

# Embracing neurodiversity in the workplace: insights from the new Acas guidance

New Acas guidance on neurodiversity highlights the importance of fostering inclusive workplaces that support workers with conditions like ADHD, autism, dyslexia, and dyspraxia. By understanding the unique strengths and challenges of neurodivergent workers, businesses can create environments where all workers thrive, at the same time as avoiding costly discrimination claims. We explore below the topics set out in the guidance, including understanding neurodivergence, key strategies for promoting neuroinclusion and what to consider when dealing with performance or capability procedures.

## Understanding neurodiversity in the workplace

Neurodiversity describes that individuals think, learn, and behave differently, highlighting the natural variations in how people's brains work and process information. Neurodivergent individuals may have unique strengths and challenges, and understanding these differences can create more inclusive workplaces.

Some common neurodivergent conditions include (further details are available by following the links):

- [Attention Deficit Hyperactivity Disorder \(ADHD\)](#)

- [Autism](#)
- [Dyslexia](#)
- [Dyspraxia](#)

Each of these conditions have a range of strengths and challenges and not all individuals will experience each condition in the same way.

It is quite common for neurodivergent people to suffer from mental health problems. Some of these are caused by them trying fit in and behave in a neurotypical way. This is known as “masking” and can lead to exhaustion and isolation, as well as mental health problems such as depression and anxiety. Creating a neuroinclusive work environment where workers feel supported and accepted can reduce the need for masking and improve mental well-being.

## **Disability rights**

While some neurodivergent individuals do not see themselves as disabled, neurodivergence may qualify as a disability under the Equality Act 2010, which, in turn, triggers the duty to make reasonable adjustments and protects workers from disability discrimination. Disabled workers may also be able to get support from Access to Work, a Government scheme aimed at supporting people to get or remain in work.

Talking about neurodiversity in a sensitive way can help prevent workplace problems and create an inclusive environment where all workers feel supported. Workers are not required to disclose their neurodivergence but if they choose to do so, it should be on their terms. They may hesitate to do so for fear of negative reactions or stereotyping. Employers should offer support, regardless of when the disclosure happens or whether there is a formal diagnosis.

If an employer suspects a worker is neurodivergent, they should approach the situation sensitively and focus on discussing potential support and adjustments. Using appropriate language around neurodiversity is essential to avoid distress. Employers should avoid terms like *“suffering from”* or *“symptoms”*, which suggest an illness. Language preferences can vary, so it is helpful to ask the worker what terms they prefer and listen to them. For example, some people may prefer to say, *“I have autism”* rather than *“I am autistic”*.

## **Performance, conduct and capability**

Employers must not discriminate against neurodivergent workers when addressing performance issues. Before initiating formal procedures, employers must ensure they have done everything reasonably possible to support the worker. Failing to offer support first can lead to unnecessary time and effort spent on internal processes and legal claims, while also negatively impacting an worker's wellbeing.

The Acas guidance gives the example of Sam, who struggles with distractions and meeting deadlines, and is suspected of having ADHD. Sam and his manager discuss possible support and agree

on reasonable adjustments, including a quiet space and regular check-ins, which improve Sam's performance. A formal procedure could have caused stress and would have failed to address the underlying issue.

However, there are situations where formal procedures may be necessary, such as persistent performance issues despite support or reasons not related to their neurodivergence. During these procedures, employers must ensure they make reasonable adjustments to the process for neurodivergent workers, such as providing clear meeting records for someone with autism or talking through written correspondence with a worker with dyslexia. It is usually most helpful to discuss with the worker what support would help them, rather than making an assumption based upon their condition.

## **Making your organisation neuroinclusive**

Neuroinclusion involves actively including neurodivergent workers and many helpful changes can be made which are not necessarily costly or complicated. Some possible steps include:

- **Adjusting recruitment processes:** employers should review their recruitment processes and consider taking steps such as offering different ways to complete application forms, providing interview questions in advance and ensuring interviews are conducted in quiet spaces.

- **Providing training:** training and supporting managers to handle neurodiverse teams, including providing guidance on reasonable adjustments and discrimination, is also essential.
- **Raising awareness:** raising awareness of neurodiversity throughout the wider organisation through training, awareness days and campaigns can also help normalise conversations about it. Setting up a staff network may be a measure which supports workers to share their experiences.
- **Policy guidance:** creating a dedicated Neurodiversity Policy can be very helpful, outlining the organisation's commitment to inclusion, available support and legal responsibilities.
- **Making workplace adjustments:** employers can also make support available for all workers, such as offering noise-cancelling headphones or quiet spaces, which can assist neurodivergent workers without requiring them to disclose their condition.

## Neurodiversity at work – Acas Guidance

**BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues relating to the content of this article, please contact Esmat Faiz ([EsmatFaiz@bdbf.co.uk](mailto:EsmatFaiz@bdbf.co.uk)), Amanda Steadman ([AmandaSteadman@bdbf.co.uk](mailto:AmandaSteadman@bdbf.co.uk)) or your usual BDBF contact.**