

LEVEL 7 ASSESSMENT SPECIFICATION

Student name:		Student ID number:	
Programme:	PGDip/MA in Strategic People Management		
Module:	Advanced Application of Employment Law		
Module code:	BMHR7019	Contribution to Overall Module Assessment (%):	100
Lecturer:	Capital Law	Internal Verifier:	Julie Thomas
Assignment Title:	Providing appropriate advice to the management teams at two UK based organisations.	Word count (or equivalent):	Written Response 3000 words Leaflet 1500 words
Submission deadline:	13 th May 2024	Return date of provisional marks & written feedback:	12 th June 2024
Submission method:	All written assessments, where practical and possible, must be submitted via Turnitin unless otherwise instructed by the Lecturer. (Please DO NOT put this assessment specification into Turnitin or it will match many similarities with other students' submissions.) Alternative submission method (if applicable): Late submission of the assessment will result in a late penalty mark. Penalties for late submission: Up to one week late, maximum mark of 50%. Over one week late, 0%. Only the Extenuating Circumstances Panel may approve a change to submission dates.		
Academic honesty / referencing:	Academic honesty is required. In the main body of your submission you must give credit to authors on whose research and ideas your work is based. Append to your submission a reference list that indicates the books, articles, etc. that you have used, cited or quoted in order to complete this assessment.		

**Module Learning Outcomes
(from module syllabus)**

- Explain the core principles that underpin employment law as it applies in the UK including common law, their purpose, origin and practical implications.
- Advise colleagues about significant legal implications of decisions, plans or proposals in the employment field.
- Advise about the appropriate action that should be taken in workplace scenarios where employment regulation applies.
- Play a leading role in determining the appropriate organisational response when legal action on the part of a worker or employee is anticipated, threatened or taken.
- Participate in the preparation, presentation and settling of employment tribunal cases.
- Know how to keep their knowledge of developments in employment law up to date and advice about the impact of these developments on employment policy and practice in their organisations.

TASK DESCRIPTION

Task 1: 60 Marks

Instructions to Candidates:

This question paper consists of **19 pages** in total.

For the purposes of this assessment, you are an HR consultant who has been asked to provide advice to Capital Garden Centre Limited. Please note that the business name Capital Garden Centre Limited and all names used in the assignment scenario are fictitious and have been created for the purposes of this assessment.

This task is divided into **2 sections: A and B**. The maximum mark is 60. **Section A is worth 45 marks** and **Section B is worth 15 marks**. The maximum mark obtainable for a question or part of a question is shown below the question.

The word limit is **3000 words**.

SECTION A

Capital Garden Centre Limited ("Capital") runs a garden centre, gift shop and café in the village of Risca near Newport. The business was formed in 2005. David Smith is the Managing Director and his wife, Ann, and son, George, are also directors of the business. George Smith manages the business day to day. There is a mixture of full and part time staff – nine garden centre staff, four gift shop staff and six staff in the café.

David Smith has received an Employment Tribunal claim form (ET1) sent to him by the Employment Tribunal under cover of a letter dated 10 February 2024.

Note - Prior to making the claim, the claimant completed an early conciliation form and sent it to ACAS. The claimant did not wish to engage with the early conciliation process and was issued with an early conciliation certificate.

Several documents, including an extract from the ET1, are provided for you to read (see page 5). Once you have read and considered the documents, please answer the questions set out overleaf:

SECTION A QUESTIONS: 45 marks

1. Advise in a memo to the Managing Director of Capital how and when the company should respond to the claim by Sarah Walters. Include in your memo an explanation of the claim(s) which Sarah Walters might have against Capital.

Your memo should include:

- how and when to respond to the ET1
- details of the ground(s) of any claim(s) and Sarah's eligibility to bring them
- any defences to the claim(s) for Capital
- relevant legal principles and cases in support of your advice

25 marks

2. List and explain the possible remedies which could ensue if this matter went to a final Employment Tribunal hearing in which Sarah Walters was successful with her claims. You should include in this answer:

- (i) advice to the Managing Director about the factors that a tribunal will look at when considering the amount of the award in this case, and the likely amount of any award;
- (ii) any factors that might reduce or increase the level of any award made by the tribunal in this case; and
- (iii) whether you would recommend settling this case rather than proceeding to a tribunal and, if so, your reasons for this.

20 marks

SECTION B: 15 marks

Over the last six months Capital has seen a drop in sales in the garden centre part of the business and an increase in sales in the café and gift shop. The company has therefore decided to expand the café part of the business by building a conservatory extension that will provide more seating. The Managing Director of Capital has sent you an email which is reproduced below.

To: HRConsultant@HR1.co.uk

As you know, Capital is made up of three distinct parts: the garden centre, the gift shop and the café. The current economic situation has hit the garden centre part of the business and revenues are down by 30%. Bob Davis's role as Garden Centre Manager will have to go and his duties will become part of George's remit as General Manager. Bob is 58, has six years' service and earns a salary of £27,820 per annum.

We also have three garden centre staff whose job it has been to grow plants on site. We have looked into the costs involved and decided that it would be cheaper to bulk-buy seasonal plants from a range of other nurseries and suppliers rather than grow them ourselves. Regrettably, this means that we no longer require the services of the growers. I have set out below the names of those involved together with details of their ages, salary and number of complete years' service.

