

# The Work Couch

Navigating today's tricky people challenges to create tomorrow's sustainable workplaces

RPC



## Episode 21 – Neurodiversity at work (Part 3): How to implement effective neuro-inclusion, with Russell Botting, Steve Hill and Victoria Othen

**Ellie:** Hi and welcome to the Work Couch Podcast, your fortnightly deep dive into all things employment. Brought to you by the award-winning employment team at law firm RPC, we discuss the whole spectrum of employment law with the emphasis firmly on people. My name is Ellie Gelder. I'm a senior editor in the employment equality and engagement team here at RPC and I will be your host as we explore the constantly evolving and consistently challenging world of employment law and all the curveballs it brings to businesses today. We hope by the end of the podcast, you'll feel better prepared to respond to these people challenges in a practical, commercial and inclusive way.

Today, in the concluding part of our three-part Neurodiversity at Work mini-series, we're going to explore what effective neuro-inclusion at work actually looks like and how employers can implement it at each stage of the employment lifecycle. And to guide us through this topic, I'm thrilled to be joined by three neuro-inclusion experts: Russell Botting, neuro-inclusion services director and Steve Hill, chief commercial officer, who are both from Auticon. Auticon is a global IT consulting business and social enterprise that exclusively employs adults on the autism spectrum in permanent roles as IT consultants. As an autistic majority company, [Auticon](#) is a wonderful example of a company succeeding as a result of its neurodiversity. And we also welcome regular Work Couch guest, RPC's own Victoria Othen, who is a consultant in our employment engagement and equality team and frequently advises employers on disability discrimination claims, an increasing number of which involve neurodivergence. So hi everyone, thank you all for joining me today on the Work Couch.

---

**Victoria:** Hi Ellie.

---

**Russell:** Hi. Hello.

---

**Steve:** Hi, great to be here

---

**Ellie:** Wonderful. So Steve, it would be great to dive into, first of all, the business case for why the C-suite should be engaging with this topic. And I know you've got a number of powerful stats to share. Why is neurodiversity so important from a commercial context?

---

**Steve:** So I think in terms of the kind of stats and to help set the scene early, there's two main ones that we tend to lean into. The first one is specifically around autism and in the sense that only 29 % of autistic adults are in full-time employment, which is quite a sobering statistic. And that of course includes the underemployed and that is an ONS statistic as well. And we'll get into what that means and I guess the things that businesses can benefit from when thinking about that stat. But I guess more broadly, the stat that also kind of raises a little bit of an eyebrow in the conversations that we have is that 15 to 20 % of the population are neurodivergent. And that of course, you if we're thinking about, you know, organisations, employee bases, that's, you know, a significant percentage. But also what doesn't get included in that of course, is the amount of touch points that individuals who maybe aren't neurodivergent would have as well. So friends, family, children. So actually that 15 to 20 % in terms of the amount of lives that are touched by neurodivergence can be quite large in that sense. And I think ultimately it comes down to from our perspective, really three main areas as to what really is important around the business case. And we might get into the subjects around ESG in a second, but I think for us it's firstly skills. Fundamentally, we employ autistic consultants that whilst they have a STEM and a great academic background, the skills that we see and we test for actually from a cognitive perspective are things like logical analysis, pattern recognition, sustained concentration, error detection, attention to detail. So if you put those skills together with the academic side, it's quite a potent combination.

But if you think about the skills gap in IT around data science and particularly now artificial intelligence, generative AI, but also cybersecurity, those cognitive skills as well as the academic side brought together actually is a fantastic talent pool that businesses need not ignore and really need to be looking at how to tap into that. I guess the second thing is really around performance as well. So everyone's different, but fundamentally we take a view of this idea of neuro diversification. So if you think about financial markets, investing, you think about diversification in your portfolio, it's the same thing but applied to people. You know, it's about protecting the organisation against this homogeneity of thought by having that neuro

diversification. And typically we see that organisations that have that more diverse workforce are much more tuned into innovation, creativity and that fosters that ongoing culture as well. Then thirdly, think talent retention is quite a big one, looking after staff, making sure that everyone feels supported. That has a consequential benefit to everybody and that can only be a good thing.

