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WEBINAR

# Neurodiversity at work: challenges, strengths and legal considerations

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Wednesday 12 March 2025 | 10:00 - 11:00am

Online webinar

[willans.co.uk/events](https://willans.co.uk/events)

# A bit about Willans LLP



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FIRM WAS ESTABLISHED

  
44 OUTSTANDING  
RECOMMENDATIONS IN  
NATIONAL LEGAL GUIDE

  
Legal Practice Quality Mark  
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# Agenda

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1. Introductions
2. What is Neurodiversity
3. Neurodevelopmental conditions
4. ADHD & Autism
5. Employment law considerations
6. Case studies
7. Maria's ADHD journey
8. Workplace support
9. Q&A
10. Sources and resources
11. Contact information

# 1. Introductions

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## **Hifsa O’Kelly**

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Senior associate, solicitor

Employment Law & Business Immigration



## **Maria Rogers**

NeuroThrive People Solutions & Coaching

HR Consultant & Neurodiversity Coach

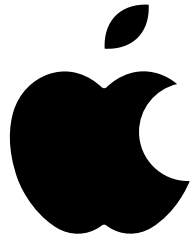


## 2. What is Neurodiversity?

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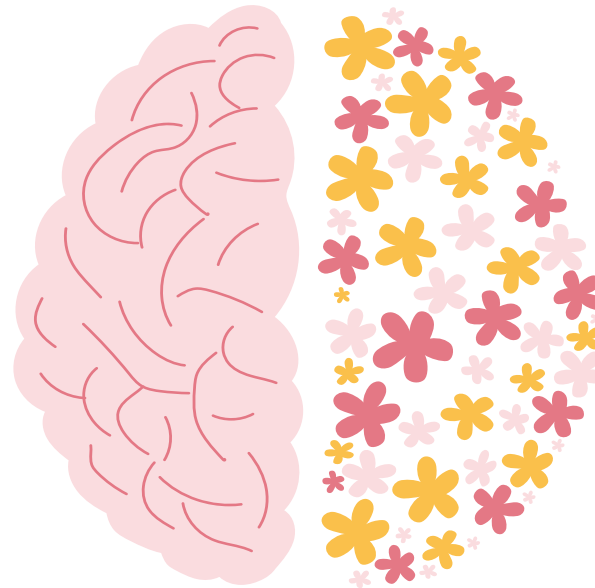
# What does neurodiversity mean?

## The natural diversity of human minds



### Neurotypical

Neurocognitive functioning which falls within the dominant societal standards of 'normal'



### Neurodivergent

Neurocognitive functioning which does not fall within the dominant societal standards of 'normal'

Estimated 15-20% of the UK Population are neurodivergent

# 3. Neurodevelopmental conditions

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# Common neurodevelopmental conditions

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Autism

PDA

ADHD

Dyspraxia

Dyslexia

Dysgraphia

Dyscalculia



# 4. ADHD & Autism

# Attention Deficit Hyperactivity Disorder (ADHD)

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## Diagnostic Criteria

Symptoms of hyperactivity and/or impulsivity, and/or inattention to cause at least moderate 'pervasive' negative impairment in two or more 'important settings' of a person's life, including social, familial, educational, and/or occupational settings.

**30% developmental delay in the following executive functioning skills**

Self-awareness  
Problem-solving  
Motivation  
Impulsivity  
Memory  
Emotional Regulation  
(Rejection Sensitivity Dysphoria)

Estimated 2-5% of the UK Population 30-50% also have Autism

# ADHD: Example challenges vs strengths

Staying focused during long meetings or tasks



Exceptional ability to hyper-focus on high-priority tasks

Organising and managing workloads



Highly creative and out-of-the-box thinking

Impulsivity in decision-making or communication



Quick thinking and proactive approach to problem-solving

Deadlines or administrative tasks



Ability to adapt and find solutions to manage responsibilities

Navigating workplace politics or social cues



Builds deep and authentic connections, often showing empathy and compassion

Sensitivity to feedback or criticism



High emotional intelligence and a drive for self-improvement

Restlessness or difficulty sitting still during work



High energy levels that contribute to enthusiasm, teamwork, and task execution

# Autism Spectrum Disorder (ASD)

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## Diagnostic Criteria

‘Persistent deficits’ in each of three areas of social communication and interaction, as well as at least two out of four types of restricted, repetitive behaviours