- (1) Daniel Barnes aged 18 (Junior Grower) eighteen months' service and earns £9,500 per annum
- (2) Jane Maddison aged 27 (Junior Grower) 3 years' service and earns £13,260 per annum
- (3) Steve Tyler aged 43 (Senior Grower) ten years' service and earns £19,760 per annum

We would like to make an announcement as soon as possible, but before doing so we would like guidance from you on the appropriate procedure to follow. I am inclined to get the whole thing over and done with over the next couple of weeks, but George says that we might get into difficulty if we do all of this in a rush. When replying please set out details of the potential redundancy payments for each of the staff mentioned above so that we can be clear on the possible cost to the business. For the purposes of the calculations, please assume that the redundancies will take effect at the end of March 2024, albeit no final decisions have been made as yet.

As you know, we are in the middle of building works to expand the café and there are likely to be jobs created in food preparation and working on the food service counter. I am not sure whether any of the staff mentioned above would be interested in working in the café, but I would appreciate your advice on how to deal with this if they express a desire to move to this part of the business.

I look forward to receiving your response in time for the next Management Board meeting.

Note - For the avoidance of doubt there is no recognised trade union at Capital and there are no collective agreements in force.

SECTION B QUESTION

Prepare a memo setting out the advice that you would give to the Board of Directors on the issues raised in the email.

15 marks

LIST OF DOCUMENTS for Section A

1. A letter from the employer dated 12 December 2023
2. A letter from the employer dated 19 December 2023
3. An extract from the ET1 completed by Sarah Walters dated 31 January 2024
(Section 8.2 of the ET1 form only is included – Please accept that the form was correctly completed, and that Ms Walters states she is owed two weeks' holiday pay. She has also ticked the box on the form to indicate that she wants compensation)
4. The statement of George Smith dated 18 February 2024
5. The statement of Angela Davies dated 18 February 2024.

DOCUMENT 1 – SECTION A

12 December 2023

Dear Sarah

Disciplinary Meeting – 19 December 2023

You are requested to attend a disciplinary meeting on 19 December at 9.00 a.m. prompt in my office. I will conduct the meeting and Mrs Ann Smith will also attend.

This meeting follows informal warnings about your timekeeping and concerns regarding your overall ability to do your job. Despite informal warnings the situation has not improved and, following the investigation carried out by Ms Angela Davies, the company is considering the possibility of taking disciplinary action against you.

You have the right to be accompanied at the meeting by a work colleague. If you are bringing a work colleague to the meeting, please let me know in advance.

Please make every effort to attend the meeting.

Yours sincerely

George Smith

General Manager

Capital Garden Centre Limited

DOCUMENT 2 – SECTION A

19 December 2023

Dear Sarah

Disciplinary Meeting – 19 December 2023

Further to the disciplinary meeting which took place earlier today, I am writing to confirm the decision to give you a written warning under the first stage of the Company's Disciplinary Procedure. This warning will be placed in your personal file but will be disregarded for disciplinary purposes after a period of six months, provided your timekeeping and overall performance reaches a satisfactory level. Please note that the likely consequence of insufficient improvement is a final written warning.

You have the right of appeal against this decision in writing to David Smith, the Managing Director of Capital Garden Centre Limited, within seven days of receiving this disciplinary decision.

Yours sincerely

George Smith

General Manager

Capital Garden Centre Limited

DOCUMENT 3 - SECTION A

IN THE EMPLOYMENT TRIBUNAL CASE NO. 3575/2024

BETWEEN

SARAH WALTERS Claimant

and

CAPITAL GARDEN CENTRE LIMITED Respondent

[Insert for Section 8.2 of ET1]

1. I am 44 years old and joined the Respondent as a kitchen assistant on 9 September 2021 on a salary of £16,250 per annum. I was unemployed for a few years between 2011 and 2015. I found it difficult to obtain work due to my lack of skills and the fact that I suffered from depression. With support from a charity, I enrolled on a catering course at the community college in 2015 and successfully completed my NVQ level 1 in catering in 2017.

2. I was delighted to be offered the job at Capital. My job involved working from 8.30 am until 3.30 pm every day except Tuesdays and Wednesdays. My duties included food preparation and assisting the café manager, Angela Davies, with the paperwork associated with ordering kitchen supplies.

3. I have suffered from migraines on and off for the last few years. I tended to find that I had them more frequently when I was stressed. In March 2023 I went to see my doctor as the migraines were becoming more frequent (at least once a week). My GP said that he thought the migraines were linked to my depression and prescribed some tablets for the migraine and increased the medication that I was taking to keep my depression under control.

4. During the summer I was late for work on several occasions as I had a number of sudden migraine attacks which meant that I did not feel well enough to travel to work first thing in the morning and had to wait for the symptoms to subside. I explained the circumstances to Angela Davies and asked her if I could work more flexibly on the days when my migraines occurred. She said that this was not possible. She was not very sympathetic and said that I needed to improve on my timekeeping.

5. On 25 August 2023 we had a particularly busy day in the canteen as we had lots of customers for lunch over the August bank holiday. I was finding it hard to cope as I could feel a migraine attack coming on and the hot, stuffy atmosphere in the kitchen was making me feel nauseous. The orders were building up and some customers started complaining about the length of time it was taking to be served.

