



EMPLOYMENT TRIBUNALS

Claimant: Ms G Concannon

Respondent: South Central Ambulance Service NHS Foundation Trust

JUDGMENT

The claimant's claim of unfair dismissal is dismissed following a withdrawal of the claim by the claimant.

REASONS

1. It would not normally be necessary to give reasons for a judgment of this nature, but there is an unusual feature of this case that I must briefly refer to in these reasons.
2. On 8 January 2020 the claimant wrote to the respondent and the tribunal saying, "*I am writing to you to confirm I accept your position regarding my claim for unfair dismissal ...*". This was in response to an email from the respondent suggesting that her dismissal had "vanished" when her appeal against her dismissal had resulted in her re-engagement by the respondent, with the effect being that (as the respondent put it) "*there has not been a dismissal*".
3. On 10 February 2020 the tribunal wrote to the parties saying that it "*cannot dispose of the unfair dismissal claim without a clear withdrawal of that claim by the claimant*". On 23 February 2020 the claimant wrote to the tribunal and the respondent saying, "*I would like to dispose of the claim for unfair dismissal*". No action was taken by the tribunal at that time, and on 8 March 2020 the claimant wrote to say, "*I am now withdrawing my consent for this and wish to now revert back to my original claim for unfair dismissal*".
4. Further correspondence between the parties followed, with the claimant giving reasons for the change in her position.
5. I consider the claimant's reference that she would "*like to dispose of the claim*" amounts, in the context of the earlier tribunal correspondence, to a withdrawal of her claim. Khan v Heywood & Middleton Primary Care Trust

[2006] EWCA Civ 1087 established that (irrespective of the reason for the change in position) there is no mechanism in the tribunal rules for such a withdrawal to be itself withdrawn. The claimant's original withdrawal stands, no exception in rule 52 applies and the unfair dismissal claim must be dismissed on withdrawal.

6. The claimant's claim of unlawful deductions from wages remains. I understand there is also a further application by the claimant to amend her claim, which will be dealt with separately.

Employment Judge Anstis

Date: 16 April 2020

JUDGMENT SENT TO THE PARTIES ON

Date: 30th July 2020

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FOR THE TRIBUNAL OFFICE

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