---

**Ellie:** Absolutely. And you touched on ESG. So how can companies who are leveraging neurodiversity initiatives enhance their appeal to consumers and investors, particularly in that ESG context?

---

**Steve:** So I think there's a couple of aspects to this, Ellie. I mean, the first one is consumers and investors, as you touched on really there is that they gravitate towards companies with a great reputation and fundamentally those companies that actually do what they say they do and can demonstrate that. And it's not just this idea of, know, a tick box exercise. ESG has become fundamental to investment decisions and we're seeing a lot of reports. There's lots of data, lots of metrics out there to suggest that investment decisions and companies with strong ESG performance receive a premium valuation to their share price. And when you're talking about ESG initiatives representing much better opportunities for long term returns than companies that don't invest in those same initiatives. So I think fundamentally, again, you know, there is a massive importance to really start taking this seriously. I mean, there is a legal and statutory requirement for companies over a certain size to report on this stuff, but I think everyone's getting into what that actually means, especially the S in ESG. There's maybe some education required in terms of what businesses can and need to report on on that side of things. But I think the second aspect is really about ESG attracting and becoming increasingly important to attract and retaining talent. Millennials and Gen Z generations are making up an increasing, know, large percentage of the workforce. And it's a very important part of their decision-making process as to why and how to join an organisation. Things like purpose and the goals of an organisation in terms of alignment to their own beliefs is a really important decision and a really important factor in why people join companies now and will only ever increase.

---

**Ellie:** Yeah, absolutely. And Victoria, you spoke last time in part two about those legal considerations that come into play when you have an employee who is neurodivergent. So just remind us of the potential legal consequences then if employers neglect to support neurodivergent talent.

---

**Victoria:** Yeah, so as you said, Ellie, we went into quite a lot of detail in our second part about this. So I'm not going to go over old ground, but it's a reminder really that neurodivergent employees can be deemed to be disabled under the Equality Act. If they are disabled in accordance with that definition, and again, we discussed that in quite some detail in part two they would enjoy protection from discrimination and harassment either because of or related or arising from disability. And what that means is that it can give them a claim or can give rise to claims for discrimination in the employment tribunal for disability discrimination and harassment, which can result in unlimited compensation. Alongside that are the workplace disputes which can arise hand in hand with them. Often claims for disability discrimination of any type, can become very protracted. They can result in feelings which are very principled and sadly can result in a breakdown in working relationships. And all that can cause considerable business disruption and disputes can become very lengthy, protracted, costly. And this might involve employees who continue to work during the litigation process.

---

**Ellie:** And we discussed in part one the challenges for people who may have a diagnosis, that doesn't necessarily mean that they know what they need from their employer in terms of support. So Russell, how can employers navigate this really difficult tension?

---

**Russell:** Yeah, so it's a really important point and perhaps it's first important to consider why someone may not know what support they need. There are potentially a few reasons for this. So firstly, it could be due to a recent diagnosis. So a person may be trying to understand what a diagnosis means for them. We're seeing more research on the under diagnosis of working age adults diagnosed later in life into their 50s or 60s. So these people are receiving a later diagnosis and perhaps needing to readjust how they approach work, re-evaluate what support means to them, which as you can imagine takes time. And we also see people return to work after periods of stress or work-related burnout, which often leads, always the reason why people receive a diagnosis whereby support needs may have changed. So for some there may be also the lack of knowledge or understanding of what support or accommodations they can request, as they may not have done this before, or even kind of that knowledge of their rights under the Equality Act for reasonable adjustments or even government funded support like access to work. So having an inclusive culture with diversity, equality, equity, embedded into all aspects of an organisation is perhaps the most meaningful step an employer can take to truly embrace or embed neuro-inclusion and support and accept neurodivergence, is also conscious of other intersecting components of inclusion. But it also has to be authentic. So meaning it has to be, or there has to be meaningful engagement and buy-in from senior leaders to promote aspects of training, education, access to kind of wider training all employees, but also more focused training for managers, HR teams who will need to have more in-depth knowledge of how to promote and support neuroinclusive practices to reduce stigma, unconscious bias or specific assumptions in different aspects of the employee life cycle. Providing a consistent level of activity and messaging on the commitment to neuroinclusion, where there's focus on initiatives that are going on in the organisation, in case studies on what the organisation is doing to promote, understand and include lived experience of neuro