6. At around 1.15 pm that day the General Manager, George Smith, came into the kitchen to see what was going on and found me getting some fresh air by the back door of the kitchen. He said that I did not have time to be hanging about and to go back inside immediately. I explained that I was not feeling very well, and I was taking the opportunity to get some fresh air and take one of my migraine tablets. He said that it was not a holiday camp and that I needed to get a move on.

7. The following day Angela Davies called me into her office and said that she had taken some flak from George Smith about the build-up of orders on the previous day. He said that the service was too slow, and he feared that the café may see a downturn in business as a result. He also asked her what a member of staff was doing taking a break in the middle of lunch. Angela reminded me that my only break was between 11 am and 11.45 am each day and that it was essential that I was in the kitchen between 12 noon and 2 pm to cover the lunchtime service. She also said that it appeared to her that the other kitchen staff had to carry me at times because of my poor timekeeping and tendency to do things at a slow pace.

8. I tried to explain that my depression meant that I found that it took me longer to get things done and I often felt quite tearful and unable to cope. I also had the additional burden of coping with sudden and erratic migraine attacks. I asked if I could be given some flexibility with my break so that I could take a break at a different time if I felt unwell. Angela said that I needed to be available during the lunchtime service and there was no scope for allowing anyone to take a break at that time. She said most people had headaches from time to time, but they just had to get on with things. She said that this was not an official warning, but that she would have to take further action if things did not improve.

9. Things seemed to go quite well for a while. I still wasn't allowed to take breaks when required, but I had some new tablets from the doctor, and these helped me cope with my depression and there were fewer side effects. I did not feel under so much pressure at work and I found that I had fewer migraine attacks. I

was late for work on a few occasions and Angela did comment on it each time, but she did not take any formal action. I thought everything had settled down and I was enjoying my job more.

10. It started going wrong again in the autumn. Saturday 26 October 2023 was an especially busy day as we were inundated with customers at the start of the school half term holiday. We had lots of orders and I was struggling to cope. I developed a migraine and I needed a break, but Angela said that I'd have to wait. Part way through the lunchtime service we ran out of sliced bread. There had been a large number of orders for toasted sandwiches and we had to offer baguettes instead. We were also starting to run out of salad. George Smith got to hear about the difficulties and asked Angela for an explanation.

11. I had done all of the paperwork for ordering kitchen supplies in the week before as Angela had been on holiday leave. I was not used to dealing with the paperwork on my own and I had underestimated the amounts that we would need. It was a genuine mistake on my part as I thought that more people would want our range of home-cooked food rather than toasted snacks.

12. Unfortunately, on the following day we ran out of vegetables part way through the Sunday lunch service and Angela decided to rush to the local supermarket to buy extra supplies. The kitchen was left short staffed and this created extra pressure on those of us left behind. I found the pressure quite intense and developed a migraine. A number of customers complained about the delay in receiving their food. Angela and I had both agreed on the quantity of vegetables that would be needed that day and we had both got it wrong.

13. I was late into work on 28 October as the migraine attack which had started the day before had disturbed my sleep and I had overslept. I bumped into George Smith in the car park at 9.30 a.m. and he made a point of looking at his watch and asking me "what time do you call this?" Angela called me into her office the following week and asked me to have a meeting with her on Monday 19 November.

14. At the meeting, Angela said that she was investigating my poor time keeping. I explained about my migraines and that I was seeing my doctor and taking medication for my condition. Angela said that the Smith's were trying to be understanding, but my behaviour was impacting on the business and things would need to improve. She said that I should expect a further meeting soon with Mr Smith.

15. A few weeks later, I was given a letter inviting me to a meeting with Mr Smith on Thursday 19 December. I attended the meeting, but I did not take anyone else with me as I felt too embarrassed to ask someone. I was given an opportunity to explain things from my point of view, and I showed them the doctor's letter I had brought with me, but they did not seem very sympathetic and George Smith kept saying that he had a business to run. At the end of the meeting, I was given a written warning. They told me that I could appeal the decision, but I felt so upset and depressed that I did not bother to appeal. The appeal would have been heard by Mr Smith senior and so I did not think he would disagree with his son's decision.

16. I went to work on Friday 20 December even though I was feeling very stressed. I was so distracted that I burnt a batch of pies. Angela said "I suppose you've got another migraine. Pull yourself together." I burst into tears and walked out of the kitchen. I bumped into Ann Smith in the car park and she told me to go home for the rest of the day.

17. I could not face going back to work and so I phoned in sick on Saturday. On Monday 23 December I sent in a letter telling them that I would not be returning to work as I felt that I had been forced out of my job. I told them that they had failed to take into account the difficulties that I face because of my depression and migraines. I think that I have been badly treated and deserve compensation for losing my job in this way.

