

January 2022
Level 3
THE PRACTICE OF EMPLOYMENT LAW
Subject Code L3-13

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 13 – THE PRACTICE OF EMPLOYMENT LAW

CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

Instructions to Candidates Before the Examination

- A clean/unannotated copy of the case study materials is attached to this examination.
- You are permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.
- In the examination, candidates must comply with the CILEX Examination Regulations – Online Examinations or with the CILEX Examination Regulations – Online Examinations 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 Renata Dudek.

Renata 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 [**Document 1**], which sets out further information on the files she has given you:

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|-------------------|--|
| Document 1 | Memorandum from Renata Dudek to Trainee Lawyer |
| Document 2 | Telephone message concerning Edward Tindle |
| Document 3 | Attendance Note relating to Phoebe Farmer |
| Document 4 | Letter from Gemfaze Electronics Ltd to Rodney Simpkins |
| Document 5 | Email from Tina Reed to Renata Dudek |

MEMORANDUM FROM RENATA DUDEK TO TRAINEE LAWYER

To: Trainee Lawyer
From: Renata Dudek
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. **Edward Tindle.** Mr Tindle has left a telephone message concerning him being made redundant [**Document 2**]. Please arrange for Mr Tindle to come to the office for a meeting.
2. **Phoebe Farmer** (file ref: PF/RD/101/22). You will find on file an attendance note relating to my meeting with Phoebe Farmer [**Document 3**]. Please progress this matter.
3. **Rodney Simpkins** (file ref: RS/RD/89/21). Mr Simpkins received a letter from his employer three weeks ago, stating that he had been dismissed [**Document 4**]. He was employed by Gemfaze Electronics Ltd as a sales representative for just over two years. You will see from the file that Mr Simpkins admits that he took items from the warehouse, but only with the permission of the warehouse manager. It was seen as a perk of the job, and he is sure the senior management were aware. Mr Simpkins did not attend the disciplinary meeting as he felt he had done nothing wrong. He has returned the car, phone and laptop to his previous employer. Please progress this case.
4. **Billod Adventures Ltd** (file ref: BA/RD/35/21). Tina Reed is the managing director of Billod Adventures Ltd, an established client, who runs an adventure theme park in Medshire, called Medshire Park. The business is undergoing a restructure, with a further site being opened in Kempston (approx. 60 miles from the site in Medshire), to be called Kempston Park. Tina has sent me an email [**Document 5**] containing a number of employment law matters that will need to be addressed. Please ensure that you answer her email promptly.

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TELEPHONE MESSAGE CONCERNING EDWARD TINDLE

From: Edward Tindle
For: Renata Dudek
Time/Date: 14:06 [Date]
Message Taker: Felicity King
Telephone No.: 01431 4920845

Mr Tindle telephoned seeking advice and representation. He is very distressed, as he has just received a letter from his employer informing him that he is at risk of being made redundant.

He said that there had been talk at the foundry where he works of redundancy, but he thought his position was safe. Having spoken to the other four foundry workers, it appears that they too have received a similar letter.

Mr Tindle has worked for Corton Industry as a foundry worker for the last 12 years and he is 36 years of age. He receives weekly pay of £648.

Informed Mr Tindle that you would call him back and arrange a meeting to discuss.

Please note that Mr Tindle was very concerned about how he would pay for our services if he is to be made redundant. Informed him that funding of any potential claim would be discussed at the initial meeting, for which no charge would be made.

ATTENDANCE NOTE RELATING TO PHOEBE FARMER

Nature of attendance: Meeting between Renata Dudek and Phoebe Farmer
Date of attendance: [Date]
Time engaged: 8 units

Phoebe Farmer is employed by Time to Dine Ltd, a producer of ready meals, as the assistant manager of the Meal Development Team. She has worked in that role for the last year, having previously worked at a competitor as a developer of ready meals. She was headhunted by the company for the role of assistant manager.

Since Phoebe told Human Resources six months ago that she was pregnant, she has noticed a change in the way in which people at work have treated her. Phoebe was asked to explain how she was treated differently. She said that there was nothing specific but it seemed that other employees talked to her less and she had lunch in the canteen on her own more often.

Last week Phoebe found out that the manager of the Meal Development Team was due to retire. She asked Human Resources about applying for the manager's role. They told her that she could apply, but questioned whether it was a good idea for her to take on extra responsibility in her current 'situation'.

Phoebe was very upset by this, but applied for the role anyway. Last week she received a letter **[not reproduced]**, explaining that she had been unsuccessful in her application. The new manager who was appointed is a female member of the team which Phoebe manages. The new manager does not have the same level of experience as Phoebe.

Phoebe believes that she was the best candidate for the role and that the reason why she was not successful was due to the impending birth of her child.

Phoebe is at present still working for Time to Dine Ltd as an assistant manager, however she is very unhappy that she has been passed over for the role of manager. She is finding it difficult working for someone she was previously managing.

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LETTER FROM GEMFAZE ELECTRONICS LTD TO RODNEY SIMPKINS

Gemfaze Electronics Ltd
43 St John's Boulevard
Kempston
MK3 7JB

[Date]

Rodney Simpkins
12 Peters Road
Kempston
MK2 9QW

Dear Rodney

We have carried out an extensive investigation and concluded that you have taken electronics from our warehouse in Kempston without permission. Last week, we invited you to a disciplinary meeting. You failed to attend the meeting and as a consequence of your actions, we are dismissing you without further notice.

Please ensure that your company car, mobile phone and laptop are returned to our office by no later than this coming Friday. A failure to do so will mean that we will have no alternative other than to contact the police.

Yours sincerely

Honey Gene

Managing Director
Gemfaze Electronics Ltd

EMAIL FROM TINA REED TO RENATA DUDEK

From: tina.reed@billodadventures.co.uk
To: Renata.Dudek@Kempstons.org
Time: 09:34
Date: [Date]
Subject: Business Restructure

Dear Renata,

Further to our telephone conversation last Tuesday, I am sending this email so that you can advise accordingly on the employment issues. The business restructure is moving apace and I would be grateful if we could get these issues sorted out as early as possible.

1. To start the Kempston Park I will need to transfer at least 20 employees from the Medshire Park to Kempston.
2. For at least six months, until I get the Kempston Park up and running, I will require the remaining ride attendants at the Medshire Park to work 60 hours a week. I should then be in a position to fill the vacancies generated by the transfer of employees to Kempston.
3. I am currently advertising to staff the Kempston Park and it is likely that there will be another 50 employees who will be needed for the park to fully open. With such a large number of employees, I will be initially dispensing with written contracts. Once the park is up and running, I will of course look to providing written contracts of employment for each of the employees.

If you can advise on these points, it would be much appreciated.

Regards,

Tina Reed

Managing Director
Billod Adventures Ltd
24 Polington Road
Medshire
PL3 8JP

End of Case Study Materials