



Working in Employment Law and Practice

2025

Working in Employment Law and Practice

The aim of this module is to give you an overview of employment law and practice. It is intended as an introduction to the particular features of employment law that make the topic different from, say, personal injury litigation.

The module covers:

1. Employment status and the contract of employment
2. An outline of employment rights
3. The resolution of employment disputes: the role of ACAS and an introduction to tribunal litigation
4. Settlement agreements
5. Communication with clients and third parties

Learning Outcomes

By the end of this module, you will be able to:

1. Explain the scope of the right not to be unfairly dismissed and how protected characteristics are protected under the Equality Act 2010
2. Determine employment status and understand how employment contracts are created, varied and ended
3. What options exist for the resolution of employment disputes
4. The use and remit of settlement agreements
5. Recognise additional rights including relating to pay and leave.

1. Employment Status and the contract of Employment	You will need to be able to identify an individual's employment status and the extent of rights and protections that flow from this. A key consideration is the contract of employment, and you will need to understand how contracts of employment are created and what terms are a common feature of such agreements. a) Employment status • Independent contractor • Zero hours contracts • Employee • Worker b) The contract of employment • Entitlement to a written statement of particulars of employment • Common terms • Managing changes to terms and conditions • Policies and Procedures
2. An outline of key Employment Rights	Employees and workers have a wide range of rights including in relation to pay and conditions, protection from dismissal and equality. You will need to demonstrate an understanding of the following rights afforded to individuals. a) Pay, leave and additional rights • National Minimum Wage • Statutory sick pay ○ Eligibility and when it's paid ○ Contractual sick pay • Working Time Regulations 1998 • Maternity/family friendly rights • Deductions from wages b) Termination of Employment • Wrongful dismissal • Contractual and statutory notice periods • Fixed term contracts • Unfair dismissal ○ Background and eligibility ○ Potentially fair reasons ○ Reasonableness and ACAS Code of Practice ○ Constructive dismissal ○ Automatically unfair reasons for dismissal

	○ Time limits and remedies • Redundancy ○ Background ○ Redundancy payment ○ Consultation ○ Process- selection and alternatives • Providing a reference c) Equality and discrimination • Background • Protected characteristics • Prohibited conduct • Time limits and remedies
3. Employment disputes and their resolution	Although the civil courts still have jurisdiction over some aspects of employment law the bulk of employment disputes are resolved through ACAS and the Employment Tribunal. You will therefore need to know the following: a) The role of ACAS • Early Conciliation • COT 3 Agreements b) The Employment Tribunal • Starting claims • Rules of Procedure and preparation for a hearing • Reconsideration and appeals
4. Settlement Agreements	Drafting and advising on settlement agreements is a common feature of employment practice. You must understand the circumstance and content of such agreements. a) Settlement agreements • Why are settlement agreements used? • What formalities are needed for a binding agreement? • Common terms • Professional obligations and ethics
5. Communication with Clients and Third Parties	Communication skills are fundamental to building confidence with clients and peers. You will have to communicate effectively, both orally and in writing, with clients and third parties. This will involve speaking to individuals, listening to what they have to say and noticing the way they respond to the message you are giving them. When you communicate in writing, you must ensure that there are no spelling errors and that the document is grammatically correct.

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| | <p>a) The importance of effective communication within a legal environment</p> <ul style="list-style-type: none"> • Identify the range of clients and third parties a legal professional will communicate with • Identify the ways in which legal professionals communicate with clients and third parties • Understand the range and appropriate methods of communication to use with specific clients and third parties • Consider the impact of equality, diversity, and cultural difference when working with clients and third parties. <p>b) The use of verbal communication to effectively communicate a message</p> <ul style="list-style-type: none"> • Prepare effectively for verbal communication situations e.g. interviews with clients • Distinguish between the types of question to be used in different situations • Understand the effect tone of voice and language can have on the receiving party <p>c) The role non-verbal cues play in effective communication</p> <ul style="list-style-type: none"> • Recognise different types of non-verbal communication • Understand the range of non-verbal responses and the effect they can have on the communication process <p>d) Actively listening to clients in order to effectively meet their requirements</p> <ul style="list-style-type: none"> • Accurately receive and interpret messages while communicating • Use active listening skills to fully understand the message <p>e) The importance of effective and accurate legal writing</p> <ul style="list-style-type: none"> • Understand the effect well written legal correspondence has on those who receive it • Be able to effectively take notes upon which others can then base correspondence • Be able to recognise correspondence, which is grammatically correct, with no spelling mistakes <p>f) Drafting original and precedent forms of communication</p> <ul style="list-style-type: none"> • Understand the importance of the client care letter • Understand the required content of the client care letter including terms and conditions • Draft a routine letter, email, an attendance note and fill in routine forms. <p>g) Professional and ethical considerations</p> <ul style="list-style-type: none"> • Ensure that clients are served in an ethical and professional way • Understand how to manage risk |
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