18. I tried ACAS Early Conciliation, but it didn't proceed, and ACAS gave me a certificate allowing this claim.

31 January 2024

DOCUMENT 4 – SECTION A

Statement of George Smith

1. Sarah Walters joined Capital as a kitchen assistant straight out of catering college. She was interviewed by Angela Davies our Café Manager and started work on 9 September 2021, working 8.30 am to 3.30 pm each day apart from Tuesdays and Wednesdays on a salary of £16,250 per annum.
2. As General Manager of the business I like to take a keen interest in what is going on across the various parts of the business and I often make impromptu visits to the café, gift shop and garden centre parts of the business to keep everyone on their toes.
3. I made one of my unannounced visits to the café on 25 August 2023. It was the August bank holiday weekend and the garden centre was doing a brisk trade. Unfortunately, when I arrived at the café a family of four was just leaving as they said they had been waiting three quarters of an hour for their meals. I apologised to them and refunded their bill. Some of my regular customers also approached me to complain about the delay in serving hot meals. I assured them that I would investigate, and I therefore went immediately to the kitchen.
4. The kitchen was a hive of activity, but when I got to the back of the kitchen, I found that Sarah Walters was leaning against the kitchen door with a drink in her hand. I was astonished that she should be taking a break when her colleagues were working flat out. She mumbled something about a migraine, but I told her to get back to work immediately.
5. After the lunch service I called Angela Davies to my office and explained what had happened. Angela apologised and said that she would speak to Sarah. I also suggested that Angela keep a closer eye on Sarah in future. I reminded Angela that the lunch trade was particularly important to the business and that there were plenty of competitors in the area who would be glad to pick up trade from our dissatisfied customers. Angela said that she had already had cause to speak to Sarah about her timekeeping and that she would manage her more closely in future.
6. All went well for a couple of months. Then on Saturday 26 October we were very busy in the café because of the school half term holiday. Unfortunately, by 12.45 pm that day the kitchen had run out of sliced bread and we were very short on salad. I subsequently discovered that Sarah Walters had ordered the catering supplies at a time when Angela had been on holiday leave and she had obviously underestimated what would be required.
7. On the following day we ran out of vegetables for the Sunday lunch service. I investigated the situation and found that Angela had ordered enough but that one of the junior kitchen staff, Chloe, had failed to store the vegetables in the refrigerator and therefore they had spoiled. Angela told me that Sarah had asked Chloe to put the vegetables away, but she had not made it clear that they had to go in the refrigerator. Angela saved the day by rushing out to the local supermarket for extra supplies.
8. The problems on 26 and 27 October cost the business money on a number of fronts as, in addition to buying the extra vegetables, I also gave out vouchers to customers so that everyone could have a free drink whilst they were waiting for their meals.
9. On the morning of 28 October I bumped into Sarah Walters just as she was arriving at work. I looked at my watch and it was 9.30 am. Sarah appeared disheveled and I asked her for an explanation for her lateness. She told me that she had overslept. She was not at all apologetic – in fact she was quite abrupt which I found all the more annoying. I knew that she had arrived late on several occasions previously and so I decided that it was time for a formal investigation. I asked Angela to deal with this and report back to me. This led to my decision to take formal action. I therefore prepared a letter inviting Sarah to a meeting on 19 December 2019.
10. At the meeting on 19 December Sarah mentioned the medication that she was taking for depression and she also said that she suffered from sporadic migraine attacks. She showed me a doctor's letter about it. She explained that she was late on 28 October because she had been suffering with a migraine all night and had not been able to sleep. She said that when she did eventually get to sleep, she had slept very deeply and overslept as a result.
11. At the meeting I also asked Sarah about the incidents in August and those on 26 and 27 October. She said that when I found her outside the kitchen door on 28 October she was suffering from a migraine and needed to get some fresh air. She admitted that no one had given her permission to take a break at that time. Sarah said that the problem with supplies on 26 October was a genuine mistake on her part and that she had misread the quantities. She said that she did not think it was fair for her to take the blame for what

happened on 27 October as Chloe knew that the vegetables should have been stored in the refrigerator and that it was common sense. Sarah did concede that she had not checked what Chloe had done.

12. After an adjournment of one hour we called Sarah back into the office and explained that we would be giving her a formal written warning. I prepared a letter confirming the decision and informing her of her right to appeal. Angela Davies handed the letter to Sarah as she was leaving work later that day.

13. Angela Davies called me on my mobile at around 12.15 pm on 20 December and told me that Sarah had walked out of the kitchen after burning a batch of pies. She said that Sarah had been behaving strangely all morning and did not appear to have her mind on the job.

14. Sarah texted on 21 December to say that she was too ill to come into work. We received a letter from Sarah on 23 December saying that she felt that she had been forced out of her job. I do not agree with her version of events. Sarah left her place of work without permission. She chose to leave of her own free will and failed to give us any notice. In my opinion it appeared that she simply could not cope with the pressure of holding down a regular job. Sarah did not appeal the disciplinary decision of 19 December.

15. This statement is true to the best of my knowledge and belief.

George Smith 18 February 2024

DOCUMENT 5 - SECTION A

Statement of Angela Davies

I, Angela Davies will say as follows:

