



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms S Sekasi

**Respondent:** Boxmoor Primary School (1)  
Victoria Campos (2)  
David Edwards (3)

## JUDGMENT

1. The entire claim has come to an end (subject to the matters listed in Rule 51) following a withdrawal of the entire claim by the claimant on 11 February 2022.
2. The claimant has expressed a wish to bring a further claim in one or more other jurisdictions (that is, not in the employment tribunal). I am not satisfied that there would be legitimate reasons for bringing a further claim in the employment tribunal. However, in light of the claimant's express desire to bring a claim elsewhere, it is not in the interests of justice to issue a dismissal judgment in this claim.

## REASONS

1. By email of 11 February 2022 at 15:42, the Claimant's representative wrote to the tribunal and the Respondent's representatives "withdrawing the claim she has brought before the employment tribunal [case number 3301213/2021] on the basis that the respondents have agreed not to make a costs application against her".
2. It added that the Claimant "asks that the claim not be dismissed, the Claimant wishing to reserve the right to bring this claim within another jurisdiction". No further details were supplied about why this claim was withdrawn, or about which other jurisdiction, or about why that proposed course of action was a reasonable one.
3. The Respondent's representative emailed the same day seeking dismissal. By email of 14 February, the Claimant's representative stated that this was "a fairly routine point, which comes up regularly" and stated that, therefore, they did not see the need to make any further representations to the tribunal. The email added that there was no intention to attempt a further claim in the employment tribunal, but rather she intended to bring "the same, or substantially the same, complaint" against "one or more of the respondents" in the civil courts.

4. Rules 51 and 52 read as follows:

**51. End of claim**

Where a claimant informs the Tribunal, either in writing or in the course of a hearing, that a claim, or part of it, is withdrawn, the claim, or part, comes to an end, subject to any application that the respondent may make for a costs, preparation time or wasted costs order.

**52. Dismissal following withdrawal**

Where a claim, or part of it, has been withdrawn under rule 51, the Tribunal shall issue a judgment dismissing it (which means that the claimant may not commence a further claim against the respondent raising the same, or substantially the same, complaint) unless—

- (a) the claimant has expressed at the time of withdrawal a wish to reserve the right to bring such a further claim and the Tribunal is satisfied that there would be legitimate reason for doing so; or
  - (b) the Tribunal believes that to issue such a judgment would not be in the interests of justice.
5. Under Rule 51, I must simply make a finding of fact as to whether or not the claimant has informed the tribunal that the claim (or part of it) is withdrawn. If so, that means that Rule 51 has automatically operated to bring the claim to an end from the point at which the Claimant so informed the tribunal.
6. The discretionary part of the decision is under Rule 52, which requires a decision about whether a dismissal judgment should be issued. A decision to decline to issue such a judgment does not mean that the claim continues (because, as a result of Rule 51, the claim has already come to an end).
7. In this case, my finding of fact is that the 11 February email (with accompanying letter) meant that the claim came to an end on 11 February. This was immediately before a preliminary hearing on 15 February, which therefore did not take place.
8. I am not satisfied that Rule 52(a) applies. However, in accordance with Rule 52(b), I will not issue a dismissal judgment, and it will be up to the parties to argue about the significance or otherwise of the employment tribunal proceedings should the Claimant actually bring a fresh claim elsewhere.

**Employment Judge Quill**

Dated 1 June 2022

JUDGMENT SENT TO THE PARTIES ON

7 June 2022

FOR THE TRIBUNAL OFFICE