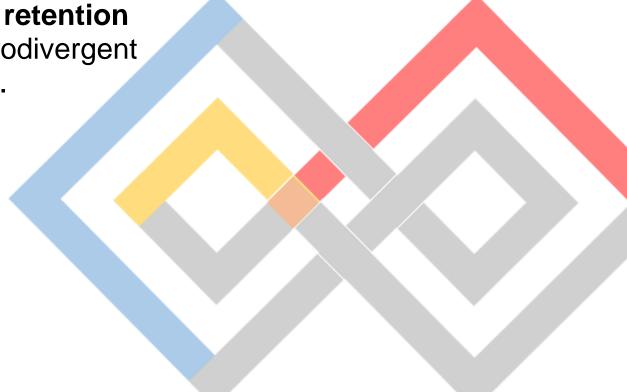
THE LEGAL NEURODIVERSITY NETWORK.

Recommendations for optimising **retention** and **career progression** for neurodivergent individuals in the legal profession.







FOREWORD

This report presents some recommendations from the <u>Legal Neurodiversity Network</u> (**LNN**) for how legal services employers can best support the retention and promotion of neurodivergent employees. This is a collaborative document reflecting discussions at a LNN roundtable event hosted by Linklaters LLP on 28 June 2023, as well as other discussions between LNN members and various neurodiversity stakeholders. Whilst directed towards neuro-inclusivity, many suggestions might also be seen as best practice to enable **all** employees to perform at their best.

The paper focuses on identifying neuro-inclusive good practices that every employer can attempt to implement within the workplace. It covers:

- 1. **PLACE** the physical working environment, including the workspace and equipment within it.
- 2. **PROCESSES** the internal processes and systems, including HR practices, that govern the way in which we are managed and looked after whilst at work.
- 3. **PEOPLE** the way individual employees treat one another, contributing to the workplace culture more generally.

This report makes general suggestions to work towards creating a more inclusive workspace, but it remains the case that the experience, and associated strengths and needs, of any **neurodivergent individual are unique**. Best practices take that into account. Neuro-inclusive practices are **not "one size fits all"**, in other words, but we hope this report is a good starting point to begin to make some positive changes. If you have any feedback or would like to share your own experience, we would be grateful to hear it so please do get in touch via our <u>LinkedIn page</u>.



The general estimate is that between 1 in 7 and 1 in 5 people in the UK are likely to be neurodivergent. Our current industry data suggests a prevalence way below that (<1% in some cases) when in fact many of us believe that incidence is actually likely to be higher in the legal profession than in society as a whole!

Participant observation at LNN event



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mental health support services

if issues arise



1. Place

Neurodivergent people are often highly impacted by the space in which they operate, and by the furniture and equipment contained within it. This is because of the sensory experiences that accompany many neurodivergent conditions, which can either be sensory-seeking or sensory-avoidant (or both, depending on stimuli and context), and involve not only the familiar 'five senses' of touch, taste, sight, smell and sound but additionally the less well-known vestibular (sense of balance), proprioceptive (sense of movement) and interoceptive (awareness of bodily functions and needs) senses.

The following recommendations focus on how employers can make the **physical work environment** more neuro-inclusive.

(a) Layout, design and work practices

The layout and design of an office may be a key factor affecting a neurodivergent employee's level of comfort in the workplace. If an office is, for example, too loud or too bright, a neurodivergent person may experience heightened feelings of stress and discomfort, which in turn **may impact their ability to work.** We recommend that employers factor neuro-inclusive design into planning for office moves or refits. In practice, some relatively simple adjustments can bring huge benefits to neurodivergent employees.

Examples:

- Avoiding 'loud' colours and busy wall or carpet/floor designs.
- Using **natural lighting** or easily variable electric lighting (avoiding fluorescent lighting, or other systems that have a flickering and/or noise-generating aspect).
- Wide walkways and doorways and clear signposting of exits and restrooms.
- Creating different zoned areas of working, e.g., quiet spaces (see below), or collaborative areas of working to allow for different sensory experiences and interaction.
- Deploying ventilation and air temperature systems that are as quiet as possible and which divert strong smells such as food preparation or hygiene products away from working areas.
- Not installing loud hand dryers consider quieter models or paper towels.
- Having blinds for windows and offering individuals the choice of desk-lamps.
- Using unscented cleaning products (and/or carry out cleaning of workspaces outside normal working hours).



