8 am to 6 pm each day without any breaks. She has been working over 60 hours per week since she started work.

**3. Harriet Kettle, 5.30 pm**

Harriet Kettle started working full time for Jensen & Jensen Accountants four years ago as an administrative assistant. She has recently told her employer that she intends to adopt a child. Her employer has not been supportive of her intended adoption and Harriet wants to know whether she has any employment rights in respect of adoption.

**End of the case study materials**