

What is Autism?

People with autism experience difficulties in understanding and interpreting other people's verbal and non-verbal behaviour, motivations and expectations, and can find social interaction confusing. Imaginative activities can also be difficult for someone with autism to understand – this can include irony and subtle verbal humour.

Around 500,000 people in the UK are affected by autistic spectrum disorders¹, a little understood disability that causes complex social, emotional and communication difficulties. Asperger syndrome is a form of autism, and shares some characteristics. A separate briefing is available for Asperger Syndrome².

Many people with autism want to work and provide a substantial source of untapped talent. There is a misconception that people with autism cannot cope with employment or are only able to undertake routine, methodical jobs. However with the correct training and support they are capable of developing their potential in employment like anyone else. While some roles may not be suitable for an individual, such as a sales role or relationship management, this should be discussed with the individual to assess what type of role they can undertake.

Suggestions on reasonable adjustments

Induction and environment

Induction is an important part of how any individual is welcomed to their new role, colleagues and organisation. People with autism often prefer to know about the specific tasks that they need to do as part of their job role, and to structure their day around these tasks. It can be important for them to maintain routines. Some people with autism can find change upsetting.

In order to fulfil your legal obligations to make reasonable adjustments you should discuss with the employee their needs and wishes. Many employees are extremely proactive in managing their own condition and may require few if any adjustments.

Adjustments that might be needed include:

- Orientation around the building – it may take a while for a person with autism to learn to navigate their way around the building. If this is the case,

¹ National Autistic Society, www.nas.org.uk

² We have produced a separate fact sheet on autism, available from advice@businessdisabilityforum.org.uk

it might help to take the individual on practice journeys, allowing the person to make their own navigational map if they wish;

- Providing a workplace mentor to ensure supportive training. This can provide another employee with valuable personal development;
- Giving clear instructions about the role and the organisation so that the individual has the best possible understanding of what they are expected to do;
- Remembering the “unwritten rules” of your workplace and not assuming that the person will pick these up. An example might be that smart dress is expected when an external client visits the office;
- Providing a timetable or pattern for the working day, including the time the person is expected to arrive at work, break and lunch times;
- A support worker;
- Describing what to do with break times, e.g. read a newspaper or go for a walk, as these may help to reduce anxieties about what to do;
- Provide aids to help organise job tasks, e.g. a notebook to write “to do” lists, or a wall chart that visually highlights daily/monthly tasks.

Communication

People with autism may rarely make spontaneous attempts at conversation, and can appear indifferent to other people. Understanding another person’s verbal and non-verbal language (including facial expressions) can be a difficulty; for example, being able to tell if a person is too busy to talk.

Adjustments that might be needed include:

- Avoiding jokes, exaggerated language, turns of phrase, metaphors, abstract or ambiguous statements;
- Keeping sentences short, using more direct and specific language, being clear and concise;
- Asking closed rather than open questions;
- Repeating requests clearly.

Workplace behaviour

People with autism may on occasions behave in ways that others regard as “strange” (e.g. pacing or talking to themselves) yet do their job satisfactorily. Some of this behaviour may be unintentionally directed towards fellow colleagues (e.g. reading information on colleagues’ desks without asking for permission).

Adjustments that might be needed include:

- Securing fellow workers’ tolerance and understanding, possibly through disability awareness training;
- If behaviour needs to be challenged, clearly tell the employee what aspect of their behaviour is not appropriate, and ask them not to do it again;
- This may need to be repeated on several occasions if the action is repeated, as it may take time for the employee to memorise that the behaviour is inappropriate.

Anxiety

Some people with autistic spectrum disorders might experience anxiety if there are any changes to their work situation or routines (e.g. arriving at work late due to transport delays or a computer screen going blank). As routine can be important some people with autistic spectrum disorders can feel distressed by unexpected events.

Adjustments that might be needed include:

- Being able to speak to someone about such incidents (e.g. the line manager, or a named mentor) who can talk through the problem and assess whether an immediate solution can be found, focusing on the fact that a problem can be fixed;
- Re-focusing the individual on the job on hand;
- Minimising deadlines, as pressure can be unhelpful. Some people with autism might focus on minute detail and thus work more slowly than expected.

Working as part of a team

Not all employees will be aware of the characteristics of autism, or how to ensure that they communicate effectively with an individual. It is important that managers are aware of what they can do to support an employee with autism.

Adjustments that might be needed include:

- Provide training for managers and colleagues who work with an employee with autism to secure fellow workers' tolerance and understanding (this should only be done if the individual has given their consent to this information being disclosed);
- Plan any changes to a routine with the person with autism well in advance of the change, with regular reminders of when it will happen and how it will affect that individual;
- Invite the individual to team social events, explaining why they should attend, and when and where it will be. If the event is during the working day, then ensure the employee is given time to prepare.

Legal position

Disability discrimination under the Equality Act 2010.

Direct discrimination

It is unlawful for an employer to treat a disabled job applicant, or employee, less favourably, simply because of their disability. This type of discrimination is known as direct discrimination. It is unlawful and cannot be justified.

Discrimination arising from disability

The Equality Act replaced disability-related discrimination in the Disability Discrimination Act with discrimination arising from disability which occurs when:

- An employer knows or could reasonably be expected to know that the person is disabled;
- The disabled person experiences unfavourable treatment which arises as a consequence of their disability.

There is no requirement for a comparator i.e. the disabled person does not have to show that they have been treated or would have been treated less favourably than someone else.

An employer can justify detrimental treatment arising out of a disability if they can show that it is a proportionate means of achieving a legitimate aim.

Indirect discrimination

The Equality Act has introduced the new concept of indirect disability discrimination.

Indirect discrimination occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic e.g. a disability at a particular disadvantage.

Indirect discrimination may be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim.

Reasonable adjustments

An employer has a duty under the Equality Act to make reasonable adjustments (which includes providing auxiliary aids such as a support worker or information in alternative formats) to prevent a disabled employee from being placed at a substantial disadvantage by any physical feature of the premises, or by any provision, criteria or practice of the employer.

The duty applies to all aspects of employment, including recruitment and selection, training, transfer, career development and retention and redundancy. Failure to make a reasonable adjustment to a policy procedure or practice, or to a physical feature of the workplace where this is placing a disabled person at a substantial disadvantage, is unlawful and cannot be justified. Examples of reasonable adjustments for people with dyslexia are given throughout this briefing.

When deciding whether or not an adjustment is reasonable an employer should consider the:

- Effectiveness of the adjustment in preventing the disadvantage;
- Practicality of the adjustment;
- Financial and other costs of the adjustment and the extent of any disruption caused;
- Extent of the employer's financial or other resources;
- Availability to the employer of financial or other assistance to help;
- Make an adjustment, for example through the Access to Work scheme and the support of Jobcentre Plus.

Equality Duty

Public authorities and those carrying out public functions are required by the Equality Act to promote equality of opportunity for disabled people.

This includes ensuring that third parties, such as recruitment agencies who provide services to the authority, do not discriminate against disabled people and that they positively encourage disabled candidates to apply for jobs within the authority. The duty also means that authorities need to think in advance

about the needs of both disabled employees and potential disabled employees. Authorities should bear this in mind when reading this briefing.

As well as the Equality Act, there is also a “statutory” Code of Practice on Employment and Occupation. “Statutory” means that it is produced under the legislation; it is admissible as evidence and must be taken into account by courts and tribunals where relevant. References are made in this factsheet to the Code.

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