



Module Specification

Employment Law

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Part 1: Information

Module title: Employment Law

Module code: UJXTT4-10-M

Level: Level 7

For implementation from: 2021-22

UWE credit rating: 10

ECTS credit rating: 5

Faculty: Faculty of Business & Law

Department: FBL Dept of Law

Partner institutions: None

Delivery locations: Frenchay Campus

Field: Law - non modular

Module type: Standard

Pre-requisites: None

Excluded combinations: None

Co-requisites: None

Continuing professional development: No

Professional, statutory or regulatory body requirements: None

Part 2: Description

Overview: Not applicable

Features: Not applicable

Educational aims: 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 in the Outline Syllabus.

The elements of law and practice to be covered on the elective are primarily identified in the syllabus, as expanded upon in this statement and in the indicative teaching scheme.

The course skills which will pervade this elective as identified in the indicative teaching scheme are; practical legal research, writing and drafting. The skill of negotiation will also be developed.

Outline syllabus: The syllabus includes:

Employee status;—common law tests and their application to workers to ascertain employee/ self-employed/ agency worker status

The employment contract; sources of express and implied terms; statutory statements to supply employment particulars; terms relating to restraint of trade

Operation of contract; in particular effect of changes to the contract by the employer.

Termination of contract, contractual remedies.

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”.

Deduction from wages and Redundancy payments; statutory requirements, method of calculation

Discrimination in the context of sex ; statutory definitions, specific procedural considerations in the Employment Tribunal and remedies.

Issues arising due to overlap between claims, relating to choice of forum, the running of claims and remedies.

Indicative Teaching Scheme

Study Unit 1:

Employee status and an Introduction to the Employment Contract

Study Unit 2:

The Employment Contract, to include Restraint of Trade and Contractual Remedies

Study Unit 3:

Unfair Dismissal (I)

Study Unit 4:

Unfair Dismissal (II)

Study Unit 5:

Redundancy

Study Unit 6:

Operation of the contract and unfair dismissal for “some other substantial reason”

Study Unit 7:

Revision

Self Study Unit

Discrimination in the context of sex

Part 3: Teaching and learning methods

Teaching and learning methods: 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.

Face to face teaching and learning in a workshop environment is at the heart of the Teaching and 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.

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.

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.

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.

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

Module Learning outcomes: On successful completion of this module students will achieve the following learning outcomes.

MO1 Advise on the appropriate definition of a worker as employed, self-employed or agency worker following application of current legal tests and case law.

MO2 Understand and advise on the implications for employment contracts of statutory provisions and implied duties within the employment relationship.

MO3 Critique a draft of an employment contract and in particular assess the lawfulness of clauses relating to confidentiality and restraint of trade

MO4 Advise on the requirement for and contents of s.1 statements of employment particulars.

MO5 Analyse case facts and advise on the merits of contractual claims arising, to include breach of contract; wrongful dismissal and wrongful repudiation.

MO6 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.

MO7 Identify possibility of further issues or claims arising relating to further statutory rights such as holiday pay and parental leave.

MO8 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.

MO9 Draft a simple claim for submission to an Employment Tribunal in an unfair dismissal case.

MO10 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.

MO11 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.

Hours to be allocated: 100

Contact hours:

Independent study/self-guided study = 85 hours

Face-to-face learning = 15 hours

Total = 100

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujxtt4-10-m.html) via the following link <https://uwe.rl.talis.com/modules/ujxtt4-10-m.html>

Part 4: Assessment

Assessment strategy: This module is assessed by examination comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%.

The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that:

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.

Assessment components:

Examination - Component A (First Sit)

Description: examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO10, MO11, MO2, MO3, MO4, MO5, MO6, MO7, MO8, MO9

Examination - Component A (Resit)

Description: examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Examination - Component A (Resit)

Description: Examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Part 5: Contributes towards

This module contributes towards the following programmes of study:

Advanced Legal Practice [Sep][PT][Frenchay][2yrs] LLM 2021-22

Advanced Legal Practice [Jan][PT][Frenchay][2yrs] - Not Running LLM 2021-22

Advanced Legal Practice [Sep][FT][Frenchay][1yr] LLM 2021-22

Advanced Legal Practice [Aug][PT][Frenchay][2yrs] - Not Running LLM 2021-22