



**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

January 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.

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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 Polly Fischer. Polly 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.

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| Document 1 | Memorandum from Polly Fischer to Trainee Lawyer |
| Document 2 | Letter from Gen Z Productions Ltd to Ottilie Moulin |
| Document 3 | Telephone message concerning Barbara Hutton |
| Document 4 | Email from Tanya Barnes of World Wide Excursions Ltd to Polly Fischer |
| Document 5 | Memorandum from Veronica Jones re Advice Clinic |

MEMORANDUM FROM POLLY FISCHER TO TRAINEE LAWYER

To: Trainee Lawyer
From: Polly Fischer
Date: [Today's date]

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

1. Otilie Moulin (file ref: OM/PF/311/23). Ms. Moulin has received a letter from her employer (**Document 2**), terminating her employment with Gen Z Productions Limited, for whom she has worked for the last four years. Ms. Moulin was employed as a senior sound recordist with the production company and was demoted by her manager, Sebastian Gates, after receiving a complaint from a client that she was too slow at getting the work done. Although Ms. Moulin was not happy with the demotion, she continued to work for the company until last week.

Last week Sebastian Gates told her that he had received another complaint from a client. This was said in front of other members of staff. Ms. Moulin informed him that it was not appropriate to raise the issue in front of others, to which Sebastian Gates responded that if she was not happy with the job, 'there's the door'. Believing that she had been dismissed, Ms. Moulin left and did not return to the office.

2. Barbara Hutton. Ms. Hutton has left a telephone message concerning her not being offered a job (**Document 3**). Please arrange for Ms. Hutton to come to the office for a meeting.
3. World Wide Excursions Ltd (file ref: WWE/PF/49/22). World Wide Excursions Ltd is on a retainer and we give them regular advice on employment law matters. Tanya Barnes, the managing director of World Wide Excursions Ltd, has sent me an email (**Document 4**). Please advise her accordingly.
4. You will also find on your desk a memorandum from Veronica 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.

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LETTER FROM GEN Z PRODUCTIONS LIMITED TO OTTILIE MOULIN

Gen Z Productions Limited
Office 23
Impress Building
Kempston
MK36 7BL

24 January 2023

Ottilie Moulin
11 Uphill Road
Kempston
MK42 9TU

Dear Ottilie,

RE: Your resignation

We refer to your recent resignation from Gen Z Productions Limited, which we accept.

Please find enclosed our cheque in respect of your unpaid wages and payment in lieu of notice.

Regards

Gen Z Productions

Enc.

TELEPHONE MESSAGE CONCERNING BARBARA HUTTON

From: Barbara Hutton
For: Polly Fischer
Time/Date: 10:42 [Date]
Message Taker: Veronica Jones
Telephone No.: 01251 739273

Barbara Hutton telephoned seeking advice and representation.

Barbara applied for the role of receptionist at the offices of Jones & Jones Accountants. She advised them before the interview that she is a wheelchair user.

On arrival at the office for the interview, she was informed that unfortunately the interviews were being held on the first floor and, as the office did not have a lift, she would not be able to be interviewed. The manager apologised for not informing her sooner.

Barbara is very upset that she was not able to undertake the interview.

Please contact Barbara Hutton as soon as possible to arrange a meeting.

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EMAIL FROM TANYA BARNES OF WORLD WIDE EXCURSIONS LTD TO POLLY FISCHER

To: p.fischer@kempstons.co.uk

From: tanya.barnes@worldwideexcursions.co.uk

Re: Employment Matter

Hello Polly

Owing to the slow-down in the number of people in the Kempston area taking holidays abroad, I will have to make some of my employees redundant. I currently have 20 advisors at the Kempston branch and it looks like three of them will have to go.

As it is, it should be straightforward, I have four employees who have been with the company for three years or less, so it seems logical that those who joined more recently should be the employees who are made redundant.

Please advise.

Regards
Tanya

MEMORANDUM FROM VERONICA JONES RE ADVICE CLINIC

To: Trainee Lawyer
From: Veronica Jones, Secretary to Polly Fischer
Date: [Today]
Re: Advice Clinic

Polly 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. Jasmine McClusky 5.00 p.m.

Jasmine started working for Kakes, a local bakery, six months ago. She recently found out that she is pregnant and wants to know what her legal rights are.

2. 5.30 p. m. Yejide Broughton

Yejide is the sales manager for Just the Job Double Glazing Ltd. Yejide has recently been offered a new role as the sales manager at Diamond Double Glazing Ltd. The role is essentially the same as the one she is currently undertaking but on a higher salary. Both companies operate from Kempston.

She is concerned about a clause in her current contract of employment that states:

'The employee expressly agrees that for a period of three months after the termination of this contract, they will not work for a competitor within a 25-mile radius of Kempston.'

3. 6.00 p. m. Ben Burgess

Ben, aged 38, is employed at the Madras Brasserie as a chef. Recently his hours have increased and he has been working 15 hours a day, six days a week. He also believes that he is not being paid the correct hourly rate for the work he does.

End of the case study materials