

**CASE STUDY MATERIALS**

June 2021  
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.

***Turn over***

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

## 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 Jeremy Campbell.

Jeremy would like you to continue with your training and, to this end, he has left some files on your desk that he would like you to work on. He has also provided you with a memorandum **[Document 1]**, which sets out further information on the files he has given you:

- Document 1**      Memorandum from Jeremy Campbell to Trainee Lawyer
- Document 2**      Attendance note relating to Jean Surtees
- Document 3**      Email from Alicja Nowak of Simply Chemicals Ltd to Jeremy Campbell
- Document 4**      Reference for Jemimah French from Hannah Maxwell
- Document 5**      Memorandum from Fiona Gates to Trainee Lawyer

**DOCUMENT 1**

**MEMORANDUM FROM JEREMY CAMPBELL TO TRAINEE LAWYER**

**To:** Trainee Lawyer  
**From:** Jeremy Campbell  
**Date:** [Today's date]  
**Re:** Work this week

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

1. **Jean Surtees** (file ref: JS/JC/49/21). Mr Surtees seeks our advice in relation to a failed job interview. You will find on the file an attendance note **[Document 2]**. Please arrange for a further meeting to discuss the way forward.
2. **Simply Chemicals Ltd** (file ref: SC/JC/124/21). Alicja Nowak is the managing director of Simply Chemicals Ltd, a company that produces cleaning chemicals for the brewing industry. She has sent me an email **[Document 3]**. Please contact her and advise her accordingly.
3. **Hannah Maxwell Clothing Ltd** (file ref: HMC/JC/93/20). Hannah Maxwell's company has been on a retainer for some time; however, Hannah does sometimes act without first seeking our advice. There are currently two matters outstanding that I would like you to deal with.

First, Hannah has supplied a reference for Jemimah French **[Document 4]**. The information supplied by Hannah was written in the heat of the moment and was as a result of her frustration at a number of staff members leaving in quick succession to go and work for competitors. Jemimah French has only been suspected of stealing from the company and the two-month period she had off was due to a liver complaint, having nothing to do with an addiction. The offer of employment made to Jemimah French by another company has now been withdrawn, because of Hannah's reference.

Second, Hannah would like our advice on inserting a clause into the contracts of employment of all members of staff, which prevents employees from working for a competitor. She would like the clause to stipulate a six-month period and a geographical area of 25 miles from the main office in Kempston.

4. You will also find on your desk a memorandum from Fiona concerning the law clinic **[Document 5]**. As I will be unable to cover the law clinic this week, I would like you to do so in my place.

**Turn over**

DOCUMENT 2

**ATTENDANCE NOTE RELATING TO JEAN SURTEES**

Attendance on: Jean Surtees  
Attended by: Jeremy Campbell  
Date: [Today's date]  
Time taken: 20 minutes – attendance  
2 minutes – dictating attendance note

Attending Jean Surtees, who recently applied for the role of a nursery practitioner at Super Babies Nursery in Kempston. Jean is a qualified nursery practitioner, who was keen to find a role working in a nursery, as he has been unemployed for the last couple of months.

On seeing the advertisement, Jean applied for the role and was invited to an interview. On the day of the interview, he arrived in plenty of time and waited in the reception area. The receptionist was taken aback to find out that Jean was to be interviewed for the role of nursery practitioner, and she even said, 'But you're a man!'.

The receptionist, seeming to recover her composure, telephoned Verity Franklin, the manager of the nursery, to inform her that Jean had arrived for the interview. Verity Franklin did not appear shocked that Jean was male, and directed him to the interview room.

The interview did not go well; it seemed clear to Jean that it was very unlikely that he would be appointed. Although Verity Franklin did not raise any specific issues in respect of Jean being male, it appeared to Jean that she was uncomfortable with him being a man.

He was informed the following day that he had not been successful in his application. Jean believes that the actions of the employer were discriminatory. Due to Jean's current economic circumstances, he is concerned about the cost of bringing a claim. At the next meeting, ensure that alternative funding arrangements are explained.

DOCUMENT 3

EMAIL FROM ALICJA NOWAK OF SIMPLY CHEMICALS LTD  
TO JEREMY CAMPBELL

**From:** A.Nowak@simplychemicals.co.uk  
**To:** Jeremy.Campbell@Kempstons.org  
**Sent:** [Date] 11:36  
**Subject:** Employment Advice

Hello Jeremy,

Thank you for sorting out the staff handbook.