1. I interviewed Sarah Walters for the job of kitchen assistant in August 2021 and advised George Smith that I thought she should be offered the job. She started work with us on 9 September 2021. Sarah had not long finished her NVQ. She was a mature candidate and so I felt she would bring some life experience to the job as well.
2. Things started off quite well and Sarah seemed to settle into what was required. She had not held down a job for many years and so it was quite a big adjustment for her to get into the routine and discipline of a kitchen environment.
3. In the summer of 2023 I noticed that Sarah appeared to have become more withdrawn and she did not seem to want to interact with anyone in the kitchen. She was also taking longer to complete tasks. She mentioned that she had been suffering from migraines. She also said that her doctor had increased the tablets that she was taking to combat her depression. I did not think any more about it as so many people seem to be depressed or stressed these days.
4. Sarah was late for work on several occasions and said that this was due to sudden migraine attacks. I thought that she was using the migraines as an excuse for the fact that she was struggling to get into work on time. Most of us have headaches from time to time, but it does not stop people from going about their daily lives including getting to work. I did have a quiet word with her about it and told her that she needed to improve on her timekeeping. She asked whether she would be able to come into work late on days when she felt unwell, but I refused as it would mean that other members of staff would have to take on some of her work. I hadn't formed a very good impression of her by then and I thought that she was trying to take advantage.
5. George Smith spoke to me about the incident on 25 August when he found Sarah standing at the kitchen door. I explained that I had not given Sarah permission to take a break at that time. He said that he wanted me to keep an eye on Sarah as he had noticed her arriving late on several occasions and he was concerned that she did not become a problem employee.
6. I did speak to Sarah on 26 August and raised my concerns about her timekeeping and work rate. She mentioned being depressed and said something about headaches, but I was not convinced by what she said. She told me that her medication controlled her depression quite well and so it seemed to me that her problems had more to do with the fact that she could not get up in the morning and she was finding it difficult adjusting to a busy job. She asked if she could have more flexibility over when to take a break, but I explained that it was not feasible for her to take breaks during the lunchtime service (12 noon until 2 p.m.) as it was the busiest time in the day. I did not take any formal action at this stage and hoped that our conversation would be enough to make her realise that she needed to knuckle down and get on with the job.
7. The incident on 26 October was wholly avoidable. Sarah had told me that she could cope with ordering the kitchen supplies while I was away, and I had suggested that she look back at the paper records to see what would be needed. When I asked her what went wrong, she said that she had not checked the paperwork.
8. We did run out of some vegetables on 27 October. The batch of vegetables that we had received from one of our suppliers rotted as they had not been put in the fridge. Sarah said that she had told one of the junior kitchen assistants (Chloe) to store the vegetables, but she had not checked whether this had been done. I subsequently discovered that Chloe had simply placed the box of vegetables on a shelf in the general storage area and had not realised that they were supposed to go in the fridge. I decided to rush out to the supermarket for extra supplies as I did not want to disappoint customers in the way that we had previously.
9. Sarah arrived late for work on 28 October and said that she had overslept. George Smith came to see me later that morning and said that he thought it was time that I had a word with Sarah. I said that I was finding her difficult to manage and that she was becoming more withdrawn, less productive and unreliable. George asked me to investigate and report back to him. It appears that he then took matters into his own hands and had a meeting on 19 December, but I wasn't involved in that.
10. Sarah arrived at work on time on 20 December, but she was very quiet and unwilling to communicate. She was preparing steak and ale pies for the lunchtime service and I noticed that she went outside for a

break at around 12 noon after she had placed them in the oven. I was busy supervising the other kitchen staff and working on the service counter and so I am not sure how long Sarah was out of the kitchen. I heard Sarah swearing and I could smell burning as she removed the pies from the oven. I am afraid that I did lose my temper at the sight of all of the wasted food and I told her that she should have been keeping an eye on the pies rather than being outside. I did not say "I suppose you've got another migraine". I think that Sarah burst into tears because she knew that she was going to get into more trouble for taking a break when she should have been in the kitchen.

11. Sarah did not return to work and the atmosphere in the kitchen is much more positive. She had been uncommunicative and unreliable, and the staff are not sorry that she left. I do not think Sarah could cope with the pressure of working in a busy commercial kitchen and I think that it is unfair of her to try and blame the situation on everyone else.

12. This statement is true to the best of my knowledge and belief.

Angela Davies

Café Manager 18 February 2024

END OF TASK ONE

Task 2

You are the HR Director of ABC Ltd, a Construction company based in Swansea.

The Managing Director of ABC Ltd, Jenna Bond, had a letter left on her desk last week. The letter was anonymous and told her she might want to check Jason Evans' Instagram account, because he is posting homophobic content. Jason is a team leader at ABC Ltd.

Jenna was able to access Jason's account easily, as it was not a private account. His profile photo is of him wearing a hi-vis jacket, with the ABC logo clearly visible. In his profile bio, it says "Welsh born and bred. On the tools for ABC. Rugby nut".

The most recent post on his account is a picture of the Welsh rugby team, the day after they lost to Argentina, ending their World Cup. The caption posted with the photo says "they're all gay, no wonder they lost". Jenna noticed that a few people from ABC, including some individuals in Jason's team, had liked the post.

Jason has been brought in for a disciplinary investigation as a result of the post and anonymous complaint. Jenna is concerned could lead to claims of harassment from other employees, given the public nature of his account and the fact that other ABC employees clearly follow him. She was also alarmed by his profile photo/bio and is worried that this could affect ABC's reputation.

TASK 2 QUESTION

In light of the current situation, Jenna has asked you to create a leaflet reminding all of ABC's employees about responsible use of social media. She's asked you to highlight the potential repercussions that employees who post offensive content online could face, with particular regard to the law surrounding bullying and harassment.

40 Marks

Please note the following when completing your assignment:

1. Writing: Written in English in an appropriate business/academic style
2. Focus: Focus only on the tasks set in the assignment.
3. Length: 3000 words for task 1 and 1500 words for task 2.
4. Formatting: Task 1 - Typed on A4 paper in Times New Roman or Arial font 12 with at least 2.5-centimetre space at each edge. Task 2 – students' choice.
5. Document format: Task 1 - Provide a written response to the management team (email/memo), include name or ID number on a cover sheet. Task 2 – students' choice. Both should include a bibliography using Harvard referencing throughout.
6. Research: Research should use reliable and relevant sources of information e.g. case authority, legislation and academic books. The research should be extensive.
7. Marks are to be distributed as detailed above and will take into consideration the five generic assessment criteria, with equal weighting.

