

## CASE STUDY MATERIALS

January 2018  
Level 6  
THE PRACTICE OF EMPLOYMENT LAW  
Subject Code L6-19



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 19 – 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 except a Statute Book, where permitted, into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

*Turn over*

\* 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**

**ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer in the firm of Kempstons, The Manor House, Bedford, MK42 7AB. You are in the Employment Law team and your supervising partner is Deepa Shah. Other fee earners at Kempstons are Christina Kenny and Benedict Watson.

You arrive at work on 15 January 2018 and are given the following documents to review and consider:

- DOCUMENT 1**      Attendance note dated 12 January 2018 Re Shrewsbury Micro Technologies Ltd
  
- DOCUMENT 2**      Memo dated 15 January 2018 from Deepa Shah
  
- DOCUMENT 3**      Email dated 14 January 2018 from Nathan Legar to Deepa Shah
  
- DOCUMENT 4**      Attendance note dated 18 December 2017 Re Erin Cairns
  
- DOCUMENT 5**      Memo dated 15 January 2018 from Benedict Watson

**DOCUMENT 1**

**ATTENDANCE NOTE**

**Client:** Shrewsbury Micro Technologies Ltd (SMT) (Amy Gregory (AG), Managing Director)

**Fee earner:** Christina Kenny (CK)

**File ref:** DS/SMTL

**Date:** 12 January 2018

**Time:** 45 minutes

AG explained that SMT operates in the field of development, design and production of digital control systems for use in a range of advanced machine tools such as 3-D printers, computer-controlled lathes and industrial robots. SMT has a large amount of intellectual property, some of which is protected by patent, copyright or design rights, but much of which is confidential know-how. It also has a considerable amount of commercially confidential information relating to production costs and profit margins.

SMT employs a number of software engineers. The practice has been to employ people direct from university with an appropriate degree, and provide them with extensive further training in-house in relation to the specific requirements of SMT's business. SMT also employs technical sales staff, who have a similar academic background, but focus on developing relationships with customers, including an understanding of the customers' technical requirements. They have access to SMT's know-how and also to commercially confidential information.

AG explained that there are a further four companies in the United Kingdom which she regards as direct competitors, since they are often tendering for the same contracts. Three of these are located near Reading, to the west of London, and the other one is in Manchester. SMT is located in Shrewsbury in the West Midlands, about 150 and 90 miles respectively from these competitors.

AG states that SMT has been in business for five years, and during this period it has been increasing the number of staff, and there have been no resignations. However, at a recent trade exhibition, she was concerned to see one of her software engineers and one of her technical sales staff deep in conversation with the managing director of one of her competitors.

AG requires advice on how SMT is legally protected, or alternatively can take steps to protect itself, in relation to the potential misuse of confidential information and other activity that is against the interests of SMT, by current and former employees.

**Turn over**

DOCUMENT 2

MEMO

**To:** Trainee Lawyer  
**From:** Deepa Shah  
**Date:** 15 January 2018  
**Client:** Latte King Ltd  
**Ref:** DS/LKL

Please review the attached email (**Document 3**). Latte King operates a number of coffee shops. About three months ago, it gave us a general retainer to advise on employment-related matters. As Nathan Legar says, this is the first such matter from his area that has arisen.

On the face of it, there are some issues here concerning Richard Evans.

Please consider the legal issues that have arisen and we will have a further discussion, before giving formal advice to the client.

Thanks

Deepa

DOCUMENT 3

EMAIL

**From:** Nathan Legar, Latte King Ltd <Nathanl@LKLTD>  
**Sent:** 14 January 2018, 5.15pm  
**To:** Deepa Shah  
**Subject:** Troublesome employee

Dear Deepa

I have not had a chance to touch base with you since becoming a client of Kempstons. However, we have a really troublesome employee, who has only been here five months. His name is Richard Evans.

He's constantly late and has an attitude problem. I have warned him about this on several occasions, and his punctuality improved for a few days. I have, however, not put anything on his file about these warnings, because he is still in a six-month probationary period. This morning, I had a phone call from Florence Iwobi, the manager of the store where Richard Evans works. She told me that Richard had complained to her yesterday evening that he was not receiving the national minimum wage and was thinking of making a formal complaint about this to the government. He also queried why he had not been paid for a day's leave taken the previous week.

We do not normally pay the national minimum wage while somebody is in a probationary period.

I have just about lost patience with Richard Evans, who is by a long way the most unsatisfactory employee I've ever had to deal with, and I would honestly just like to dismiss him.

I look forward to your views on the above.

Kind regards

Nathan Legar, Area Manager  
Latte King Ltd

**Turn over**

**DOCUMENT 4**

**ATTENDANCE NOTE**

**Client name:** Erin Cairns  
**Fee earner:** Deepa Shah  
**File reference:** DS/EC  
**Date:** 18 December 2017  
**Time:** 45 minutes

Erin has been working for Sensi Knowledge Laboratory Ltd (a clinical laboratory) as a Laboratory Technician since May 2013 (she cannot remember the precise date), based at its site in Clapham.

Since 10 April 2017, she has been on maternity leave for the birth of her son, who was born on 30 May. She always anticipated taking the full 52 weeks of maternity leave, and notified her employer to this effect at the appropriate time.

Erin attended a Keeping in Touch day on 1 December 2017. During the day, she met with her line manager (Samuel Lopez) to make a written request to make an application to change her working pattern on her return, as the change requested would greatly help her to meet her son's care needs. In her written request, Erin explained how she thought that could be arranged. Samuel was very negative when he received Erin's request, and he immediately refused it, saying that the business simply did not bend to employees' personal problems. Erin was extremely upset about the fact that Samuel had disregarded her request for flexible working.

Erin attended another Keeping in Touch day on 14 December 2017. When she arrived, she was asked to go to Samuel's office. On arriving there, she was told by Samuel that she was dismissed with immediate effect. Erin asked why, and Samuel told her it was because she intended to take the full 52 weeks of maternity leave and the company could not afford to keep waiting for her return to work.

Erin is devastated that she has been dismissed. She wants to know her legal rights in this situation.

DOCUMENT 5

MEMO

**Client:** Angus Trucking Ltd (Joanne Klein, Commercial Director)

**Fee earner:** Benedict Watson

**To:** Trainee Lawyer

**Date:** 15 January 2018

We are acting for Angus Trucking Ltd (AT), a haulage company specialising in transporting sets, props and equipment for touring theatrical and musical shows. The principal contact for this matter is Joanne Klein, the commercial director.

AT has been negotiating to purchase part of the business of Zenith Logistics plc (ZL). This part of the business is also engaged in transportation for theatrical and musical shows. It operates from leasehold premises, and AT will be taking an assignment of the lease, and will also acquire several specialised vehicles. ZL has several long-term contracts, and the customers have agreed to transfer their business to AT when the transfer takes place.

There are approximately 30 drivers, fitters and administrative staff employed by this division of ZL, and there is also a general manager. The agreement is that all will transfer to AT, but Joanne Klein would prefer not to employ the manager, Tom Cox, as she considers that management can be carried out perfectly satisfactorily by the existing management of AT.

Joanne Klein is also concerned that the terms and conditions of the employees coming from ZL may be more beneficial than those of existing employees of AT, and she wishes to bring them into line with the existing terms and conditions at AT. ZL has recognised a trade union, and there is a collective agreement in force in relation to terms and conditions.

Please familiarise yourself with the legal issues disclosed in this memorandum, as I shall be asking you to assist me with certain aspects of the transaction over the next few weeks.

Benedict

**End of Case Study Materials**