Source: DSM-5

Difficulty with back-and-forth of neurotypical conversations

Struggles to understand and use non-verbal communication

Struggles to make, keep or understand relationships

Difficulty with change

Special Interests

Hyper- or hypo-reactivity to sensory input

Estimated 1-2% of the UK Population

# ASD: Example challenges vs strengths

Difficulty with unstructured or ambiguous tasks



Exceptional ability to thrive in structured, clear, and predictable environments

Struggles with social interactions or workplace politics



Strong focus on fairness, honesty, and authenticity in communication

Sensory sensitivities such as noise and lighting



Acute attention to detail and heightened awareness of the environment

Challenges in adapting to sudden changes



Strong preference for routine and consistency, bringing stability to workflows

May appear overly blunt or direct



Honest, straightforward communication style that builds trust

Struggling to interpret vague instructions or feedback



Strong capacity to follow clear, detailed processes with precision

Perfectionism or rigid thinking



High standards of work and commitment to accuracy

# “Everyone has ADHD or Autism these days”

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“Everyone is getting diagnosed with ADHD these days”

“Everyone is a bit Autistic”

“ADHD is just an excuse for lazy people”

“You can’t be autistic - you make good eye contact”

“Neurodivergent individuals have to mask/develop strategies to fit into a neurotypical society which can lead to burnout and mental health challenges”

“Adult ADHD Assessments were not available in the UK until 2008”

“Many late diagnosed neurodivergent adults have had years struggling and being misdiagnosed with mental health conditions”

“Some people might show some characteristics from time to time, but it doesn’t make them autistic”

# 5. Employment Law Considerations

# What does the law say?

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## Equality Act 2010 - 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 P's ability to carry out normal day-to-day activities.



# What is the legal protection?

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## Equality Act 2010:

- The right not to be treated less favourably
- Introduced the concept of ‘discrimination arising from disability’ – no ‘legitimate aim’ defence and knew/ought to have known
- Extended protection against indirect discrimination to disability – no ‘legitimate aim’ defence
- Extended protection against harassment of employees by third parties to all protected characteristics, including disability
- Duty to make reasonable adjustments

# Why do we need to be concerned?

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## 5 staggering statistics:

- 50% have faced discrimination from recruiters and hiring managers
- 63% consider being neurodivergent as a 'red flag' to employers
- 47% feel they need to hide their condition
- 51% fear stigma attached to being neurodivergent
- 31% applicants did not proceed after they disclosed their neurodiversity

# Misconceptions vs Reality

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## Misconceptions

Competence/capability  
More adjustments required  
Will cost the business more time  
Managerial time  
More interpersonal issues

## Reality

80% Highly focused  
78% Creative  
75% Innovative thinkers  
71% Detail Processing  
64% Authentic

# Support during recruitment....

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## 5 adjustments that may help neurodivergent job seekers:

- Explaining instructions and expectations clearly and in advance
- Removing group interviews and assessments (if possible)
- Only asking for essential job requirements and qualifications
- Avoiding subjective language in job descriptions, e.g. 'excellent self-starter..' etc.
- Sharing adaptations that are available, as examples on the application

# ...and during employment?

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## 5 adjustments that may help neurodivergent employees:

- Inclusive culture with clear values and expectations
- Flexible start/end time, regular breaks, split lunch breaks, shorter meetings, communication methods (email, telephone, video) etc.
- Remote working, quiet rooms, headphones, standing desks, muted/adjustable lighting
- Regular 1:2:1s with clear and structured objectives (SMART)
- Leading by example – set the example from the top, policies and training to support managers