GUIDANCE FOR STUDENTS IN THE COMPLETION OF TASKS

NOTE: The guidance offered below is linked to the five generic assessment criteria overleaf.

1. Engagement with Literature Skills

Your work must be informed and supported by scholarly material that is *relevant* to and *focused* on the task(s) set; you should make use of scholarly reviews and primary sources, as appropriate (for example, refereed research articles and/or original materials appropriate to the discipline). You should provide evidence that you have accessed a wide *range* of sources, which may be academic, governmental and industrial; these sources may include academic journal articles, textbooks, current news articles, organisational documents, and websites. You should consider the *credibility* of your sources; academic journals are normally highly credible sources while websites require careful consideration/selection and should be used sparingly. Any sources you use should be current and up-to-date, mostly published within the last five years or so, though seminal/important works in the field may be older. You must provide *evidence* of your research/own reading throughout your work, using correctly a suitable referencing system, including in-text citations in the main body of your work and a reference list at the end of your work.

Guidance specific to this assessment: *Your work should be appropriately underpinned with case law and other sources such as ACAS documents and statutes.*

2. Knowledge and Understanding Skills

At level 7, you should be able to demonstrate a systematic understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of your academic discipline, field of study or area of professional practice, with a comprehensive understanding of techniques applicable to your own research or advanced scholarship. Your work must demonstrate your growing mastery of these concepts, principles, current challenges, innovation and insights associated with the subject area. *Knowledge* relates to the facts, information and skills you have acquired through your learning. You demonstrate your *understanding* by interpreting the meaning of the facts and information (knowledge). This means that you need to select and include in your work the contemporary concepts, techniques, models, theories, etc. appropriate to the task(s) set. You should be able to explain the theories, concepts, etc. meaningfully to show your understanding. Your mark/grade will also depend upon the *extent* to which you demonstrate your knowledge and understanding; ideally each should be complete and detailed, with comprehensive coverage.

Guidance specific to this assessment: *You should demonstrate the most up to date employment law knowledge associated with each scenario.*

3. Cognitive and Intellectual Skills

You should be able to: evaluate critically current research and advanced scholarship in the discipline; evaluate methodologies and develop critiques of them and, where appropriate, to propose new hypotheses; deal with complex issues both systematically and creatively to make sound judgements in the absence of complete data. Your work must contain evidence of logical, analytical thinking, evaluation and synthesis. For example, to examine and break information down into parts, make inferences, compile, compare and contrast information. This means not just describing what! But also justifying: Why? How? When? Who? Where? At what cost? At all times, you must provide justification for your arguments and judgements. Evidence that you have reflected upon the ideas of experts within the subject area is crucial to you providing a reasoned and informed debate within your work. Your choice of methodologies to gather data and information must be rigorously defended. Furthermore, you should provide evidence that you are able to make sound judgements and convincing arguments using data and concepts. Sound, valid, persuasive conclusions are necessary and must be derived from the content of your work. Where relevant, alternative solutions and recommendations may be proposed.

Guidance specific to this assessment: *Risks and benefits of the advice given should be explored and the most appropriate course of action determined based on evidence.*

4. Practical Skills

At level 7, you should be able to demonstrate originality in the application of knowledge, together with a practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the discipline. This includes acting autonomously in planning and implementing tasks at a professional or equivalent level, originality in tackling and solving problems, and decision-making in complex and unpredictable contexts or situations.

You should be able to demonstrate mastery of the leading edge subject-related concepts and ideas as they relate to real world situations and/or particular contexts. How do they work in practice? You will deploy models, methods, techniques, and/or theories, in those contexts or circumstances, to assess current situations, perhaps to formulate plans or plausible, justifiable recommendations to solve problems, or to propose new models, or to create artefacts, which may be innovative and creative, thereby demonstrating your understanding of how the boundaries of knowledge are advanced through research and/or application. This is likely to involve, for instance, the use of real world artefacts, examples and cases, the application of a model within an organisation and/or benchmarking one theory or organisation against others.

Guidance specific to this assessment: *Your advice should be practical and appropriate for each business.*

5. Transferable Skills for Life and Professional Practice

Your work must provide evidence of the qualities and transferable skills necessary for postgraduate-level employment in circumstances requiring sound judgement, personal responsibility and initiative in complex and unpredictable professional environments. This includes demonstrating: the independent learning ability for continuing professional development to advance existing skills and acquire new competences of a professional nature that will enable you to assume significant responsibility within organisations; that you can initiate and complete tasks, projects and procedures, whether individually and/or collaboratively, to a professional level; that you can use appropriate media to effectively communicate information, arguments and analysis in a variety of forms for a variety of audiences; fluency of expression; clarity and effectiveness in presentation and organisation. Work should be coherent and well-structured in presentation and organisation.

