Solutions

Marking: **K** knowledge, **App** use of the case or data, **An** analysis (a chain of reasons: cause, then effect), **Ev** evaluation (a judgement with a reason). In calculations, **M1** is for the method and **A1** for the answer; **B1** is an independent mark.

Each answer shows the steps, then the **result**.

2.1

employee

control, integration and personal service all point that way, and the real facts beat the label

2.2

(a) **7** weeks

(b) **12** weeks (the cap)

(c) **1** week

2.3

all 6 years at 22–40: $6 \times 1 = 6$ weeks

$6 \times 500 =$ £**3**,**000**

2.4

no: ordinary unfair dismissal needs 2 years of service

he could still claim discrimination, which needs no qualifying service

3.1

(a) 9 years at 41+ and 5 years at 22–40; $9 \times 1.5 + 5 =$ **18.5** weeks

(b) capped at £**700**

(c) $18.5 \times 700 =$ £**12**,**950**

(d) **12** weeks

(e) the court looks at what really happens, not the label; set shifts and payroll show control and mutuality, so she is an employee

3.2

(a) 4% × 600m = £24m, higher than £17.5m, so £**24** million

(b) it is health data, a special category with stricter rules

(c) a lawful basis, such as clear consent for this use; tell customers the purpose, and have a written contract with whoever receives the data

3.3

7–**8**: the plan saves employer costs only on paper (App); status follows the facts: with the same control, uniform and shifts, they remain employees (or at least workers) whatever the contract says (K); so Nimbus still owes notice, holiday and redundancy rights, and may owe back pay and tax (An); staff who lose rights may leave or claim at a tribunal, harming morale and the brand (An); real flexibility could come from honest options, such as clear part-time contracts or a shift-swap system (Ev); recommendation with a condition, e.g. do not relabel; review the Saturday rota and costs instead, with legal advice before any change (Ev). **4**–**6**: sound analysis with limited use of the case or a weak judgement. **1**–**3**: relevant points, mostly descriptive.

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