



EMPLOYMENT TRIBUNALS

Claimant: Mr Nicholas James

Respondent: The Venture (Wrexham) Limited

Heard at: Cardiff, by video **On:** 10, 11, 12, 13, 14, 17 & 18 February 2025

Before: Employment Judge S Jenkins
Mrs A Burge
Mr P Pendle

Representation

Claimant: Mr G Pollitt (Counsel)

Respondent: Mr M Cameron

JUDGMENT

Liability

1. The Claimant's complaint of discrimination arising from disability, pursuant to section 15 of the Equality Act 2010 ("EqA"), succeeds in part.
2. The Claimant's complaint of failure to make reasonable adjustments, pursuant to section 21 of the EqA, succeeds in part.
3. The Claimant's complaint of harassment related to sexual orientation, pursuant to section 26 EqA, was brought outside the stipulated time limit, and it is not just and equitable to extend time. The complaint is therefore dismissed.
4. The Claimant's complaint of harassment related to disability, pursuant to section 26 EqA, succeeds in part.
5. The Claimant's complaint of victimisation, pursuant to section 27 EqA, succeeds.
6. The Claimant's complaint of unauthorised deductions from wages, pursuant to section 23 of the Employment Rights Act 1996, succeeds.

Remedy

7. In relation to the Claimant's successful complaints of disability discrimination, the following recommendations are made:

7.1. That the Claimant be reinstated to his Open Access Playworker role, alongside his Inclusion Project Playworker role, with effect from 16 February 2024.

7.2. That the Respondent pay to the Claimant all appropriate salary payments in respect of the period from 16 February 2024, subject to appropriate statutory deductions and deductions in respect of employee pension contributions, which must be paid to the appropriate pension scheme.

7.3. That the Respondent pay to the appropriate pension scheme employer pension contributions in respect of the period from 16 February 2024.

8. The Respondent is ordered to pay the Claimant the following sums:

8.1. £15,000.00 in respect of injury to feelings in relation to his successful complaints of disability discrimination, together with interest of £1,209.86, making a total of £16,209.86.

8.2. £945.00 gross in respect of unauthorised deductions from wages.

In total therefore, the Respondent is ordered to pay the Claimant the sum of £17,154.86

Authorised for issue by
Employment Judge S Jenkins
19 February 2025

Sent to the parties on:

20 February 2025
For the Tribunal Office:
Kacey O'Brien

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. 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 here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>