



**CILEX Level 3 Certificate in Law and Practice/
CILEX Level 3 Professional Diploma in Law and Practice**

Unit 13 – The Practice of Employment Law

Question paper

June 2022

Time allowed: 1 hour and 45 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 70 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.
- You are **not** allowed access to any statute books.
- 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) Identify and describe **two** potential funding options available to Jenny, should she wish to pursue a claim in respect of discrimination.

(4 marks)

- (b) Identify and explain the type of discrimination under the Equality Act 2010 that is relevant to Jenny.

(6 marks)

After discussing the matter with Jenny, you complete and lodge an ET1 on her behalf.

- (c) Identify how long the Respondent will have to lodge an ET3.

(1 mark)

The Respondent lodges an ET3 and the matter proceeds to the Employment Tribunal. Due to the nature of the claim, there will be a preliminary hearing.

- (d) Explain what actions the Employment Tribunal can take at the preliminary hearing.

(5 marks)

Jenny is successful in her claim.

- (e) Identify the potential remedies available to her against Gordon & Merton Insurance LLP.

(4 marks)

(Total: 20 marks)

Question 2

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

- (a) Explain what claim Robert could make in respect of the failure of his employer to pay wages in lieu of notice.

(6 marks)

- (b) Explain the effect on the restrictive covenant in Robert's contract, if his claim is successful.

(4 marks)

- (c) Explain, on the assumption that the restrictive covenant was not affected by the actions of the employer in terminating the contract, whether it would be enforceable.

(5 marks)

(Total: 15 marks)

Turn over

Question 3

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

- (a) Explain the requirements of the ACAS Code of Practice in relation to the dismissal of David Yates.

(5 marks)

Axmed adopts the ACAS procedure and dismisses David Yates.

- (b) Explain whether David Yates meets the eligibility criteria to bring a claim for potentially unfair dismissal.

(6 marks)

In respect of the redundancy situation at the Milner Road barbers:

- (c) (i) state the **three** situations in which a genuine redundancy situation can occur;

(3 marks)

- (ii) identify which redundancy situation applies in this case.

(1 mark)

- (d) Explain how selection for redundancy should be carried out, providing **two** examples of the criteria that could be used.

(3 marks)

(Total: 18 marks)

Question 4

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

(a) Explain whether Sarah's employer can insist that she works 40 hours per week.

(7 marks)

(b) Explain Yana's rights in relation to taking time off for dependants.

(5 marks)

(c) Explain the requirements, in respect of the content of the application, Keith should make for flexible working.

(5 marks)

(Total: 17 marks)

End of the examination

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