We also recommend that, where possible, employers allow neurodivergent colleagues **a degree of choice** about where they sit in the office. This could entail the option of a preferred permanent desk in an otherwise predominantly open-plan office (for those who may feel socially anxious or dislike the uncertainty of hot-desking) or a private office if available. In some cases, a mixture of fixed-desk areas for those who prefer stability and full 'hot-desking' zones for others might be appropriate.

Provision of quiet spaces is a related good practice. These should be well-removed from the noise of main open-plan seating environments and areas where groups congregate (i.e., kitchen points, canteens, etc.). Similar considerations as are set out above can also be helpful e.g., **calming colours**, sound-proofed etc.

Where provision cannot be made for a neurodivergent employee to work in **a quiet place**, some adjustment to normal workplace practices may be helpful. For example, allowing the use of **noise-cancelling** or white-noise headphones may mean that an individual is better able to concentrate on their work while in a shared workspace. Equally, the use (within reason) of fidget toys, such as spinners or rollers, can be extremely helpful to some individuals.

Formal office attire can also often be uncomfortable and constricting, which may have a heightened impact on neurodivergent colleagues with sensory needs. Where appropriate to do so, we recommend that neurodivergent employees are encouraged to dress with their own **comfort in mind.**



At its most rudimentary, designing with neurodiversity in mind means evaluating what is being put into a room and how it affects the body as a whole. That includes anything and everything that engages the senses, from texture, sound, layout, and quality and colour of light to the shape and function of the furniture.

CASE STUDY:

Several LNN member companies are fully incorporating neuro-inclusive layout and design considerations into flagship office moves and re-fits they are planning for the years ahead.



(b) Assistive technology

Assistive technology can often greatly improve a neurodivergent employee's ability to perform certain tasks that they may otherwise find challenging. Often, though, neurodivergent employees are not aware of the range of **tools that are already available** within an organisation or that can be introduced.

We recommend that neurodivergent employees are made aware of the full range of available assistive technology and that it is tailored to their individual needs. Appropriate training should be provided as well as regular review of whether the technology is still meeting those needs and the provision of **ongoing user support** and specialist troubleshooting as is needed.

Examples:

- Speech-to-text and text-to-speech software tools
- Screen readers and recording devices (which may be particularly useful for some people with dyslexia and dyspraxia, for example) and the use of **closed-captioning** in (online and in-person) presentation and collaboration settings.
- Time management applications (which may be particularly useful for autistic people and/or those with ADHD).

(c) Office furniture and equipment

Neurodivergent people with kinaesthetic needs (for example, those with ADHD) can greatly benefit from **ergonomic office furniture** that allows them to fidget or stim in a non-intrusive way such that they can focus on tasks for longer. Similarly, autistic individuals, who can be sensitive to feelings and textures, can also benefit from ergonomic furniture.

Examples:

- Ergonomic furniture that supports movement at the desk like footrests, active chairs, and sit-stand desks.
- 'Active furniture' like rocking chairs, active stools, Swiss balls and mobile whiteboards.
- Tools like stress balls and fidget spinners to help calm an overactive mind.
- **Dual monitors** (this assists organisation and information retention for those who struggle with it it also supports eye health, good posture, and productivity for employees of every type).



2. Processes

(a) Adjustments

We recognise that workplace adjustments are a complex topic for discussion, particularly as what might be reasonable for one organisation, might not be **feasible** for the next. Nonetheless, it is, of course, a **legal obligation** for employers to make accommodations for disabled employees, including those with neurodivergent conditions. Of particular importance to neurodivergent employees who may benefit from workplace adjustments is that they know **how to ask, who to ask, or what to ask for.**

The term 'disclosure' can inhibit some people from wanting to talk about their disability with their employer. Less confrontational language should be used where possible, such as "How can we support you to do your best work?"

