



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) Identify the nature of the clause at 4.1 of Helen's contract of employment and advise whether it is likely to be enforceable.
(6 marks)
- (b) Identify the nature of the clauses at 4.2 and 4.3 of Helen's contract of employment.
(2 marks)
- (c) Identify the clause that could have been included in the contract which would have allowed Kempston Accounts Ltd to require Helen to stay at home during her notice period.
(1 mark)
- (d) Advise Lucille on the nature and effect of the clause you have identified in Question 1 (c) above.
(6 marks)

(Total: 15 marks)

Question 2

Reference: Question relates to **Document 1** of the case study materials.

- (a) Advise Lucille in respect of the rights and entitlements that Michaela would have if she adopts a child.
(8 marks)
- (b) Advise Lucille whether she would be able to refuse Michaela's request to work three days per week.
(5 marks)

(Total: 13 marks)

Question 3

Reference: Question relates to **Document 3** of the case study materials.

- (a) Identify the document that, by law, Mario should have been provided with by his employer, upon commencement of his employment.
(1 mark)
- (b) Identify any **two** particulars which must be contained in the document that you identified in your answer to Question 3 (a).
(2 marks)
- (c) Explain to Mario the course of action and the remedy which are available to him in respect of his employer's failure to provide the document you identified in your answer to Question 3 (a).
(4 marks)
- (d) Identify **one** policy or procedure that an employment lawyer could be asked to draft for an employer client.
(1 mark)

(Total: 8 marks)

Question 4

Reference: Question relates to **Document 3** of the case study materials.

- (a) Explain the **common law** cause of action available to Mario and whether he is likely to succeed in this claim.
(6 marks)

Mario wants to make a claim for Unfair Dismissal.

- (b) On behalf of Mario, draft the Statement of Claim regarding his unfair dismissal (found on an ET1 form).

NOTE: Form ET1 is not attached. Please draft the statement in your answer booklet.

(10 marks)

- (c) Identify the form that Raj Sidhu will use to reply to Mario's ET1 form.
(1 mark)
- (d) Identify the time period which Raj Sidhu must comply with, in respect of returning that form to the Employment Tribunal.
(1 mark)

(Total: 18 marks)

Turn over

Question 5

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

- (a) Explain the **three** situations where there is a genuine redundancy and identify which one is relevant to Eddie.

(4 marks)

- (b) Identify and explain the provisions in the Equality Act 2010 that may have been breached by the decision not to employ Brenda.

(6 marks)

- (c) Advise Brenda whether these provisions have been breached in her case.

(6 marks)

(Total: 16 marks)

End of Examination Paper