



EMPLOYMENT TRIBUNALS

Claimant: S Camattari

Respondent: Brighton, Hove and Sussex Sixth Form College

Heard at: London South Employment Tribunal by video **On:** 10 September 2025

Before: Employment Judge Burge

REPRESENTATION:

Claimant: In person
Respondent: Mr T Welch

REASONS

The RECONSIDERATION JUDGMENT having been sent to the parties on 11 September 2025 and written reasons having been requested in accordance with Rule 60(4) of the Employment Tribunals Rules of Procedure 2024, the following reasons are provided:

1. The Claimant brought her claim on 16 April 2025. She ticked the boxes in the ET1 form to indicate that she was bringing complaints of notice pay, holiday pay, arrears of pay, other payments. She also ticked the box indicating that she was making another type of claim which the employment tribunal could deal with.
2. On 1 June 2025 the Claimant wrote to amend her claim to
 1. *Unauthorised deductions from wages s.13 Employment Rights Act 1996*
 2. *Breach of contract – failure to pay 3.5% pay increase*
 3. *S.8 incomplete and unclear payslips*
 4. *Breach of contract – omission of hours worked*
 5. *Pay records falsification section 8 and 13 Employment Rights Act 1996.*

3. On 11 June 2025 the Claimant wrote to the Tribunal that she wished

“to clarify that my primary intention is to ensure the claim reflects only matters within the Tribunal’s jurisdiction, namely, unlawful deductions from wages (s.13), breach of contract post-termination, failure to provide accurate itemised payslips (s.8), and enforcement under s.11 of the Employment Rights Act 1996.”

4. On 2 July 2025 the Tribunal asked for the Respondent’s comments on the Claimant’s application to amend her claim. The Respondent responded on 4 July 2025:

“Dealing with the Claimant’s application to amend comment we comment as follows:

1. Section 13 ERA 1996: unlawful deduction from wages. There has been no unauthorised deduction from wages. The Claimant has received her full notice and contractual entitlement.

2. Contract of employment: in relation to the 3.5% increase pay, as often happens in the sector, pay increases are backdated once an agreement is reached with the trade unions. This was part of the problem with the Claimant’s outstanding payments insofar as the Claimant had already left the Respondent’s employment yet was entitled to the backdated pay increase. This was not in breach of general employment or principles governing contractual variation.

3. Section 8 ERA 1996. The Respondents provides itemised payslips, the correct hourly rate and hours worked as it relates to payments made at the time. There may be variations to that, in particular, if there is a backdated pay increase, but no such incomplete payslip has been produced as the Claimant alleges.

4. Contract of employment section 6: the Claimant’s payslips contains the hours she worked.

5. Pay records: falsification and misreporting. The Respondent uses real time information provided to HMRC, like most employers. Each month is backdated and accordingly any errors identified in a previous month or months would be rectified by the next month’s RTI.”

5. On 4 August 2025 Employment Judge Evans wrote summarising the Claimant’s application, asked her to write to the Tribunal confirming whether the summary was correct, if not what, and which of her original complaints she withdraws. He noted the small value of the claim, proportionality and the Claimant’s excessive correspondence with the Tribunal.

6. The Claimant responded on 12 August 2025:

“1. Confirmation of scope: I limit my claim to enforcement of itemised pay statements under the Employment Rights Act 1996 ss.11(2) and 12(2) only, as below. No other points from my amended particulars are pursued.

2. Remedies sought under ss.11(2) and 12(2). Please determine the particulars that ought to have appeared and order amended payslips to show:

- a) October 2024: total hours worked = 6.0; show that the additional 5.5 hours paid in October relate to September 2024 work.*
- b) November 2024: total hours worked = 3.5.*
- c) Pay in lieu of notice: identify payments as "Pay in lieu of notice covering 20 Nov 2024 to 16 Jan 2025."*
- d) February and March 2025 payslips: reissue to label those sums as the above PILON and show those notice-period dates, rather than "adjustments."*
- e) Rate display: Where an hourly rate is shown, correct it to £28.96 from 1 Sep 2024. For February/March 2025, describe any differential as "backpay for rate increase from £27.98 to £28.96" and state the period covered (Sep–Nov 2024).*
- f) Disputed entry: the line 'Teaching claim 1h £5.88' is incorrect. I performed no such work and there is no supporting record. Please remove it on reissue.*
- g) Gross pay label: where the payslip shows the total before deductions, label it 'Gross pay'.*

3. Withdrawals: I withdraw all other complaints, namely: unauthorised deductions and interest, holiday pay, breach of contract including late notice pay, ERA 1996 s.47B detriment, and any complaint about induction pay or my service record.

