



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 2018-2019, 28th edition, Richard Kidner, Oxford University Press, 2018.**
- 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 **Document 1** of the case study materials.

(a) Draft an email to Keenan Adubo, advising on:

(i) whether Tammy Jones has made a valid request for flexible working;

(9 marks)

(ii) whether Best Bakes Ltd has valid grounds for denying Tammy Jones's request;

(7 marks)

(iii) how Tammy Jones's son having special needs may affect the validity of her request for flexible working.

(6 marks)

(b) Explain the potential remedies available to Joe Smith, should he be successful in a claim of unfair dismissal against Best Bakes Ltd.

(NOTE: Do not consider the effect of procedural fairness.)

(8 marks)

(Total: 30 marks)

Question 2

Reference: Question relates to **Documents 2 and 3** of the case study materials.

(a) Draft a letter to Diego Jones, explaining any legal claims he may have, based on the actions of:

(i) Maria Cole;

(8 marks)

(ii) Tyler Dennehy.

(7 marks)

(NOTE: Do not address possible remedies.)

(b) Advise Diego Jones whether he is protected under TUPE 2006 in relation to the transfer of his unit to Pete's Logistics Ltd.

(9 marks)

(c) Advise Diego Jones whether Pete's Logistics Ltd is legally entitled to make the changes to his terms and conditions.

(6 marks)

(Total: 30 marks)

Question 3

Reference: Question relates to **Document 4** of the case study materials.

- (a) Advise Combo Boilers Ltd whether Kenneth Pang appears to have a valid claim.

(8 marks)

- (b) Advise Combo Boilers Ltd whether the ACAS Code of Practice has been followed in relation to Jodi Alley's dismissal, and of the consequences of failure to follow the ACAS Code when dismissing an employee.

(12 marks)

(Total: 20 marks)

Question 4

Reference: Question relates to **Documents 5 and 6** of the case study materials.

- (a) Draft an email to Lars Benson, explaining the grounds upon which Corp Tech Ltd may void its settlement agreement with Carrie White.

(7 marks)

- (b) Explain the potential advantages and disadvantages of a settlement drawn up by ACAS, when compared to a settlement agreement.

(6 marks)

- (c) Advise Lars Benson on the remedies available to his former employer, should he be found to be in breach of the restrictive covenant in **Document 6**, and the venues in which these remedies may be sought.

(7 marks)

(Total: 20 marks)

End of Examination Paper

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