



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

Question paper

January 2024

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- You must answer **all** questions.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- A basic calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone's Statutes on Employment Law 2022- 2023, 32nd edition, Richard Kidner, Oxford University Press, 2023.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

Answer ALL questions.

Question 1

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

- (a) Explain to Bina Carter whether DrinksNCo has discriminated against her on the basis of disability.

(7 marks)

- (b) Draft the particulars of a claim to be included in an ET1 form for Bina Carter in a claim against DrinksNCo in relation to each breach of her statutory rights and the remedies sought for each breach.

(23 marks)

(Total: 30 marks)

Question 2

Reference: Question relates to **Documents 3 and 4** of the case study materials.

Advise Jay Farrow:

- (a) (i) if clause 2.4 can be enforced against Katy Keller;

(9 marks)

- (ii) on any other contractual claims and potential associated remedies ISea Ltd may have against Katy Keller.

(12 marks)

- (b) Advise Jay Farrow on the benefits of having a company-specific internet use policy and of including this policy in the contract of employment.

(7 marks)

(Total: 28 marks)

Question 3

Reference: Question relates to **Document 5** of the case study materials.

Advise Patricia Marquette:

- (a) if she has been discriminated against under the Equality Act 2010 by Owls Arts Ltd;
(8 marks)
- (b) if she were to bring a claim against Owls Arts Ltd. to tribunal;
- (i) whether she would be required to pay the company's legal costs if she loses the case;
(7 marks)
- (ii) whether the details of her claim could be kept private.
(7 marks)
- (Total: 22 marks)**

Question 4

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

Advise Raekwon Smith:

- (a) on the requirements of a valid settlement agreement and whether the settlement agreement between Tony Taylor and HotelHome meets these requirements;
(8 marks)
- (b) whether there has been a breach of the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) 2006 rights of the group of employees transferred from HotelHome to Zoe's Rooms.
(12 marks)
- (Total: 20 marks)**

End of the examination

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