



June 2022
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 permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.
- In the examination, candidates must comply with the CILEx Examination Regulations.

Turn over

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer at Kempstons, The Manor House, Bedford, MK42 7AB. You work in the employment department and your supervising partner is Irina Kuznetsov. Irina would like you to continue with your training and to this end she has left some files on your desk that she would like you to work on. She has also provided you with a memorandum that sets out further information on the files she has given you.

Document 1 Memorandum from Irina Kuznetsov to Trainee Lawyer

Document 2 Telephone message concerning Jenny Pentworth

Document 3 Letter from Tintum Chemicals Ltd to Robert Lupeton

Document 4 Email from Axmed Osman of Brakton's Barbers to Irina Kuznetsov

Document 5 Memorandum from Kevin Riddle re advice clinic

MEMORANDUM FROM IRINA KUZNETSOV TO TRAINEE LAWYER

To: Trainee Lawyer
From: Irina Kuznetsov
Date: [Today's date]

I have left the relevant files on your desk. Please read through them carefully and ensure that you carry out the required work.

1. **Jenny Pentworth.** Ms. Pentworth has left a telephone message concerning her not being offered a job (**Document 2**). Please arrange for Ms. Pentworth to come to the office for a meeting.
2. **Robert Lupeton** (file ref: RL/IK/211/22). Mr. Lupeton has received a letter from his employer (**Document 3**) terminating his employment. He had been employed by Tintum Chemicals Ltd for just over a year as a biochemist in the research laboratory based in Kempston. The role involved developing new chemical compounds, and as such the chemical formulae he developed are trade secrets.

Mr. Lupeton had been in negotiations with Pernoflec Ltd, a competitor of Tintum Chemicals, and was considering working for them, as he was not happy working at Tintum Chemicals Ltd. He is not aware that he had acted in a way that entitled his employer to terminate his employment without giving the required notice of 6 months and there is no gross misconduct clause in his contract of employment. He thinks that Ted Cross, the managing director of Tintum Chemicals Ltd, found out about his inquiry to Pernoflec Ltd and terminated his employment.

Mr. Lupeton has indicated that Pernoflec Ltd have now offered him a role as a biochemist at their Kempston site, but they have concerns about the potential actions of Tintum Chemicals Ltd, should he start work immediately. Please deal with this as a matter of urgency.

3. **Brakton's Barbers** (file ref: BB/IK/23/22). Brakton's Barbers is on a retainer and we give them regular advice on employment law matters. Axmed Osman, the owner of Brakton's Barbers, has sent me an email (**Document 4**). Please advise him accordingly.
4. You will also find on your desk a memorandum from Kevin concerning the advice clinic (**Document 5**). As I will be unable to cover the advice clinic this week, I would like you to do so.

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TELEPHONE MESSAGE CONCERNING JENNY PENTWORTH

From: Jenny Pentworth
For: Irina Kuznetsov
Time/Date: 11:28 [Date]
Message Taker: Kevin Riddle
Telephone No.: 01251 739273

Jenny Pentworth telephoned seeking advice and representation.

Last week she went for an interview for the role of Senior Risk Manager at Gordon & Merton Insurance LLP.

On arriving at the firm's premises, she was shown to a seat in reception. As she was waiting for the interview, she overheard the receptionist say on the telephone, "Your 9.30 interviewee is here, she looks like a pensioner!".

Soon after this Sally Merton, one of the partners of the firm, met Jenny Pentworth in reception and escorted her to the interview room. The interview seemed to go well, with Sally Merton stating that she was particularly impressed by Jenny Pentworth's experience in risk management.

Yesterday Jenny Pentworth received a letter stating that she has not been successful in her application for the role of Senior Risk Manager. The reasons given were that she would not be a good 'cultural fit' and that they required someone with 'high energy levels' for such a demanding role.

Please contact Jenny Pentworth as soon as possible to arrange a meeting.

LETTER FROM TINTUM CHEMICALS LTD TO ROBERT LUPETON

Tintum Chemicals Ltd

1 Jones Mews
Kempston
MK17 3TB

[Date]

Robert Lupeton
Flat 9
The Compass
Kempston
MK09 4BW

Dear Robert

Termination of Employment

We are terminating your employment as from today. Due to your gross misconduct you will not receive any pay in lieu of notice.

You are reminded of the terms of the contract you signed, in particular:

9.11 The employee expressly agrees that for a period of 6 months after the termination of this contract, they will not work as a biochemist, for a competitor within the United Kingdom.

Yours sincerely

Jed Cross

Managing Director
Tintum Chemicals Ltd

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DOCUMENT 4

**EMAIL FROM AXMED OSMAN OF BRAKTON'S BARBERS TO
IRINA KUZNETSOV**

From: axmed.osman@Braktonsbarbers.co.uk
To: Irina.Kuznetsov@Kempstons.org
Time: 09:34
Date: [Date]
Subject: Employment Matters

Dear Irina,

I would be grateful if you could advise me on the following issues:

1. David Yates, one of my employees at the High Street barbers, needs to be dismissed. He has worked for me for the last three years as a barber, but has recently started making mistakes. In particular, last week, he nicked a customer's neck while shaving him. The customer was okay, but David refused to apologise, saying that it was the customer's fault that he was cut, as the customer moved while he was shaving him.

This attitude is not acceptable and I do not want someone like him working in my shop anymore. Please advise how I go about dismissing him.

2. I will have to close the second barber shop in Kempston (Milner Road), as it is failing to make any profit. Unfortunately, I will have to make one of the two barbers redundant, as there is insufficient capacity at the High Street branch to take on more than one barber (once we have dismissed David). Please let me know the proper procedure I need to follow.

Regards

Axmed Osman
Brakton's Barbers
9 High Street
Kempston
TQ3 19D

MEMORANDUM FROM KEVIN RIDDLE RE ADVICE CLINIC

To: Trainee Lawyer
From: Kevin Riddle, Secretary to Irina Kuznetsov
Date: [Today]
Re: Advice clinic

Irina has asked me to write a brief memorandum about who you will be seeing at this week's advice clinic. The following people have confirmed their attendance:

1. 5.00 Sarah Onto

Ms. Onto works for a clothing supplier, using a sewing machine to sew the garments. She has been told that she will have to work 40 hours a week for the next five months, as her employer needs to meet a large contract for a customer. She feels that she will be unable to fulfil this requirement, as she currently only works 30 hours per week for her employer and a further 15 hours per week for a different employer.

2. 5.30 Yana Segal

Ms. Segal has worked at Ellington Primary School as a teacher for eight years. Last week she received an urgent call while at work from her mother's carer stating that she would not be able to visit her mother that day due to being involved in a car crash. Ms. Segal informed her manager that she had to leave to see to her mother's needs, but would be back at school the following day. Ms. Segal left the school to attend to her mother and on returning the following day, she received a formal written warning.

3. 6.00 Keith Wanton

Mr. Wanton currently works five days a week at Denplo Industries Ltd, as a factory foreman. Due to family commitments he is finding it hard to work the full five days he currently does and would like to reduce his hours so that he works four days a week.

End of Case Study Materials