divergent employees, so things like setting up ERGs or even focus groups to inform neuroinclusive practice at an organisational level. And this is what will foster neuroinclusive culture, so not just neurodivergent employees, but also all employees feel safe to discuss their needs at work, but also support them if they're not quite sure what needs they need at work. From an individual perspective or practical level, employees having a list of adjustments or examples of accommodations that can be offered or that have been offered in the past that cover different areas like environmental components, workplace flexibility, physical adjustments, or even equipment, or even things like changes to communication or process. That's just really useful for someone who may not know what support options are available to them to understand what they can request. Something we encourage our clients to do is to implement an inclusion passport during an onboarding process. So that focuses on specifically workplace accommodations for all employees and looks at how employees can be successful in their role. So it can be seen as an iterative process rather than being set in stone because we know that people's needs may change over time. And this really just helps the employee to advocate for their needs and to learn what support they need when things do change. But this approach is really useful for both the employee and the employer because they go on a journey together. And that just builds trust from the employee's side. And it's important to capture this information because actually when someone moves on, so when a manager leaves or an employee perhaps changes role or department, that information is captured that enables that individual to pass that information on. So they don't need to kind of re-disclose obviously with their consent, but enables them to pass that information on effectively within the organisation.

---

**Ellie:** And in part two we looked at the whole employment life cycle and the different challenges or the different legal risk areas that can crop up. So I want to look at now how employers can overcome these. So if we start off with recruitment, Russell, what can employers be doing differently to ensure that their recruitment practices are neuro-inclusive?

---

**Russell:** There are a few important guardrails that employers can put in place to ensure their recruitment process is neuroinclusive. So the first is at the talent attraction stage. So thinking about using clear, unambiguous language, which is free of idiosyncrasies, acronyms in the job descriptions or job adverts. We often see job adverts, which include quite a long list of specific characteristics or behaviours such as strong communication or blue sky thinker, which are not only vague, but may also deter neurodivergent candidates. who will often see that perhaps won't apply for roles where they do not meet all of these kind of specific behaviours. And we do encourage our clients to provide clear distinctions between things like essential and desirable aspects of the role and make it clear whether someone can or does need to apply to all of those components or those characteristics, or they can apply even if they meet some of those characteristics. And things like providing a salary band or range if possible, because we see that neurodivergent employees kind of disadvantage at times in salary discussions, because they may not know to gauge what a reasonable salary expectation would be and may feel uncomfortable from a social perspective, having those salary negotiations without knowing what is fair or reasonable in advance. And also having a clear equity statement, highlighting a company's commitment to neuroinclusion at each stage of the recruitment process is really important, as we talked about with encouraging people to understand and feel that their ability to disclose adjustments is supported at any point in the process. And at the interview stage, it's also important to acknowledge that the way we use a standard question and answer interview is more a social construct and it looks at the ability to talk about skills rather than demonstrating them and this can disadvantage neurodivergent candidates for social communication and interpreting what an interviewer might want to know can be more difficult. So what we would advise is making the interview process quite clear, explain the interview format, what to expect, number of interviewers, the sensory environment that can reduce uncertainty, but provide interview questions in advance, so share all questions of example questions to aid in preparation, which is actually a universal adjustment.

Also asking interview questions twice. So that's quite a simple adjustment. And again, another universal accommodation, because that enables retrieval or processing time to retrieve the information. And often why people may ask for a question to be repeated because they're hearing that information for the first time. So that is a real kind of simple universal accommodation that can actually really support neurodivergent interviewees. Avoiding ambiguous or vague questions as well, so things like "Where do you see yourself in five years?" is quite a vague question and actually could be more specific around people's aspirations in the role, where they see their performance and how they can be successful in a role. A rule of thumb I always suggest in interview questions is whenever there's the word and you're asking two or more questions. So often it's very important to very clearly specify when there are two sections to a question or actually separating out questions where you are asking technically two questions. And also importantly, look at the real-world applicability, so the ecological validity of the interview process itself. Are there processes or there tasks that can be added to the interview process that enable the employer to actually understand how that individual could work in that role? Are there technical tests, coding tests, spreadsheet tasks, or even presentation tasks that actually give the employer an understanding of how that person may actually perform roles or tasks that are specific to that role? And also education, importantly for interviewers, making sure that interviewers are equipped to understand the different approaches needed to get the best from neurodivergent candidates and to look at unconscious biases, how they may interpret or assess some behaviour. So things like lack of eye or different eye contact, body language, level of enthusiasm as well, which are all largely based on verbal and non-verbal

aspects of social communication and interaction, which are heavily influenced by feelings of stress and feeling nervous as part of the interview process.

