

## CASE STUDY MATERIALS

January 2017  
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

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or textbooks into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

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\* 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 in the firm of Kempstons, The Manor House, Bedford, MK42 7AB. The firm is a busy high street practice with a successful employment law department. Your supervisor is David Ross, a partner in the firm.

David Ross has sent you two memoranda concerning two new clients: Mark Watts, Managing Director of Watts Car Parts Limited, and Ellie Hampson. David's secretary, Ann, has also sent you details of the free advice clinic which the firm holds each week. You will be taking the lead with the advice clinic this week. You are asked to familiarise yourself with all documentation provided in advance of your meeting with the clients.

- Document 1**            Memorandum from David Ross
- Document 2**            Email from Mark Watts of Watts Car Parts Limited
- Document 3**            Memorandum from David Ross
- Document 4**            Cleaning Supervisor Job Description
- Document 5**            Memorandum from Ann Jones

**DOCUMENT 1**  
**MEMORANDUM**

**To:** Trainee Lawyer  
**From:** David Ross  
**Date:** (Today)  
**Re:** New Client: Watts Car Parts Limited

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I have received a referral from the Chamber of Commerce about a new client, but I will not have time to see Mark Watts, next week.

I attach the email [**Document 2**] from the Managing Director of the business, Mark Watts.

Let's have an initial chat about what you think tomorrow in the departmental meeting.

*David*

**Turn over**

**DOCUMENT 2**

**EMAIL FROM MARK WATTS**

To: [d.ross@kempstons.co.uk](mailto:d.ross@kempstons.co.uk)  
From: [m.watts@wattscarpartsLtd.co.uk](mailto:m.watts@wattscarpartsLtd.co.uk)  
Re: Employment query

David,

I understand that you may be able to provide me with some advice about an employment issue that I have.

I am the Managing Director of Watts Car Parts Limited, a small company located in Kempston, which manufactures components for cars. I started the company ten years ago. The company has expanded over the years and now has 20 employees.

Due to increased competition from larger firms, Watts Car Parts Limited is having financial difficulties. As a result, I need to make three employees redundant and I have already discussed this with all the employees.

One employee, Daisy Lucas, has volunteered for redundancy, which I am happy to accept. Daisy is 35 years old, has worked for the company for five years and earns £600 gross per week. Daisy is not one of my most productive employees. She has a poor sickness record and is always blaming her absence on her arthritis. I have also overheard rumours from the other employees that Daisy may be stealing car components from Watts Car Parts Limited and selling them. I know that Daisy has already applied for a number of other jobs and she has told me that she is confident of getting a new job soon.

No other employees have volunteered to take redundancy. I would like to make Pauline Thomas redundant as she is my newest employee and has only worked for me for three years. I am unsure how to choose between the employees and I should be grateful for your advice on this.

Mark

**DOCUMENT 3**

**MEMORANDUM**

**To:** Trainee Lawyer  
**From:** David Ross  
**Date:** (Today)  
**Re:** New Client: Ellie Hampson

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I saw a new client, Ellie Hampson, at the firm's advice clinic last week. Ellie told me that she works as a cleaner at Kempston College, which is a large further education college located on the outskirts of Kempston.

Ellie recently applied for the post of cleaning supervisor at Kempston College. I attach [**Document 4**] a copy of the cleaning supervisor job description.

Ellie was selected for interview. Before the interview, Ellie and the other applicant were asked to complete a computer skills test. The interview was carried out by Roseanne Lewis, the Business Manager at Kempston College.

Ellie was not offered the job and is concerned about some of the questions that she was asked at interview. The questions she was asked were:

1. Please give us an example of when you have used leadership skills to solve a problem.
2. Why should we choose you for this post?
3. Why do you want this job?
4. How old are you?
5. Why did you take 15 days' sickness leave/absence during the past year?
6. Could you put in the hours needed for this role and what arrangements have you made for the care of your child?
7. Do you have any questions you would like to ask us?

Ellie told me that she is willing to work the hours needed for the job role and, although she has a young child, she has good childcare arrangements in place. She also said that she has taken 15 days' sickness leave/absence in the last year. This was because she had to have an operation to have her appendix removed and she has now fully recovered. Ellie told me that she explained all of this to Roseanne during the interview.

