



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) Explain whether the non-poaching and non-dealing covenants are enforceable against Alfonso Landivar.

(7 marks)

- (b) Explain Jez Marvel's obligation, if any, to provide a reference for Helen Rodgers.

(7 marks)

(Total: 14 marks)

Question 2

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

- (a) Explain whether Barbara Gant acted appropriately in dismissing Jake Eastman.

(7 marks)

- (b) (i) Identify the **three** situations in which a genuine redundancy situation can occur.

(3 marks)

- (ii) Identify the redundancy situation that applies in the auditing department at Brandabourne Accounting Ltd.

(1 mark)

- (c) Advise Barbara Gant as to whether she can make Ronnie Cash redundant.

(4 marks)

- (d) Calculate the Basic Award for redundancy that Barbara Gant is legally required to pay Ronnie Cash, if he is made redundant.

(6 marks)

(Total: 21 marks)

Question 3

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

- (a) Explain to Sarita Chaudry the potential funding options she has, should she wish to pursue the matter.
(5 marks)
- (b) Identify and explain the provisions in the Equality Act 2010 that may have been breached by the decision not to employ Sarita Chaudry.
(6 marks)
- (c) Identify the Form which Sarita Chaudry must use to make a claim for discrimination to the Employment Tribunal.
(1 mark)

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.
(6 marks)

(Total: 18 marks)

Question 4

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

- (a) Explain whether Robert Kilter is entitled to a higher rate of pay.
(4 marks)
- (b) Explain the **common law** cause of action and the extent of the potential damages available to Rachel Heathton, should she be successful.
(7 marks)
- (c) Advise Arthur Carlton on his rights in relation to taking time off for dependants.
(6 marks)

(Total: 17 marks)

End of Examination Paper

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