



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 13 – THE PRACTICE OF EMPLOYMENT LAW\*

**Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time**

#### Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

#### Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

**Do not turn over this page until instructed by the Invigilator.**

\* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

## Question 1

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

- (a) Give **two** examples of non-contentious work that you might undertake for ToptoToe Ltd.

**(2 marks)**

- (b) Explain whether Sally King can require her staff to work extra hours.

**(5 marks)**

- (c) Explain whether the restrictive covenant in clause 4.1 is enforceable against Holly Surtees.

**(8 marks)**

**(Total: 15 marks)**

## Question 2

Reference: Question relates to **Documents 1 and 3** of the case study materials.

- (a) Explain what effect the ACAS early conciliation scheme has on the time limit for bringing a claim to an employment tribunal.

**(4 marks)**

- (b) Draft the response to section 8.2 of the ET1 Form (**Document 3**) on behalf of Home Security Today Ltd.

**[NOTE: Form ET3 is not attached. Draft the response in your answer booklet.]**

**(10 marks)**

The matter proceeds and the Employment Tribunal issues Standard Directions.

- (c) Give **two** examples of the directions the Employment Tribunal is likely to issue in this case.

**(2 marks)**

The Employment Tribunal decides in favour of Jasmine Franks and awards compensation.

- (d) Explain how the level of compensation will be calculated.

**(4 marks)**

**(Total: 20 marks)**

### Question 3

Reference: Question relates to **Documents 1 and 4** of the case study materials.

(a) Explain whether Fiona Santo will be considered to have a 'protected characteristic'.

**(5 marks)**

(b) Explain whether Springer & Springer Solicitors have discriminated against Fiona Santo.

**(5 marks)**

(c) Explain the potential funding options that Fiona Santo has, should she wish to pursue the matter.

**(5 marks)**

**(Total: 15 marks)**

### Question 4

Reference: Question relates to **Documents 1 and 5** of the case study materials.

(a) Explain whether Sandy Roberts meets the eligibility criteria to bring a claim for unfair dismissal.

**(6 marks)**

(b) Identify **four** grounds on which John Barthing's employer could deny an application for flexible working.

**(4 marks)**

(c) Explain whether Priya Chatterjee will be entitled to claim redundancy.

**(7 marks)**

(d) Explain the requirements for Andrew Davies to be eligible for unpaid parental leave.

**(3 marks)**

**(Total: 20 marks)**

**End of Examination Paper**