Examples:

- Clear communication on the type of adjustment a neurodivergent employee might be able to access and how they can request additional adjustments or conversations around adjustments.
- Provision of external workplace needs assessors to assess the needs of neurodivergent individuals and suggest suitable adjustments.
- Stakeholders from across the organisation (e.g., health and safety teams, HR teams, premises teams, finance teams, IT teams and procurement) allocated responsibilities and coordinated as being part of the workplace adjustment process.
- Organisations to consider offering 'self-service' of particular approved workplace adjustments.
- Organisations to take a proactive approach to identifying and offering new workplace adjustment tools as these become available.



I asked for adjustments at my interview, which were accommodated, but then when I started none of this was carried through into my job and the firm was not helpful in accommodating my requests for adjustments.

(LNN member)



- Language that focuses on the 'support' that organisations can provide to its applicants, employees and guests.
- Provide a list of neuro-inclusivity advisors (with photographs) that applicants, employees and guests can speak to about workplace adjustments.
- Workplace adjustment passports that clearly show what adjustments are in place, or need to be implemented, for particular individuals.

(b) Flexible working

Given the range of workplace factors that may create challenges and cause **stress** for neurodivergent employees, some flexibility in how an individual works is often likely to be helpful.

Examples:

- Some neurodivergent individuals may find the office environment challenging and may benefit from spending a greater proportion of their hours working from home than other employees.
- Others may prefer working in the office where there are fewer distractions and there is a clear structure in place.
- Many individuals find commuting particularly challenging, and some organisations
 offer flexibility around start and end times to allow individuals to avoid peak travel
 times.

CASE STUDY:

A large practice group (comprising over 150 individuals) in one LNN member law firm has instituted a system whereby everyone, regardless of neurotype, has the option of completing and sharing a "working with me" profile setting out their preferred communication style and other aspects of interaction they prefer or find challenging.



(c) HR teams and processes

HR teams and processes play a key role in **safeguarding** the **wellbeing** and career progression of all employees, particularly those with additional needs.

Examples:

- Consider **assigning a particular person** from HR to each individual, so that they feel comfortable going to them for support.
- Consider appointing a 'neurodiversity champion' or equivalent within the organisation whom people can contact directly to discuss any issues.
- HR managers should receive appropriate training (and see further below on training) on how they can best help support
 neurodivergent individuals within an organisation.
- People managers and HR teams should also receive training to spot possible signals of a neurodiversity profile affecting either
 a team member's professional performance, their social interactions, and wider mental health within the workplace.
- Consider offering employees access, in appropriate circumstances, to neurodiversity-specialist coaching services. Examples
 include: Lexxic, Exceptional Individuals, Genius Within, AS Mentoring (for autistic employees) and ADHD Works (for employees
 with ADHD).

When writing job descriptions and detailing standardised role attributes, consideration might be given to the following:

- Carefully consider the **actual requirements** of the job and make these specific and tailored instead of including standard wording (e.g., 'good team player') which does not actually reflect the requirements of the role.
- Remove ambiguous language and excessive 'jargon'.

When designing **competency frameworks** for job descriptions, we recommend that HR and hiring personnel bear the following in mind:

- Ensure that competency frameworks are tailored to the actual role and any higher roles that an individual may be carrying out or aspiring to, rather than including generalised requirements.
- Where possible, be specific about what the expectation is and when this needs to be achieved by.
- Consider how competency frameworks need to be effectively managed; some expressions of neurodiversity benefit from
 enhanced management and objective setting whereas this level of management might seem contradictory to more senior roles.



When discussing a neurodivergent colleague's **performance** and **making decisions about reward and promotion**, please also consider the following:

- Ensure that those carrying out performance reviews have sufficient neurodiversity training to ensure that the impact of bias is reduced.
- Ensure that any adjustments an individual has in place are taken into account in any assessment of their performance, including in relation to 'chargeable hours worked' where this is used as a key performance metric.
- Ensure that the employee has sufficient information ahead of the meeting, e.g., an agenda of the items that will be discussed, a clear understanding of the purpose of the review, and of any outcomes that are expected e.g., agreed objectives.
- Following a performance review meeting, ensure that clear and unambiguous follow-up notes are circulated and that all parties agree
 to their content.