# Getting it wrong.....

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## 5 consequences of getting it wrong:

- Skills shortage
- Recruitment costs
- ET claims against the business and individuals of the business
- Reputational damage
- Unhappy workforce 😞

# 6. Case studies

# Some examples of how it can go wrong.....

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## Case Details

Employee with Autistic Spectrum Disorder – difficulties with oral communication

Employer preferred oral communication

Employee requested adjustments to communicate primarily in writing and phoning when reporting sickness

Employer discussed the employee's sickness with his mother without consent – breach of data protection

## Employment Tribunal Outcome

Employer failed to make reasonable adjustments to accommodate Mr Duncan's communication preference

It was possible to make reasonable adjustments e.g calling in to report sickness, agenda pre meetings, written communication

Unauthorised discussion with mother was deemed as harassment



# Case Study: Workplace Support

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## Employee with ADHD in a Sales Role

Challenges staying on top of admin tasks

Prioritising workload

Finding the office environment difficult

Anxiety

Self-doubt

## Support

Validation by line manager

Asked how they could be supported

Assisted in developing ways to complete admin tasks

Permitted to take breaks if/when needed

Regular & ad-hoc 1-2-1 meetings with manager

ADHD coaching

# 7. Maria's ADHD Journey

# It all makes sense now, but what if....

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Diagnosis in August 2023

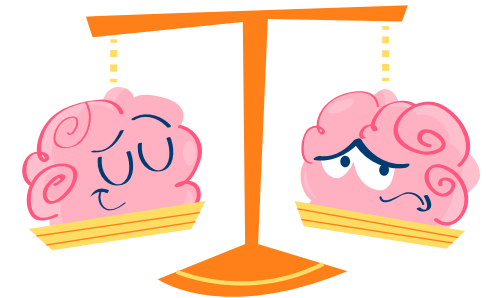
Relief

Grief

Burnout

Self-discovery

Challenges & Strengths



 **NeuroThrive**  
People Solutions & Coaching

# 8. Workplace support

# Helping neurodivergent employees to thrive

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## 5 top tips:

- Educating & training the workforce
- Policies & procedures
- Open communication
- Reasonable adjustments & resources
- Harness neurodiversity as a strength to your business

# 9. Q&A

# Sources and further resources

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## Sources:

[Autism Indicators Report, Drexel University, May 2019](#)

## Cases discussed:

Slide 16 - Equality Act 2010, section 6 [Equality Act 2010](#)

Slide 17 - [Philip McQueen v General Optical Council: \[2023\] EAT 36 - GOV.UK](#)

Slide 18 - [Study by Zurich UK](#)

Slide 19 - Birkbeck University of London entitled 'neurodiversity at work 2023 [50834c.pdf](#)

Slide 20 - [Mr Christian Mallon v Aecom Ltd: UKEAT/0175/20/LA \(V\) - GOV.UK](#)

[Rackham v Judicial Appointments Commission \[ET decision\] 28 June 2023 Microsoft Word - Rackham 3303706-20 EJ.Postle JUDGMENT.doc](#)

Slide 24 - [Duncan Fujitsu Services Ltd. \[ET decision\] 28 June 2023 Microsoft Word - 3322572.19.etc.Duncan.Jment.Quill.28.06.23.docx](#)

## Further resources:

Mindset Business Psychology Services [www.mindsetbps.com](http://www.mindsetbps.com) (mention Maria @ NeuroThrive People Solutions & Coaching)

Podcasts: [The Hidden 20%](#) and ADHD Chatter

Lloyds Banking Group [free course This Is Me](#)

# Next events coming up

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1 April 2025 – **CIPD employment law update** – [book here](#)

in-person seminar in Cheltenham, arrival from 9am,  
seminar starts 9.30am-12:00

12 June 2025 – **Sponsor licence essentials for employers**

online webinar 10am-11.30am – booking open soon on  
our website or email [events@willans.co.uk](mailto:events@willans.co.uk) to receive  
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# Contact information

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