---

**Ellie:** So if we move on then to performance and attendance management, Victoria, this is something that you see frequently in practice coming up, don't you? So tell us about some of the things that employers should and shouldn't be doing here.

**Victoria:** We do, Ellie, So the types of issues that we see coming to us or claims involve underperformance, so employees for whom there's been a consistent or maybe a new underperformance issue where there are problems with performance and employers often struggle to address them and to reach an outcome which is business often struggle to address them appropriately. So I think my top tips for tackling underperformance issues really is to have a think about the criteria that are being used to measure performance in the first instance. So we often see employers who measure performance in target generated areas of their business. It might be answering calls, it might be product driven targets. Employers really need to think about what those targets are and whether a neurodiverse employee is able to cope with those targets in the same way as a comparable colleague. So if it's a target which requires visual processing skills or perhaps mental processing skills. And the evidence is such that this employee would struggle to process those targets or to meet those targets in the same ways as a comparable employee. The employer really needs to think about adjusting those targets before it addresses any underperformance. Because actually there may be reasons which are purely linked to the employee's disability which result in those underperformance issues.

So before embarking on the performance management process, it's worth taking a step back and really thinking about whether targets should have been adjusted in the first place and whether those targets which the employee is being required to meet are fair and reasonable in all the circumstances taking into account the effects of an employee's disability. Similarly, thinking about things such as communication skills or other measurable criteria for performance, really look at what's the cause of that issue? Could it relate back to the features or the effects of any neurodivergent condition? Take that into account in particular when looking at medical evidence, occupational health evidence or perhaps other medical evidence. which talks about the effects of that individual employee's neurodivergent conditions on them. So if, for example, it has been identified that they have a particular difficulty with social communication, then it's obviously going to translate through into how they perform their job.

Lastly, the employer really needs to look at any medical or occupational health evidence that they have and whether specific recommendations have been made by the occupational health report. So have they recommended, for example, we've talked about lowering of targets or reduced targets, has that occupational health report recommended that additional support might be needed for this employee, perhaps one-to-one meetings or additional training to help them to perform their duties effectively. And if those adjustments have not been implemented in a careful and planned and documented manner, using a performance appraisal process or a performance management system, to address apparent underperformance really is going to be too soon. The reasonable adjustments process needs to have been rolled out first before underperformance is addressed. Finally, have a think about training needs or additional support for the employee concerned. So they may have a particular difficulty in a particular area. Have they been given additional support? Have they been given extra training? Could that address the issue which is of concern in this particular case?

And similar principles apply when it comes to attendance, Ellie. So often, and we covered this in episode two, employers have sickness absence review procedures, they often rely on triggers, which can result in verbal written warnings, or ultimately, finally, in dismissal. Really, employers need to think about any disability related absences before applying those procedures and make adjustments accordingly, either to discount disability related absences or to make adjustments for them. What will be reasonable in a particular case will depend on the particular facts of that case and all the circumstances, including any legitimate business aims that the employer has to achieve. But what would not be deemed to be reasonable would be the application blindly of a sickness absence review policy and procedure without taking into account at all any disability related absences and at least thinking about any reasonable adjustments which could be made to any the policy in light of that.

---

**Ellie:** Okay. Let's look at wellbeing and mental health now. So they're obviously really important issues for the whole workforce. Steve, can you tell us about some examples of really effective neuro-inclusion when it comes to wellbeing.