I am content for determination on the papers. If a hearing is needed, please list the shortest possible hearing.

Attached are original payslips, an extract of my contract (pay clause), and an HR email extract confirming a 3.5% increase."

- 7. On 30 August 2025 the Tribunal issued the dismissal Judgment and asked that the Respondent respond to the remaining complaint in relation to itemised pay statements.
- 8. On 1 September 2025 the Claimant made an application for reconsideration of the dismissal Judgment and asked for the following to be restored

- "i. Unauthorised deductions contrary to ERA 1996 s13 with complaint under s23 in respect of unpaid wages for the notice period 22/11/24 to 16/01/25 and any consequential shortfall*
- ii. Breach of contract limited to notice pay."*

- 9. The grounds that the Claimant relied on were the late disclosure of payslips, fairness and disability and that the payslips were not reliable as they had been printed and edited by Ms Birnie.

10. Due to the proximity of the final hearing, the Respondent was asked to provide comments on the Claimant's application by the day before the final hearing and the issue would be dealt with first.
11. Mr Welch on behalf of the Respondent submitted that the Claimant's withdrawal email was clear, unequivocal and unambiguous notification that the Claimant was withdrawing her claims. The Tribunal was under no obligation to enquire about her reasons for withdrawing her claims, which, save in exceptional cases (which this is not) would be "*unnecessary and inappropriate*" (*Drysdale v Department of Transport* [2014] IRLR 892 Simler LJ ¶61). Further, the Claimant had been in possession of her pay statements (for all relevant periods) before issuing these proceedings and on her own case she does not allege unnotified deductions.

Law

12. The Employment Tribunal Rules 2024 provide:

50. End of claim

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

51. Dismissal following withdrawal

Where a claim, or part of it, has been withdrawn under rule 50 (end of claim), the Tribunal must issue a judgment dismissing it (which means that the party advancing it may not commence a further claim against the party responding or replying to it raising the same, or substantially the same, complaint) unless—

- (a) the party advancing the claim 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.*

13. In *Campbell v OCS Group UK Ltd and anor* 2017 ICR D19, EAT, an unrepresented claimant emailed the employment tribunal withdrawing her claim on grounds of ill health. The tribunal dismissed the claim in her absence but the claimant then sought to retract her withdrawal. The EAT confirmed that where

a claim is withdrawn and comes to an end under (what is now) rule 50, the tribunal must issue a dismissal judgment unless either of the exceptions in (what is now) Rule 51 applies.

14. Rules 68 – 70 Employment Tribunal rules 2024 state:

68. Principles

- (1) The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.*
- (2) A judgment under reconsideration may be confirmed, varied or revoked.*
- (3) If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion.*

69. Application for reconsideration

Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—

- (a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or*
- (b) the date that the written reasons were sent, if these were sent separately.*

70. Process for reconsideration

- (1) The Tribunal must consider any application made under rule 69 (application for reconsideration).*
- (2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.*
- (3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The*

notice may also set out the Tribunal's provisional views on the application.

- (4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.*
- (5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application.*

Conclusions

15. If neither of the exceptions in Rule 51 apply, the effect of a claim being dismissed on withdrawal is that there is an absolute bar to the resurrection of the withdrawn claim in the Employment Tribunal. In this case, the withdrawal was unequivocally made. The Claimant's email was explicit and there was no reservation of a right to bring such a further claim and there was no indication that to issue such a judgment would not be in the interests of justice. The Tribunal was not required to provide the Claimant with an opportunity to be heard before dismissing the claim under Rule 51. The Tribunal had to dismiss the claim under Rule 51 and it did so.
16. Rule 68 provides that the Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so. The Claimant says that she has a medical condition and was suffering from work related stress. She provided a fitness for work certificate from her GP and provided a (heavily redacted) medical report but neither the report/certificate nor the Claimant explained why the conditions might mean that she had unintentionally withdrawn her claim or why her email could not be relied on. Further, the Claimant said that she was paid her wages and she was paid in lieu of notice so in any event it would not be in the interests of justice to restore two claims that would be bound to fail.
17. I conclude that in accordance with Rule 70(2), there is no reasonable prospect of the judgment being varied or revoked and so the Claimant's application to reconsider the dismissal Judgment is refused.

Approved by:

Employment Judge Burge

24 September 2025

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found at www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/