



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 19 – THE PRACTICE OF EMPLOYMENT LAW*

Time allowed: 3 hours 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 may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Employment Law 2017-2018, 27th edition, Richard Kidner, Oxford University Press, 2017.**
- 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 following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

Question 1

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

- (a) Advise Chic Bakery Ltd of the statutory paternity rights to which Colin may be entitled and how these can be enforced.

(7 marks)

- (b) Draft an email to Pamela Clarke, explaining the ways in which her conduct, as explained in her email, breaches statutory protection against discrimination and the potential consequences of such breach.

(18 marks)

(Total: 25 marks)

Question 2

Reference: Question relates to **Documents 3 and 4** of the case study materials.

- (a) Draft an email advising Kiki Cole of the nature and formalities of a legally binding settlement agreement and the common terms found within such agreements.

(13 marks)

- (b) Advise Kiki Cole on the effect that the branch transfer to a new owner will have on her contract of employment under TUPE 2006.

(5 marks)

- (c) Advise Kiki Cole whether variation of her contract of employment with KeyCutters may be justified under TUPE 2006.

(7 marks)

(Total: 25 marks)

Question 3

Reference: Question relates to **Document 5** of the case study materials.

(a) Advise Camilla Perez of the ACAS Code of Practice procedure that should have been followed upon Terry refusing to wear the full uniform.

(6 marks)

(b) Advise Camilla Perez of the ACAS Code of Practice procedure that should have been followed upon Jolene raising a complaint against Terry.

(6 marks)

(c) Draft a letter to Camilla Perez, explaining the importance of a company following proper codes of conduct and how the failure of Priceless Art Ltd to follow such procedures may affect the outcome and award in a claim for unfair dismissal.

(8 marks)

(Total: 20 marks)

Question 4

Reference: Question relates to **Document 6** of the case study materials.

(a) Advise Leanna Armstrong whether she can protect the company against harmful actions by former employees. If so, explain how and to what extent she can do so.

(10 marks)

(b) Draft an appropriate non-dealing clause.

(8 marks)

(c) Advise Leanna Armstrong whether Ian Corne is likely to succeed in an unfair dismissal claim.

(12 marks)

(Total: 30 marks)

End of Examination Paper

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