**Steve:** Yeah, of course. I think Victoria and Russ actually alluded to some of these. I'm going to give you the top three things that we see that consistently make quite a marked difference in the workplace. And that's not to say that this is an exclusive list. In fact, there's quite a few which I'll touch on. But I think fundamentally, it's about removal of potential sources of anxiety. And so if we think with that as our headline, what are the triggers of anxiety potentially? And the first one is last minute meetings hitting the diary that are unscheduled. And more than that, number two is the lack of agendas being published ahead of time. Generally, everyone wants to do the best possible job they can. Fundamentally, we all like to do a bit of preparation for a meeting such that we know what's going to be covered, what the expectation is of people in that meeting. So is it to present? Is it to listen only? Is it to question? Is it to challenge? And that sort of borders on the third area, which is

understanding the unwritten rules of the office. And those sorts of things can be really quite challenging for those people that are neurodivergent. Again, understanding the expectations. And that's, you know, from a meeting perspective, but it's also in terms of etiquette, how to respond to emails. What are the expectations, for example, of response to client emails? Should it be within two hours? Should it be within four hours? Should it be by end of business day? Most organisations do have some kind of prioritisation when it comes to those types of things, those etiquettes, but also it's about then clearly setting and communicating what those expectations are, those timescales, those expectations. Saying to somebody, just do the best you can and come back to me when you've done isn't quite good enough, it's not specific enough, because there's a lot of ambiguity that's built into those few words. So those are our kind of three. But obviously off the back of those, there are things that involve the sensory aspects, so preferred desks in a hot desking environment, things like equipment and breakout spaces, meeting rooms, all of those sorts of things from a sensory perspective. I guess we take the view that this comes under the heading again of sort of the empathy and kindness really. It's about really just thinking about your colleagues. And I think post COVID, generally we've got a bit better at this actually, you particularly in terms of workplace practices, you know, working from home days, the hybrid approach. not having to commute to a place of work every single day, maybe having slightly staggered hours, particularly, you that's something we've been used to accommodating for parents with school drop-off times for many years. You know, AM meetings versus PM meetings, you know, that kind of flexibility makes such a massive difference at an individual level.

---

**Ellie:** And Russell, we know genuine diversity, inclusion, equity and belonging is not just about recruiting diverse talent, it's also about progression and making sure that everyone has the opportunity to advance their career regardless of their circumstances. So when we look at how to retain and promote people, what are the sort of unique factors employers need to bear in mind in relation to neurodivergence?

**Russell:** Yes, it's especially important to kind of understand the reasons why a neurodivergent employee who may want to progress may be reluctant to do so at times. So this includes perhaps responsibilities upon promotion involving more social or public speaking elements, so presenting or leading meetings, which as we talked about may be more demanding for those experiencing elements of social anxiety. In relation to this, they're often could be a greater focus on more political, bureaucratic components of progression within an organisation, which again, often involves the ability to navigate unwritten social rules. Or as I mentioned earlier, the prospect of perhaps interviewing for another position may be quite daunting. We have experience of our consultants, you know, having almost trauma related responses to experiences of interviews and the impact that they can have. So it's important to consider those things as well as perhaps a lack of transitional support. So the transition between perhaps management or employment and into management positions and what it means to manage others. So what employers can do in these contexts is provide that transitional support for managers. So either that's specific management training or it could be a more of a buddy system to provide support internally for managers that are going into promote or activity or promote positions. to understand and settle that person in to understand what they need in that role, what they need to be a manager in that position, or what actually do they need to be successful in that role that they've been promoted to. Something that we often see requests for is coaching for managers who've recently been promoted, where the coaching is focused on aspects of the role that have changed. So where a manager has been, an individual has been promoted to a manager because their strengths in certain areas. And they've noticed things like they've had to adapt to signing off work and approving work of others. Like reports, for example, where they're used to kind of providing really, really comprehensive reports, but now they're involved in signing off that information. That leads to things like overworking, due to their attention to detail or perhaps perfectionistic tendencies where they find that they're starting to kind of overwork. So that's where coaching can be quite useful for providing support in those contexts for each individual to manage a strategy that works for them in those contexts. But also as part of this discussion, it's important for employers to consider employees with caring responsibilities for neurodivergent family members, for example. So kind of support through working arrangements. So remote working options, compressed hours, flexible working, even part-time roles. We're also providing additional resources and support through employee resource groups or external support groups where parents with additional responsibilities can share their experiences and receive support and guidance. So, for example, recently what we've delivered for some of our clients is a new inclusion drop-in advice clinic, which have been really successful. And what we've noticed is that there's been a particularly high take up and response from parents looking for support for their children in terms of diagnostic support or even signposting advice on kind of their future work kind of options, access to work, but also actually reassurance that support does exist. So it really does make a difference for there to be a safe space for parents to talk about what is important to them and their family.

