

Supporting neurodivergence in the workplace

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What is neurodivergence?

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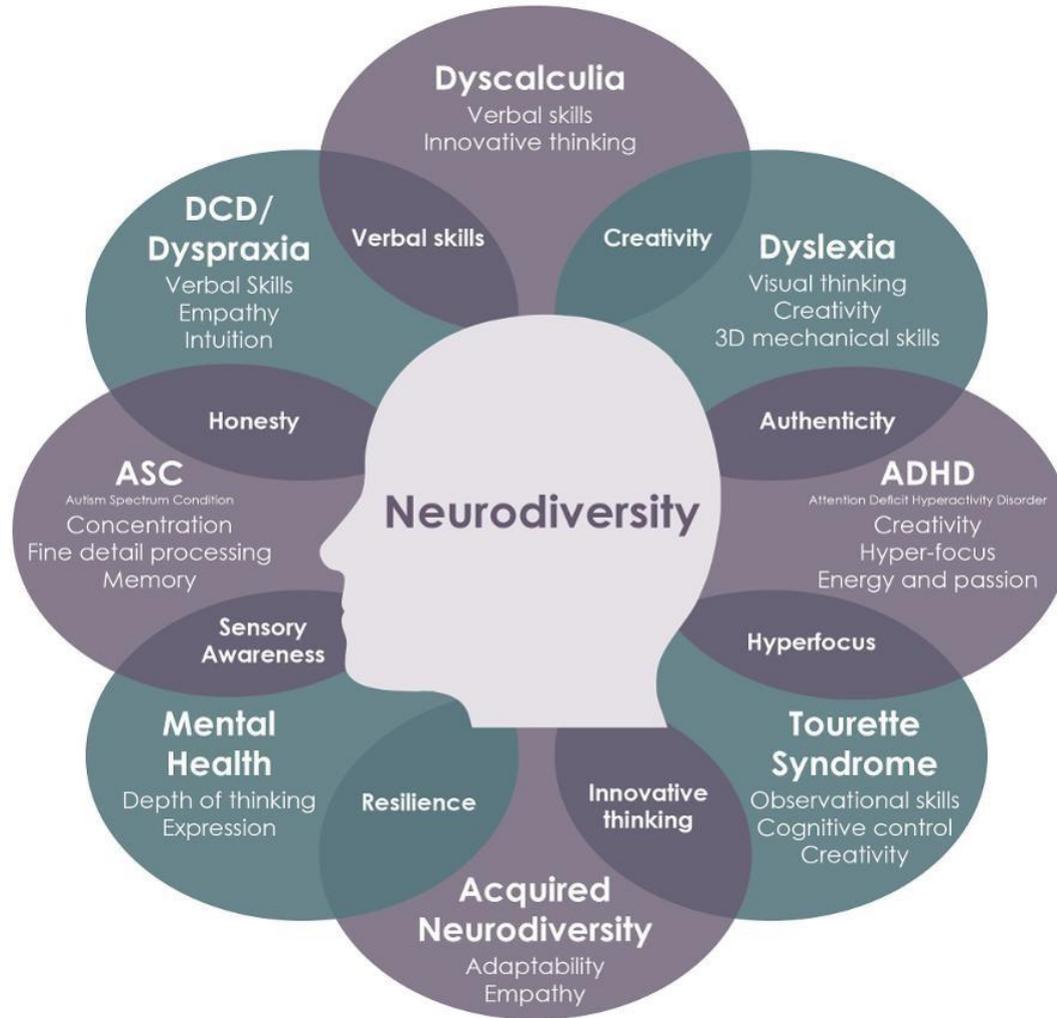
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What is Neurodivergence?

