



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 the **three** situations under s.139 Employment Rights Act 1996 in which Watts Car Parts Limited can lawfully make its staff redundant, and identify which is the most relevant here.

(7 marks)

(b) (i) Give **three** examples of objective criteria that Mark could use to select employees for redundancy.

(3 marks)

(ii) Explain the legal issues which may arise if Mark selects Pauline Thomas for redundancy using the criteria he suggests.

(4 marks)

(c) Calculate the Basic Award for redundancy that Mark is legally required to pay Daisy.

(6 marks)

(d) Advise Mark on his obligation, if any, to provide a reference for Daisy.

(8 marks)

(Total: 28 marks)

Question 2

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

(a) Explain the legal issues arising out of the interview questions that Ellie was asked.

(8 marks)

(b) Explain whether the requirement to carry out a computer skills test is likely to be a breach of the Equality Act 2010.

(4 marks)

(c) Identify the Form that Ellie would use to make a claim for discrimination to the Employment Tribunal.

(1 mark)

(d) Explain the Orders that the Employment Tribunal could make to stop information about Ellie's case being made public and whether any such Orders are likely to be made.

(5 marks)

(Total: 18 marks)

Question 3

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

- (a) Explain whether the clause in Tim's contract of employment is likely to be enforceable by his employers.
(6 marks)
- (b) Advise Beverley whether she is likely to succeed in a claim for unfair dismissal. Do **not** discuss her eligibility to make such a claim.
(10 marks)
- (c) In addition to a staff handbook, identify **two** other policies or procedures that an employment lawyer could draft for an employer client.
(2 marks)
- (d) (i) Identify the document that Patricia's employers should have provided her with.
(1 mark)
- (ii) Explain whether Patricia is legally entitled to maternity leave and maternity pay.
(5 marks)
- (Total: 24 marks)**

End of Examination Paper

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