---

**Ellie:** Yeah, absolutely. Thank you for highlighting that point as well about people with caring responsibilities. It's really, really important. Finally, Victoria, we discussed in part two some of the potential issues that can arise where there's a company reorganisation and you have neurodivergent employees. Can you just explain what a neuro-inclusive reorganisation might look like? So what key things should employers be thinking about at the outset of any reorganisation?

**Victoria:** Again, something we see very often. And I think the key word here is planning it's so important to plan this well in advance insofar as it is possible to build in extra planning time. So first of all, it will be key to identify who those neurodivergent employees are, if it's a significant workplace reorganisation that involves a number of employees, perhaps dozens, perhaps hundreds, really some sort of system to identify who they are and to flag that they may need additional support in this process. Secondly, build in extra time for consultation with those employees if at all possible. Think about the type of consultation that may be necessary. Think about the companion that neurodiverse employees may wish to have during the consultation process. It may be that the employer doesn't allow the right to be accompanied at consultation meetings. That's quite common. But it may be that neurodivergent employees need somebody to accompany them to consultation meetings, a colleague or perhaps a trade union representative, or indeed it could be a family member. That person can help them process the information which is given at those consultation meetings and can help them to participate fully. And that can be to the advantage of both employer and employee. Think about how the information is communicated. Is it clear enough? How is it outlined? Is there some sort of plan or chart or other written information which can be displayed in a manner which is accessible for the particular employee concerned. Think about the outcome of each meeting, clearly communicating to an employee what will be the next step in the process and what they should expect next and clearly indicating what is required of that employee next and the next communication or the next contact which will be made by the employer. Think about the additional mental health support which may be needed for the employee. So often we see employers embarking on these processes and the employee goes off sick very quickly. We talked about that in quite some detail in episode two and that's the last thing that anybody wants. So think about signposting the employees to perhaps additional wellbeing support or employee support programmes, mental health support programmes or wellbeing programmes. Think about having regular check-ins or wellbeing meetings with them to make sure that they are managing to cope with this process as much as possible and to address any additional concerns or worries or anxieties they may have which arise from the uncertainty of the process. And then finally, thinking about the selection criteria of any potential redundancy situation. An employer needs to bear in mind whether those selection criteria can result in any disadvantage to employees with neurodiverse conditions and to adjust those criteria or to take into account any disability related disadvantage from those criteria.

And it might even be worth thinking about an impact assessment or a stress risk assessment for employees who have particular mental health needs as a result of their conditions and who may be significantly impacted by any reorganisation programme.

**Ellie:** Well, thank you so much to all of you for joining us today. You've explained how employers can implement really effective neuroinclusion throughout the whole employment lifecycle with so many practical ideas. So thank you so much. And for anyone listening who'd like further information or support on neuroinclusion at work, a really great place to start is Auticon's website. You'll find a series of freely available educational resources there which cover various neuroinclusion-related topics for individuals and employers. Well that brings us to the end of our Neurodiversity at Work mini series.

If you would like to revisit anything we discussed today, you can access transcripts of every episode of The Work Couch podcast by going to our website: [www.rpc.co.uk/theworkcouch](http://www.rpc.co.uk/theworkcouch). Or, if you have questions for me or any of our speakers, or perhaps suggestions of topics you would like us to cover on a future episode of The Work Couch, please get in touch by emailing us at [theworkcouch@rpc.co.uk](mailto:theworkcouch@rpc.co.uk) – we would love to hear from you.

Thank you all for listening and we hope you'll join us again in two weeks.



RPC is a modern, progressive and commercially focused City law firm. We are based in London, Hong Kong, Singapore and Bristol. We put our clients and our people at the heart of what we do.