- Difference in brain processing that can affect social interaction, learning, attention, sensory processing and other aspects of interacting with the world and other people.
 - Collective term for conditions such as Autism Spectrum Conditions, AD(H)D, dyslexia, dyscalculia and dyspraxia.
 - Around 1 in 7 employees are neurodivergent
 - There is a spectrum of neurodiversity, and not everyone with a neurodivergent condition will consider themselves as having a disability.
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Created by Dr Nancy Doyle based on the work of Mary Colley

Brain Defaults

Neurotypical Brain

- Prioritisation of social information
- Great filter
- Implicit processing of social information
- Bigger picture, outside-in processing
- Can focus on non-social information, but tends to be more conscious

Autistic Brain

- No prioritisation of social information
 - No/less of filter – so more information coming in
 - Explicit processing of social information
 - Detail-focused, inside-out processing
 - Can focus on social information, but tends to be more conscious
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Autism: the positives



Understanding, embracing and celebrating different ways of thinking and doing can release the true power of the autistic mind. Here we look at the positive features of autism.



Attention to detail

- Thoroughness
- Accuracy



Deep focus

- Concentration
- Freedom from distraction



Observational skills

- Listen, look, learn approach
- Fact finding



Absorb and retain facts

- Excellent long term memory
- Superior recall



Visual skills

- Visual learning and recall
- Detail-focussed



Expertise

- In-depth knowledge
- High level of skills



Methodical approach

- Analytical
- Spotting patterns, repetition



Novel approaches

- Unique thought processes
- Innovative solutions



Creativity

- Distinctive imagination
- Expression of ideas



Tenacity and resilience

- Determination
- Challenge opinions



Accepting of difference

- Less likely to judge others
- May question norms



Integrity

- Honesty, loyalty
- Commitment

Remember

Every experience of autism is **unique**. No one person will identify with every positive feature of autism. We all have **individual** skills, attributes and characteristics that are as unique as our personalities – this is the **power of neurodiversity**.

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Legal obligations of employers

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Equality Act 2010

- S.6: “A person (P) has a disability if P has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.”
 - *Hewett v Motorola Ltd* 2004 IRLR 545, EAT
 - *JC v Gordonstoun Schools Ltd* 2016 CSIH 32
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Reasonable adjustments

- S.20 duty to make reasonable adjustments to remove or minimise disadvantages experienced because of disability.
 - *Sherbourne v N Power Ltd* ET1811601/2018
 - *Fotheringham v Perth & Kinross Council* ET/114087/11
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Reasonable adjustments

- *South Staffordshire & Shropshire Healthcare NHS Foundation Trust v Billingsley*

Factors:

- size of the employer;
 - the practicability of the proposed step;
 - the cost of making the adjustment;
 - the extent of the employer's resources;
 - whether the steps would be effective in preventing the substantive disadvantage
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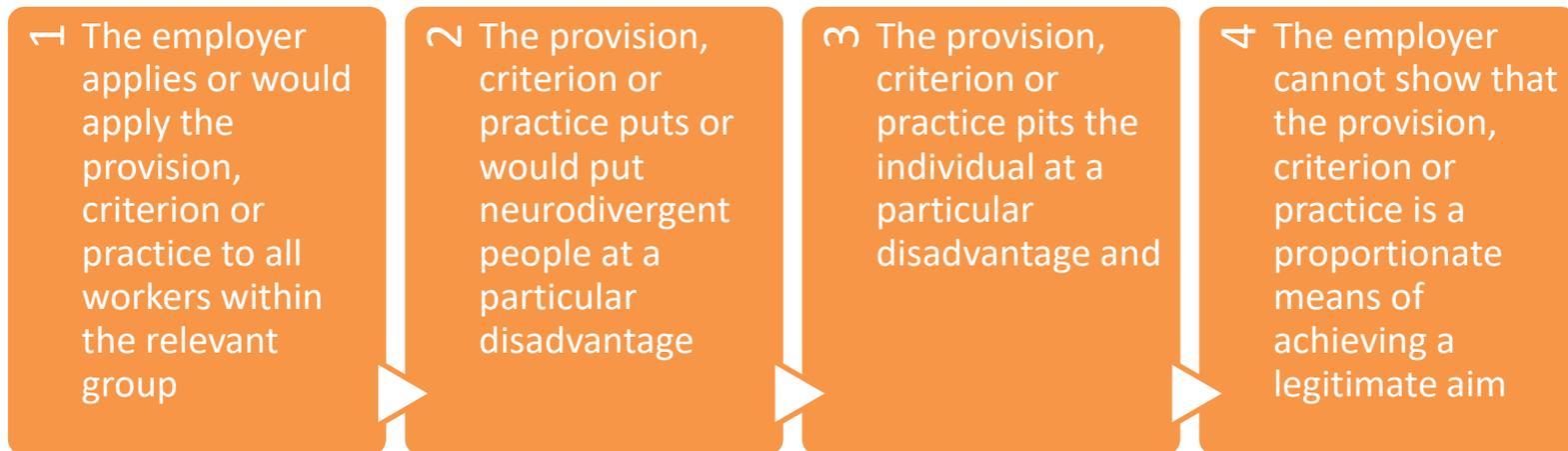
Direct discrimination