As you know, we are going to have to make some redundancies at our Kempston plant due to our current financial difficulties. We have ten employees at Kempston, and I will have to make four of them redundant.

I have discussed the problems we are facing with the ten employees. One of the employees, Delia Froggatt, has volunteered for redundancy. I am happy to accept her application for voluntary redundancy as, frankly, her commitment to the job is lacking and she always seems to be 'ill' on Mondays and Fridays. She has worked for the company for four years and is 47 years old. She is paid £420 a week.

In relation to the other three who have to be made redundant, I would be grateful if you could advise me on how to proceed.

We do have some vacancies at our other plant about 60 miles from Kempston; however, none of the current employees at the Kempston plant are interested in moving. I don't think 60 miles is a substantial distance to travel, do you?

Is there any way we could ensure that we do not have this situation in the future?

If you could get back to me as soon as possible, I would be grateful.

Alicja Nowak

*Managing Director  
Simply Chemicals Ltd*

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## DOCUMENT 4

## REFERENCE FOR JEMIMAH FRENCH FROM HANNAH MAXWELL

|  |   |   |
|--|---|---|
| <b>Applicant Name:</b>                                   | <b>Jemimah French</b>   |   |
| <b>Position Applied for:</b>                             | <b>Design Supervisor</b>  |   |
| <b>Previous Employer [Referee]:</b>                      | Hannah Maxwell Clothing Ltd   |   |
| <b>Employee Dates of Employment:</b>                     | <b>Start Date:</b> 1 March 2018   | <b>End Date:</b> Present  |
| <b>Applicant's Position and Responsibilities:</b>        | Designer of Women's Fashion: <ul style="list-style-type: none"> <li>• Create designs</li> <li>• Use of Computer Aided Design (CAD)</li> <li>• Contact with third parties</li> </ul>   |   |
| <b>Applicant's Performance:</b>                          | As she was only a very junior member of the team, I did not expect much from her (and I was not disappointed).  |   |
| <b>Applicant's Attendance and Sickness Record:</b>       | Had nearly two months off work due to addiction problems. Nearly always late.   |   |
| <b>Applicant's Strengths and Weaknesses:</b>             | <b>Strengths</b><br>None that I can think of.   | <b>Weaknesses</b><br>Unable to complete work on time.<br><br>Does not take constructive criticism well. |
| <b>Reason for Applicant Leaving [If Known]:</b>          | Either she left or I would have fired her. I think I was being generous by giving her the option, bearing in mind she had been stealing from me.  |   |
| <b>Any Further Information Concerning the Applicant:</b> | I would strongly advise not employing this person. She is poison! She is not a team player, her ability to communicate is very much lacking and she has always thought she was better than anyone else she works with. She said that she was qualified to degree level, but I have my doubts. |   |
| <b>Signature of Person Providing Reference:</b>          | <i>Hannah Maxwell</i>   |   |
| <b>Printed Name:</b>                                     | Hannah Maxwell  |   |
| <b>Position in Business:</b>                             | Managing Director   |   |

**DOCUMENT 5**

**MEMORANDUM FROM FIONA GATES TO TRAINEE LAWYER**

**To:** Trainee Lawyer  
**From:** Fiona Gates, Secretary to Jeremy Campbell  
**Date:** [Today's date]  
**Re:** Advice Clinic

Jeremy 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. Horrace Jones, 4.30 pm**

Horrace Jones has worked at Tompkins Cars Ltd as a salesperson for the last three years. He recently told his employer that he is intending to adopt a child and that he would like to take some time off to care for the child. His employer has informed him that if he decides to take time off, it would need to be taken as holiday.

**2. Tracey Stratton, 5.00 pm**

Tracey Stratton had only worked for Frinks Drinks Ltd as a salesperson for a year before she was summarily dismissed. No reason was given for her dismissal. She was required to hand in the keys to her company car, and was informed that she would not receive another penny from the company.

**3. Ai Zhang, 5.30 pm**

Ai Zhang has worked as a care assistant for Jens Care Ltd for the last four months. Since she started working there, she has worked 65 hours per week, due to the demand for care assistants. Ai Zhang no longer wishes to work 65 hours per week and instead wishes to work 48 hours per week.

**End of Case Study Materials**