



ACADEMIC SERVICES

MODULE SPECIFICATION

Part 1: Basic Data					
Module Title	Employment Law				
Module Code	UJXTT4-10-M	Level	M	Version	3
UWE Credit Rating	10	ECTS Credit Rating	5	WBL module?	No
Owning Faculty	Business and Law		Field	Law Non-Modular	
Department	Law: BILP		Module Type	Professional Practice	
Contributes towards	Post Graduate Diploma in Legal Practice Masters in Advanced Legal Practice				
Pre-requisites	None		Co- requisites	None	
Excluded Combinations	None		Module Entry requirements	N/A	
First CAP Approval Date	2008		Valid from	2008	
Revision CAP Approval Date	1 June 2016		Revised with effect from	September 2016	

Part 2: Learning and Teaching	
Learning Outcomes	<p>On successful completion of this module students will be able to:</p> <ul style="list-style-type: none"> - Advise on the appropriate definition of a worker as employed, self-employed or agency worker following application of current legal tests and case law. - Understand and advise on the implications for employment contracts of statutory provisions and implied duties within the employment relationship. - Critique a draft of an employment contract and in particular assess the lawfulness of clauses relating to confidentiality and restraint of trade. - Advise on the requirement for and contents of s.1 statements of employment particulars. - Analyse case facts and advise on the merits of contractual claims arising, to include breach of contract; wrongful dismissal and wrongful repudiation. - Analyse case facts and advise on the merits of statutory claims arising, to include: unfair dismissal; requirement to make a redundancy payment; deduction from wages; sex discrimination.

	<ul style="list-style-type: none"> - Identify possibility of further issues or claims arising relating to further statutory rights such as holiday pay and parental leave. - Advise on Employment Tribunal procedure arising in the context of claims identified above, in particular in relation to relevant time limits, the preparation of case papers and methods of settlement without hearing. - Draft a simple claim for submission to an Employment Tribunal in an unfair dismissal case. - Prepare and undertake a simple negotiation using arguments relating to merits of an unfair dismissal claim, assessment of compensation and other issues relevant to an appropriate settlement for a client. - Advise on appropriate remedies for both contractual and statutory claims and where relevant calculate statutory payments due in relation to unfair dismissal and redundancy. Understand the implications of overlap between the remedies for claims.
Syllabus Outline	<p>Syllabus Outline</p> <p>Employee status;—common law tests and their application to workers to ascertain employee/ self-employed/ agency worker status</p> <p>The employment contract; sources of express and implied terms; statutory statements to supply employment particulars; terms relating to restraint of trade</p> <p>Operation of contract; in particular effect of changes to the contract by the employer.</p> <p>Termination of contract, contractual remedies.</p> <p>Unfair Dismissal; statutory framework, employer procedure in dismissals, relevant Employment Tribunal procedure, drafting of claims, remedies with particular focus on assessment of compensation. These aspects will be taught in context of dismissals relating to conduct, redundancy and “some other substantial reason”.</p> <p>Deduction from wages and Redundancy payments; statutory requirements, method of calculation</p> <p>Discrimination in the context of sex ; statutory definitions, specific procedural considerations in the Employment Tribunal and remedies.</p> <p>Issues arising due to overlap between claims, relating to choice of forum, the running of claims and remedies.</p> <hr/> <p>Statement of Outcomes</p> <p>The LPC outcomes and the vocational elective outcomes will be met by the students undertaking the type and range of tasks identified in the indicative teaching scheme set out below this statement.</p> <p>The elements of law and practice to be covered on the elective are primarily identified in the syllabus set out above as expanded upon in this statement and in the indicative teaching scheme set out below.</p> <p>The course skills which will pervade this elective as identified in the indicative teaching</p>

	<p>scheme set out below are; practical legal research, writing and drafting. The skill of negotiation will also be developed.</p> <p>Ethical and professional conduct issues will pervade the teaching of this elective. In particular students will consider conflicts of interest (e.g. those arising between instructing clients in a litigation matter); acting only when competent to do so (e.g. in complex or specialised areas such as restraint of trade or discrimination); duty to the court and issues arising relating to advocacy and preparation of cases for the civil courts and Employment Tribunal.</p> <hr/> <p>Indicative Teaching Scheme</p> <p>Study Unit 1: Employee status and an Introduction to the Employment Contract</p> <p>Study Unit 2: The Employment Contract, to include Restraint of Trade and Contractual Remedies</p> <p>Study Unit 3: Unfair Dismissal (I)</p> <p>Study Unit 4: Unfair Dismissal (II)</p> <p>Study Unit 5: Redundancy</p> <p>Study Unit 6: Operation of the contract and unfair dismissal for “some other substantial reason”</p> <p>Study Unit 7: Revision</p> <p>Self Study Unit Discrimination in the context of sex</p>
Contact Hours	<p>Each Study Unit involves the student undertaking 11.5 Notional Learning Hours, of which (with the exception of the Self Study unit) 2.5 hours will be a Small Group Sessions</p>
Teaching and Learning Methods	<p>The teaching and learning strategy pervading all modules on the Legal Practice Course is a student-centred approach through the provision of a stimulating educational environment.</p> <p>Face to face teaching and learning in a workshop environment is at the heart of the Teaching & Learning strategy, for students to participate fully in challenging activities, undertaking a wide variety of exercises as individuals and in groups. Full participation is encouraged and expected. Students are encouraged to ask questions during the workshops and to take responsibility for their own learning. Feedback will be given on these exercises both by students and tutors.</p> <p>Outside of the workshop students are required to take responsibility for their own learning undertaking a variety of preparatory tasks. These may be undertaken by students either as individuals or working in office groups, including include provision of information using recorded lectures, reading from course manuals and from practitioner texts, reading and research from primary source material, completion of electronic tests, preparing documents or presentations and attending large group sessions.</p>

	The final component of each Study Unit will be a consolidation task or tasks designed to broaden and deepen students' understanding of an aspect or aspects of work covered in the relevant Study Unit
Reading Strategy	Students will undertake reading from the course manual, practitioner texts, and primary source material,
Indicative Reading List	Holland, Burnett & Millington Employment Law (OUP)

Part 3: Assessment	
Assessment Strategy	<p>The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that</p> <ul style="list-style-type: none"> • Assessment arrangements will be robust, consistent, fair and secure, to ensure that academic standards will meet the threshold set by the SRA • Assessments will revolve around transactions of the type encountered in practice • Assessments will address depth and realism as well as coverage • Individual assessments cover a representative and robust selection of the relevant outcomes. Where an assessment does not include coverage of all of the outcomes for a particular subject, students will nevertheless be prepared to be assessed on all outcomes and will not be informed of what (or will not) be assessed in any particular assessment. • Student achievement will be measured appropriately in accordance with the LPC outcomes. • All diligent students have an opportunity to achieve and demonstrate the LPC learning outcomes. • The needs of disabled students will be taken into account ensuring equal accessibility of assessments to all students.

% weighting between components A and B	A:	B:
	100%	
First Sit		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%	
Component B Description of each element	Element weighting (as % of component)	
n/a		

First Resit (further attendance at taught classes is not required)	
Component A (controlled conditions) Description of each element	Element weighting (as % of component)
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%
Component B Description of each element	Element weighting (as % of component)
n/a	

Second Resit (further attendance at taught classes is not required)	
Component A (controlled conditions) Description of each element	Element weighting (as % of component)
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%
Component B Description of each element	Element weighting (as % of component)
n/a	