(d) Processing feedback and managing complaints

Occasionally, and despite the best efforts of all involved, there will be issues with how adjustment frameworks are implemented or, occasionally, more personal issues arising from working within certain teams or with certain individuals. When these issues arise, it is important that there are effective systems in place to address them, and appropriately trained HR teams who can come up with effective solutions in a timely manner. In some cases, it may be appropriate to introduce a **suitably qualified professional** to help resolve issues, and we recommend that providing access to such individuals forms a part of employers' strategies.



3. People

Individuals within an organisation, and the way that they interact with one another, are what ultimately shape the culture of a workplace. The following sections provide our recommendations for how to promote a neuro-inclusive workplace culture.

(a) Positioning and visibility

Actively promoting neurodiversity inclusion within the workplace and making it a **visible pillar of an employer's wider DE&I strategy** are key to establishing a neuro-inclusive workplace culture within the organisation.

Examples:

- Make a **public commitment** to embracing neurodiversity and welcoming neurodivergent job applicants / supporting neurodivergent partners and employees.
- Provide training and information resources on neurodiversity and the employer's approach to neurodiversity inclusion. In addition to organisation-wide training, consider what specialised training is needed e.g., for those involved in recruitment and for managers of neurodivergent employees.
- Consider creating a neurodiversity affinity group or network and ensure that this is
 joined up with other D&I networks within the organisation.
- Consider implementing a neurodiversity-focused **mentoring** or buddying scheme.
- Promote neurodivergent voices within the organisation, including (if possible) having a senior leader or member championing neurodiversity.
- Consider how social and extra-curricular events can be made more neuro-inclusive.
- Encourage external participation in multi-stakeholder initiatives committed to neurodiversity inclusion (including the Legal Neurodiversity Network).
- Consider approaching clients to collaborate on neuro-inclusive initiatives (perhaps, eventually, joint internship or other work experience schemes).
- Consider partnering with neurodiversity inclusion charities and organisations on probono work.



The policies on neurodiversity inclusion can look amazing on paper; even the office can look great – but if the culture in your team that you're around every day isn't kind and accommodating, you will still be miserable. For me, this is the biggest variable – and the hardest to get right.

(LNN member)



(b) Neuro-inclusivity training and awareness

Understanding what neurodiversity is and how it affects individuals is crucial to fostering a neuro-inclusive workplace environment. A key concern of managers about implementing adjustments is that this may cause a **perception of unfairness** in other members of a team. Stigma and fear of sharing means conditions can remain 'hidden' as individuals attempt to 'mask' their symptoms, making their own lives more difficult and preventing the employer from getting the most out of their staff. A more aware and supportive workforce can help address both these issues.

Consider neurodiversity **awareness** training for all staff to be essential to establishing a neuro-friendly environment. Topics included within neurodiversity training could include:

- An introduction to the concept of neurodiversity and the benefits of having neurodivergent people within the organisation.
- Information on different neurodiversity conditions and how these may present and **impact** on individuals.
- The organisation's adjustments programme and what this means for managers.
- Practical tips for encouraging neuro-inclusive practices within teams.

Content from these sessions should be made readily available to all employees. Some organisations in our network have consolidated such content into focused neurodiversity **resource hubs or 'toolkits'** that also provide signposting to their adjustments programme, external providers of workplace assessments or mentoring.

In addition to general training, we recommend that **managers be given specialised training** on how to run neuro-inclusive teams as this can make a huge difference to performance outcomes. As well as training sessions, on-going guidance should be on offer to supervisors who are overseeing neurodivergent employees.

CASE STUDY:

One solicitor firm who joined our roundtable provides **mandatory neurodiversity training** for all trainee solicitor supervisors.



(c) Neuro-friendly workplace culture

Closely linked to the previous section, we encourage employers to think about how they can make the workplace culture more neurodiversity-friendly in general. This essentially means encouraging flexibility, **trust and communication** between colleagues, giving them the confidence to know that if they express a need, they will be met with an understanding response.