Ellie says the job was offered to another cleaner at the College, Syed, who has no children. Syed told Ellie that when Roseanne offered him the job she said 'the College needs people they can rely on, not people who are always taking time off'. Syed also said that he was not asked any questions about his sickness record or whether he could put in the hours needed for the job role.

Ellie seeks our advice about a possible claim. However, she is worried that if it goes to an Employment Tribunal, the publicity may affect her ability to get a job in the future.

Please consider the issues raised in this memorandum and we can talk about it at our weekly departmental meeting.

*David*

**Turn over**

**DOCUMENT 4**

**EXTRACT FROM JOB DESCRIPTION**

**CLEANING SUPERVISOR, KEMPSTON COLLEGE**

**Job Title: Cleaning Supervisor**  
**Reports to: Business Manager**

**Responsible for**

Cleaning of all internal areas of the College  
Salary Scale Kempston College pay scale 1b

**Working hours**

16 hours / week (39 weeks / year) + 10 designated days during the College holidays

**Role purpose**

To ensure a clean internal environment of the College premises to support the professional delivery of the curriculum.

**Role tasks**

- To maintain a flexible daily cleaning schedule of all internal areas of the College, making full use of the College's computerised databases.
- To prepare rotas for cleaning staff, using Excel spreadsheets in accordance with standard College practice.
- Liaise with the Premises Assistant and the Business Manager by email and review the weekly school calendar on the College intranet to identify lettings and College events.
- Check on a daily basis that all areas of the College are cleaned to a satisfactory standard and that daily cleaning logs are completed using the College's computerised systems for each work section.
- Maintain the cleaning staff's computerised attendance logs and timesheets for submission to the Finance Officer.
- Produce, on a weekly basis, official order forms for equipment, uniforms and materials for signature by the Business Manager, using the College's computerised systems.
- Investigate and maintain a working knowledge of developments in cleaning equipment and materials, and identify means by which the cleaning operation might be developed. Internet research will be required.

**DOCUMENT 5**

**MEMORANDUM**

**To:** Trainee Lawyer  
**From:** Ann Jones, Secretary to David Ross  
**Date:** (Today)  
**Re:** Advice Clinic

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The firm runs a successful advice clinic each week, at which new clients receive some free legal advice in the hope that the firm will be instructed for future work. I understand from David that you are running this week's advice clinic.

We have received a few enquiries this week and so you may be busy. David has suggested you may need some preliminary details to help you consider what issues may arise when you see the clients.

**Tim Morales – 4.30 pm**

Tim works as a salesperson for a local radio station, Kempston FM. His job is to sell radio advertising to local businesses. To do this, he has built up a good network of contacts with local businesses. Tim has recently been offered a new job as a salesperson by a local newspaper in Kempston. His new job will be selling advertising space in the newspaper to local businesses. He is concerned about a clause in his current contract of employment which states:

'The employee expressly agrees that for a period of six months after the termination of this contract, they will not work for a competitor within a five-mile radius of Kempston FM's studio.'

**Beverley Smith – 5.00 pm**

Beverley worked as a teaching assistant at a local nursery, Kempston Kiddies, from June 2012 until last week. Beverley also runs a photography business, Memories, in her own time. Last week, the manager of Kempston Kiddies, Robert George, called Beverley into his office. Robert told Beverley that another member of staff had found a wedding photograph with the Memories logo on it, which had been left in the nursery photocopier. As a result, Beverley was immediately dismissed.

Beverley has advised us that she had used the nursery photocopier to print the wedding photograph. Beverley acknowledges that the staff handbook clearly states that the photocopier is to be used for the purposes of Kempston Kiddies only. Beverley says that this was the first and only occasion that she had used the nursery photocopier for the purposes of her own business, but Robert would not listen to her explanation or apology.

Beverley confirms that Robert paid her wages to the date of her dismissal and three months' pay in lieu of notice.

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**Patricia McGowan – 5.30 pm**

Patricia is an accountant, who started working for her current employers, Active Accounts, six months ago. She has received nothing in writing from her employers. She recently found out that she is pregnant and she wants advice about her legal rights.

*Ann*

**End of Case Study Materials**

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