- Section 13 EqA 2010 – less favourable treatment because of a disability
 - Association
 - *McLeod v Royal Bank of Scotland plc* 2016 – extends to association with a person who is disabled.
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Indirect discrimination

- **Section 19 EqA 2010**

- Indirect discrimination occurs when an employer adopts an apparently neutral provision, criterion or practice which puts a neurodivergent worker at a particular disadvantage.



- *Brooks v the Government Legal Service* 2017
 - *Kumulchew v Starbucks Coffee Company UK Ltd* 2014
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Discrimination arising from a disability

- Section 15 EqA 2010 – occurs where:
 - Unfavourable treatment because of something arising in consequence of a disability; and
 - Cannot show that the treatment is a proportionate means of achieving a legitimate aim.
 - *Wells v the Governing Body of Great Yarmouth High School* 2017
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Overcoming bias in recruitment and selection

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Avoiding bias in the recruitment process

- Review job descriptions for bias
 - lengthy job adverts can be off-putting. Make adverts short and concise, and jargon free
 - Include pictures, tables or diagrams, make the advert appealing to the eye – most neurodivergent people are visually stimulated by pictures instead of words, as it can be more difficult to process large chunks of text
 - avoid stereotypical skills like “excellent communication skills” which may sway neurodivergent people to think they would not be a good fit for the job.
 - Avoid flashing or blinking webpages on the advert or your website. This can be overstimulating
 - Does the advert state neurodivergent applicants are welcome to apply?
 - Ensure interviewers are trained in disability awareness/ neurodivergence to avoid unconscious bias
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Avoiding bias in the recruitment process

- Give the applicant the option to disclose any neurological conditions at the recruitment stage and be proactive about discussing any adjustments they may need
 - Extended deadlines for application forms
 - Reducing the number of interviews
 - Names and photos of assessors
 - Allowing a supporter to accompany the candidate to the interview
 - Provide timetables or written instructions for tasks required
 - Provide interview questions in advance
 - Ask direct instead of complex questions e.g. “What do you find challenging” instead of “Name the biggest technical challenge you have faced and how you solved it”.
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Avoiding bias in the recruitment process

- Allow any assistive technology as the candidate requires
 - Using desk partitions/ other equipment to reduce sensory issues such as noise and lighting sensitivity.
 - 1-to-1 interviews instead of group interviews (to avoid becoming overwhelmed speaking to lots of different people).
 - Allowing an alternative to interview e.g. job trial or work experience.
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Managing neurodivergent employees

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Autism in the Workplace

- Sensory environment – working from home; headphones; quiet room; lighting; desk position
 - Meetings – agenda; action points; timing; engagement without attending
 - Consistency, accuracy and focus
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Autism in the Workplace (2)

- Communication – line management; verbal/written; need for all info; blunt; questioning; chit-chat; humour
 - Disciplinary hearings – autism specialist support
 - Job role – is it essential that we all do the same things? Under-employment
 - Misconceptions – rude; aloof; not a team player; obstructive; weak; jobsworth; don't care about job
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Managing neurodivergent employees – ACAS Guidance

Make staff feel safe to disclose and seek support

Avoid assumptions about the employee's neurodiversity status

Support team members who make disclosures about their neurodiversity

Identify help and support needed

Seek expert support

Consider the rest of the team

Handling issues/ problems fairly

- Sometimes even with adjustments, the employee's performance or conduct may require action
 - Consider informal conversations
 - Be sensitive when discussing issues with a neurodivergent employee.
 - Consider:
 - guidance towards a particular resolution or
 - having an input in finding an appropriate solution themselves.
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