Example questions to consider:

- How can employers foster a sense of openness and trust amongst colleagues when discussing neurodiversity?
- Relatedly, how can employers create safe spaces in which conversations about lived experience can be had?
- How can social and extra-curricular events become more neuro-inclusive?
- How can employers ensure that colleagues treat each other non-judgementally and with kindness?

CASE STUDY:

One organisation encourages **peer-to-peer support networks** through specific informal groups for different neurodiverse conditions. These are for anyone who has been diagnosed, is pursuing or considering diagnosis, or is caring for someone who is in one of these categories.



(d) Integration with employee health and well-being provision

Being neurodivergent may have a significant and ongoing impact on an individual's mental health. Conversely, an individual's mental health may impact their ability to manage their neurodivergence. For example, if an autistic person is experiencing **anxiety or depression** (not necessarily related to their condition), they may find that the sensory issues they experience as part of their autism may become more severe.

Given the clear link between mental health and neurodiversity, **good mental health** and wellbeing services are crucial to neurodiversity inclusion in the workplace.

Examples:

- Embed 'Mental Health Champions' or their equivalent across the organisation and promote an understanding of how neurodiversity may play a role in mental health challenges – as well as knowledge of where to direct possibly affected individuals for more specialist support.
- Provide access in appropriate circumstances to career coaching for neurodivergent individuals.
- Provide neurodivergence-specialist counselling for those who may need it.
- Ensure that **appropriate channels** are available for flagging and exploring concerns related to mental health and neurodiversity.
- Review benefits provisions and terms and conditions of private health policies (where these are offered) with a view to enabling neurodivergent people access to specialist needs-assessment, diagnostic, post-diagnostic and/or therapeutic support/counselling services.
- Where possible, include within staff benefits that support the health and well-being of employees a focused neurodiversity support 'package' that can be accessed by staff (and in some cases, staff family members).

CASE STUDY:

One LNN member employer has introduced a programme of **neurodiversity specialist coaching** which allows colleagues to selfidentify and self-refer to a professional coach who is also a neurodivergence specialist.

The coach offers a programme of coaching which includes an initial exploration session to assess and identify the needs of the individual.

This opportunity has been made available to **all colleagues** irrespective of role and the coaching sessions are kept confidential between the coach and the individual.



Organisations which offer neurodiverse specialist coaching services include: <u>Lexxic</u>, <u>Exceptional Individuals</u>, <u>Genius Within</u>, <u>AS Mentoring</u> (for autistic employees) and <u>ADHD Works</u> (for employees with ADHD).

(e) Processing feedback and managing complaints

Occasionally, and despite the best efforts of all involved, there will be issues with how adjustment frameworks are implemented or, occasionally, more personal issues arising from working within certain teams or with certain individuals. When these issues arise, it is important that there are effective systems in place to address them, and **appropriately trained** HR teams who can come up with effective solutions in a timely manner. In some cases, it may be appropriate to introduce a **suitably qualified professional** to help resolve issues and we recommend that providing access to such individuals forms a part of employers' strategies.



A major problem in our industry and busy teams is that everyone is happy to be a neurodiversity ally in theory until it negatively affects them in practice – for example, having to take ten minutes to provide an instruction in writing rather than two minutes to deliver it verbally.

(LNN member)



Appendix: Additional Resources

Below is a non-exhaustive list of resources with further information about how to make your organisation more neuro-inclusive. Please note these are shared for information purposes only – the LNN is not responsible for the content of the linked websites, nor does their inclusion constitute endorsement or advertisement of services offered.

Research on neurodivergent and disabled people's experiences in the legal profession, and in business more broadly:

- Research Reports Legally Disabled?
- The lived experiences of legal professionals (legalservicesboard.org.uk)
- Research Neurodiversity in Business

Guidance on reasonable adjustments

- Reasonable adjustments in organisations best practice for disability inclusion | The Law Society
- Beginning your organisation's digital accessibility journey | The Law Society
- Tailored Adjustments Plans, Passports and Agreements for Businesses (businessdisabilityforum.org.uk)
- Reasonable Adjustments Archives Enna
- Employers' Responsibilities: Reasonable Adjustments, Equality Act & Discrimination Cognassist
- 10 workplace adjustments to support neurodiversity Cognassist
- Workplace assessments (dyspraxiauk.com)
- 9 Useful Apps to support Dyslexia Diverse Minds
- Windows Accessibility tools for neurodiversity Microsoft Support