Guidance specific to this assessment: *Your work should be written in a way that is appropriate for the audience in terms of language used, style and content. There should be no spelling or grammar errors. Your work should be professionally presented and written in a sophisticated yet accessible manner.*

GENERIC ASSESSMENT CRITERIA

Level 7

In accordance with the Framework for Higher Education Qualifications, at the end of Level 7 students should be able to demonstrate: a systematic understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of their academic discipline or area of professional practice; a comprehensive understanding of techniques applicable to their own research or advanced scholarship; originality in the application of knowledge, together with a practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the discipline; conceptual understanding that enables the student to evaluate critically current research and advanced scholarship in the discipline to evaluate methodologies and develop critiques of them and, where appropriate, to propose new hypotheses. They will be able to deal with complex issues both systematically and creatively, make sound judgements in the absence of complete data, and communicate their conclusions clearly to specialist and non-specialist audiences. They will demonstrate self-direction and originality in tackling and solving problems, and act autonomously in planning and implementing tasks at a professional or equivalent level to continue to advance their knowledge and understanding, and to develop new skills to a high level. They the qualities and transferable skills necessary for employment requiring the exercise of initiative and personal responsibility; decision-making in complex and unpredictable situations/professional environments; and the independent learning ability required for continuing professional development.

Level 7	FAIL	FAIL	MARGINAL FAIL	SATISFACTORY (Pass)	GOOD to VERY GOOD (Merit)	EXCELLENT (Distinction)	EXCEPTIONAL (Distinction)
Category	0-29%	30-44%	45-49%	50-59%	60-69%	70-84%	85-100%
Engagement with literature (including current research, referencing, academic conventions and academic honesty)	Little or no evidence of reading and/or reliance on inappropriate sources. Views and findings mostly unsupported and non-authoritative. Referencing conventions used incoherently or largely absent.	Poor engagement with essential reading. No evidence of wider reading. Reliance on inappropriate sources, and/or indiscriminate use of sources. Heavily reliant on information gained through class contact. Inconsistent and weak use of referencing.	Engagement with a very limited range of relevant and credible sources. Some omissions and minor errors. Referencing conventions evident though not always applied accurately or consistently.	Engagement with an appropriate range of research-informed literature, including sources retrieved independently. Some over-reliance on texts. Referencing may show minor inaccuracies or inconsistencies.	Engagement with a wide range of research-informed literature, including sources retrieved independently. Selection of relevant and credible sources. Very good use of referencing, with no/very few inaccuracies or inconsistencies.	Engagement with an extensive range of relevant and credible literature, informed by the latest research. Consistently accurate application of referencing.	Exceptional engagement with an extensive range of relevant and credible literature, informed by the latest research. High-level referencing skills consistently and professionally applied.
Knowledge and	Major gaps in knowledge and	Gaps in knowledge, with	Limited knowledge and	Knowledge is accurate and	Knowledge has a well-defined	Excellent mastery of a	Exceptional mastery of a

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understanding (A systematic, conceptual understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of the discipline; a comprehensive understanding of techniques applicable to their own research)	understanding of the subject matter is not systematic. Substantial inaccuracies. No awareness of current problems, insights or the latest research and/or advanced scholarship within the discipline.	only superficial systematic understanding. Some significant inaccuracies and/or irrelevant material. No critical awareness of current problems, insights, or latest research within the discipline.	systematic understanding of the concepts and principles within the subject area, which to some marginal extent, is informed by current research and scholarship. Some critical awareness of current problems and/or new insights, but often under-developed.	reasonably detailed. A systematic understanding of the field of study informed by, to some extent, current research and scholarship. A critical awareness of current problems and/or new insights though this may be under-developed occasionally.	focus, which is reasonably extensive, coherent and detailed, with a critical awareness of current problems and/or new insights. Exhibits good understanding of the breadth and depth of contemporary and established views, and the work is, at least in part, well-informed by current research and scholarship.	complex and specialised area of knowledge. A systematic, excellent understanding of the concepts of the subject informed by current research and scholarship. Highly critical awareness of current problems and/or new insights. A critical, awareness of how the boundaries of knowledge are advanced through research.	complex and specialised area of knowledge. An exceptionally critical awareness of current problems and/or new insights. An outstanding understanding of the concepts of the subject, well-informed by current research and scholarship. A critical, sophisticated and nuanced awareness of how the boundaries of knowledge are advanced through research.
Cognitive and intellectual skills (Critical evaluation of current research and methodologies and develop critiques of them and, where appropriate, to propose new hypotheses; make sound	Wholly or almost wholly descriptive work. Little or no evaluation or critique or attempt at a systematic approach. Failure to develop arguments, leading to illogical or invalid	Largely descriptive work, with superficial use of critical evaluation of research and methodologies. Absent or weak development of hypotheses and judgements. Information accepted uncritically, uses	Limited attempt at critical evaluation/ critique of current research and methodologies, tending towards description. Limited attempt to propose new hypotheses. Can deal with complex issues	Some critical evaluation/ critique of current research and methodologies, though slightly underdeveloped in places, Proposes adequate but limited new hypotheses, where relevant.	Sound critical evaluation/ critique of current research and methodologies, Proposes new hypotheses, where appropriate. Can deal with complex issues systematically and with some	Excellent critical evaluation/ critique of current research and methodologies, Proposes innovative hypotheses, where appropriate. Can synthesise complex issues systematically	Exceptional critical evaluation/ critique of current research and methodologies, Proposes innovative hypotheses, where appropriate. Exemplary systematic and

