

## What is Tourette Syndrome (TS)?

Tourette Syndrome (TS) is a chronic, fluctuating condition. It is variously described as a movement disorder, a neurological condition, or a neuropsychiatric condition. The cause is unknown.

It is estimated that there are between 199,000 and 331,000 people with TS in the UK. Coprolalia (involuntary bad language) only affects about 10% of people with TS. TS is 3 to 4 times more common in males than in females.

The symptoms of TS are chronic, involuntary tics, repeated movements and sounds. A person with TS may be able to suppress them for a time but eventually they have to let the tics out.

Tics affecting movement can include facial movements, tooth clicking, tensing parts of the body, jerking of any part of the body, clapping, tearing paper, imitating other people's gestures. Vocal tics can include coughing, whistling, humming, hissing, imitating other people's accents, repeating words. Associated behaviours can include obsessions, compulsions, aggressiveness, and attention deficit hyperactivity disorder (ADHD).

Alongside this factsheet, you will find it helpful to refer to the following Briefing Papers:

- Making reasonable adjustments for people with learning disabilities;
- Making reasonable adjustments for people with mental health problems.

## 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. TS affect's people in different ways. There are many possible symptoms and it is common for symptoms to change and fluctuate over the course of time.

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

Adjustments might include:

- Recognising that group induction activities can require strong social skills and be difficult for those who lack confidence or have low self esteem. Provide support in team building and ice-breaking activities if appropriate;

- Communicate expectations of the employee clearly. Outline the job requirements and how they fit into the overall business objectives;
- Provide peer support or a workplace mentor;
- Provide training and resources to equip the individual to perform their role.

## **Communication**

Adjustments might include:

- Create a culture where employees feel it is safe to disclose a disability. Disabled employees need to know that they will be treated fairly and that your response will be to ask them how you can help them to do their job by making reasonable adjustments;
- Provide formal and informal support systems such as employee welfare schemes or disability networks and encourage employees to take advantage of them;
- Be positive. Involve the employee in discussions about the reasonable adjustments that they might need as they will know about how the TS affects them.

## **Working as part of a team**

Adjustments might include:

- Recognising that everyone is different and will have their own distinctive mannerisms, behavioural patterns and personality traits. Promote a culture of tolerance that recognises and accepts that, at times, some people with TS may behave in ways that are different to other employees;
- Providing training on TS as well as ensuring everyone is trained in disability awareness

## **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 briefing to the Code.

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