General guidance on inclusive workplaces

- Lexxic Neurodiversity Smart Employer Guide (download link)
- Neurodiversity in the workplace: Best practices for inclusion | BLG
- Neurodiversity Guide for Employers (everymindatwork.com)
- Onboarding and Employment Supports Neurodiversity Hub
- How To Write Neuro-Inclusive Job Descriptions (mentra.com)
- 3 steps for building an inclusive culture of learning at work Cognassist
- Great minds don't think alike: Tips for a neuro-inclusive workplace Cognassist
- 4 crucial steps to manage neurodiverse employees Cognassist
- Psychological safety: how to Create a More Neurodivergent Inclusive Workplace | Medium
- Neurodiversity, Talent, and the Promise of Hybrid Work | Psychology Today
- Remote and hybrid working lessons for neurodiverse teams (dileaders.com)



- Employing autistic people (National Autistic Society)
- Autism Centre for Research on Employment (ACRE) Autism at work resources
- Autism @ Work: Insights From a World-First Global Study on Employing Autistic Adults Autism Spectrum News
- Autism @ Work Playbook Disability:IN (disabilityin.org)
- DMA Talent Autism employer guide
- Autism at Work: Overcoming Challenges HelpGuide.org
- ADHD and Work | Welfare Pack to help ADHD in the workplace (adhduk.co.uk)
- Accommodations for ADHD in the Workplace | Psychology Today
- Creating a dyslexia friendly workplace British Dyslexia Association (bdadyslexia.org.uk)
- Supporting dyslexia at work: what can HR do? Headstart
- Employment Dyspraxia Foundation
- RCN Dyslexia, dyspraxia and dyscalculia: a guide for managers and practitioners
- Tourette Syndrome & Employers (tourettes-action.org.uk)
- Tourette Syndrome: What You Need To Know To Be An Ally At Work (forbes.com)
- <u>Celebrating Neurodiversity: How Companies Can Create Safe Spaces Using Employee Resource Groups DomainTools</u>
- Next Level Neurodiversity Genius Within

Inclusive design resources

- The 7 principles of universal design | AbilityNet
- Workplace neurodiversity: designing for difference M Moser Associates
- Where to start in addressing neurodiversity in your designs (architecture.com)
- Six design considerations for including neurodiversity and much more! (ecophon.com)
- Sensory Rooms to Address Silent Disabilities in the Workplace | Bayer US
- The 'Curb-Cut Effect' in the Digital Age: How Accessibility Tools Help Everyone
- Accessibility in Presentations: Making your Slides Accessible SlideModel
- How to ensure training is inclusive for neurodiverse learners | TrainingZone
- <u>Leading Effective Team Meetings in the Neurodiverse Workplace Susan Fitzell</u>
- Inclusive Meetings (autisticadvocacy.org)
- Accessible Event Planning (autisticadvocacy.org)
- Guide to making your online events accessible for autistic people. | Autistica
- 10 ways to create a more inclusive event (c-mw.net)



About the Legal Neurodiversity Network (LNN)

Established in 2022, our purpose is to help the UK legal services sector become truly neuro-inclusive by identifying, sharing and encouraging good practices and by forging connections between employers, individuals and partner organisations. We are proud to be supported by **the Law Societies of England and Wales and of Scotland**, and at time of writing count more than **65 law firms** of different sizes and varying national and international footprints and a growing number of commercial organisations' in-house legal departments among our membership.

Our focus is equally on encouraging organisations in the sector to prioritise accessibility and inclusive recruitment practices for neurodivergent talent, and on encouraging workplace environments that ensure neurodivergent employees feel safe, supported and able to **advance their legal careers** as far as they wish. We also host social events that help build connections across our community.

Please join us if you share this passion and commitment, either as a neurodivergent individual, as an ally, and/or as a change-maker in your legal services community.

For more information and to hear about future events, follow us on **LinkedIn**:

https://www.linkedin.com/company/legal-neurodiversity-network/





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