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judgements in the absence of complete data.)	judgements. Unsubstantiated generalisations, made without use of credible evidence.	generalised statements made with scant evidence and unsubstantiated opinions. Ideas sometimes illogical and contradictory.	but not systematically or creatively. Some evidence to support emerging judgements but these may be underdeveloped or with a little inconsistency / mis-interpretation. May assert rather than argue a case.	Can deal with complex issues but not fully systematically or creatively. Ability to make judgements based on data (that may be incomplete) but with some tendency to assert/state opinion rather than argue on the basis of reason and evidence.	creativity. Ability to make sound judgements based on data (that may be incomplete)	and creatively. Ability to investigate contradictory or incomplete information and make strong, persuasive, arguments and sophisticated judgements.	creative synthesis of complex issues. Ability to investigate contradictory or incomplete information and make strong, persuasive, arguments and sophisticated, nuanced, judgements. Potential for journal publication or doctoral research.
Practical skills (Originality / creativity in the application of knowledge, tools and techniques and in tackling and solving problems in complex and unpredictable professional situations; practical use of established techniques of research and enquiry to create and interpret knowledge in the discipline.)	Limited or no use of methods, materials, tools and/or techniques. Little or no appreciation of the context of the application. Limited understanding of the application of theory to practice or making appropriate links between the two. Very weak problem-solving skills in complex and	Rudimentary application of methods, materials, tools and/or techniques but without consideration and competence. Flawed appreciation of the context of the application. Weak understanding of the application of theory to practice, with only occasional evidence of	An awareness and mostly appropriate application of well-established methods, materials, tools and/or techniques, with occasional errors. Basic appreciation of the context of the application. Theoretical knowledge and understanding applied in practice, but not always making	An appropriate application of standard methods, materials, tools and/or techniques. Clear appreciation of the context of the application. Mainly consistent, accurate and logical application of theory to practice, making appropriate links between the two.	A very good application of a range of methods, materials, tools and/or techniques. Very good consideration of the context of the application, with perceptive insights. Can identify problems and propose appropriate solutions in complex and unpredictable contexts.	An advanced application of knowledge, methods, materials, tools and/or techniques. The context of the application is well considered, and insightful. Can identify complex problems and propose excellent solutions. An excellent grasp of techniques applicable to own research or	Exceptional application skills in complex, unpredictable, contexts, drawing skilfully on the latest research within the discipline. Can identify complex problems and propose sophisticated, original solutions. An outstanding application of techniques applicable to own research or

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	unpredictable contexts.	making appropriate links between the two. Weak problem-solving skills in complex and unpredictable contexts.	logical links between the two. Can identify problems and propose basic solutions without fully appreciating the complexity of unpredictable contexts.	Can identify problems and propose mostly appropriate solutions in complex and unpredictable contexts, with elements of originality.	Evidence of originality and creativity.	advanced scholarship. Shows originality in application of knowledge and techniques, and of how established techniques of enquiry create and interpret knowledge in the discipline.	advanced scholarship. Shows originality in application of knowledge and techniques, and of how established techniques of enquiry create and interpret knowledge in the discipline with assimilation and development of cutting edge processes and techniques.
Transferable skills for life and professional practice (Exercise of self-direction, autonomy and personal responsibility; plan and implement tasks at a professional level; independent learning; use appropriate media to communicate effectively and professionally to a variety of audiences; fluency of expression; systematic	Communication medium is inappropriate or misapplied. Work is poorly structured, disorganised and/or confusingly expressed. Very weak use of language and/or very inappropriate style. Little or no evidence of autonomy (or collaboration, where relevant) in the completion of tasks. Little or no evidence of	Communication medium is poorly designed and/or not suitable for the audience. Work is poorly presented in a disjointed manner. It is loosely, and at times incoherently, structured, with information and ideas often poorly expressed. Weak use of language and/or inappropriate style. Weak independent	Can communicate in a suitable medium but with some room for improvement. Mostly ordered presentation and structure in which relevant ideas / concepts are reasonably expressed. Work may lack coherence in places. Can work as part of a team, but with limited involvement in group activities.	Can communicate effectively in a suitable format, but may have minor errors. Mostly coherent, organised work, in a suitable structure and is for the most part clearly expressed. Can work effectively independently and/or as part of a team, with clear contribution to group activities. Demonstrates the skills	Can communicate well, confidently and consistently in a suitable format. Work is coherent, fluent, well-structured and organised. Can work very well autonomously and/or as part of a team, with a good contribution to group activities. Demonstrates comprehensive professional, postgraduate	Can communicate professionally confidently and consistently in a suitable format. Work is coherent, very fluent and is presented professionally. Can work autonomously with initiative. Where relevant can work professionally within a team, showing leadership skills as appropriate, managing	Can communicate with an exceptionally high level of professionalism. Work is remarkably coherent, very fluent and is presented professionally. Can work outstandingly well and professionally within a team, showing advanced leadership skills. Demonstrates exemplary

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approach; clarity and effectiveness in presentation and organisation.)	the skills required in professional, postgraduate employment.	initiative (or collaboration, if relevant). Limited evidence of the skills required in professional, postgraduate employment.	Demonstrates some but not all of the basic skills required in professional, postgraduate employment, with some areas of minor weakness.	required in professional, postgraduate employment, with some areas of strength and some of minor weakness.	employment skills.	conflict and meeting obligations. Demonstrates excellent professional, postgraduate employment skills and a strong appetite for further development.	professional, postgraduate employment skills and a strong appetite for further development.

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