

# Different minds demand a different mindset

As diagnoses of ADHD, autism and other forms of neurodivergence increase, the challenge for employers is no longer awareness, but action. From legal obligations under the Equality Act to the cultural shift in how we understand difference, the workplace is being rewired.

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Scroll through LinkedIn and you'll see it: professionals proudly listing ADHD or autism alongside their other credentials or sharing posts about a recent diagnosis and what it's helped them understand about themselves. Once a private matter, neurodivergence is now part of public and professional identity. This growing openness is a positive step in destigmatising difference with a broader societal recognition of the diversity of human cognition. It does, though, present new challenges in the workplace.

Neurodiversity refers to the natural variation in how people think, process information and interact with the world.

As acceptance and awareness have risen, so too have the number of diagnoses. It means employers are navigating a new landscape, one where legal protection, performance concerns, and cultural expectations all intersect.

Once associated primarily with childhood diagnoses, conditions like ADHD and autism are now being identified in adults at unprecedented rates. According to a study by UCL researchers, the incidence in the UK of ADHD in adults under 30 has seen a 20-fold rise over the past two decades.

The first-ever NHS analysis of people with ADHD (*released 29 May 2025*) has confirmed the increase. Using GP records, the data shows that around 820,000 people now have a formal diagnosis of ADHD—0.8 per cent of all adults and 2.3 per cent of children. These figures are striking, especially given that the NHS acknowledges the condition remains underdiagnosed in many cases: more than half a million people are currently on NHS waiting lists for an assessment, and an estimated 2.5 million people in the UK are likely to have ADHD.

Autism diagnoses among adults have also soared. Recent data from the Nuffield Trust shows that more than 170,000 people with suspected autism were waiting to see a specialist in England in December 2023, the highest ever recorded and five times the level in 2019.

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Experts attribute this trend to heightened public awareness, greater openness to discuss mental health, and the influence of social media platforms, where users share personal experiences and symptoms.

Other conditions becoming more commonly diagnosed, through greater understanding and testing availability, include dyslexia, which is estimated to affect ten per cent of the population, dyscalculia and dyspraxia.

It is this wave of both self-identification and formal diagnosis that is creating complexities in the workplace. Employers are navigating the challenges of accommodating an increasing number of neurodivergent employees, often without clear guidelines or prior experience in this area.

## Legal Implications for Employers

From a legal standpoint, it's crucial to follow a fair process with any underperforming employee, particularly as many will have protection from unfair dismissal. For neurodivergent employees, additional safeguards may be applicable under the [Equality Act 2010](#).

Under the Equality Act, employers are legally obliged to make "reasonable adjustments" for employees with disabilities. This duty arises when an employer knows, or could reasonably be expected to know, that an employee has a disability. Failure to comply can lead to claims of discrimination.

While many neurodivergent individuals may not identify as 'disabled', the legal definition of disability is broad. It may include conditions that have a substantial and long-term impact on day-to-day life. Importantly, there is no requirement for a formal medical diagnosis for these protections to apply: the key factor is the impact neurodiversity has on the individual in the workplace.

Recent employment tribunal cases centred on neurodiversity highlight the importance of this legal duty and provide an insight into the type of adjustment that employers may need to consider:

- **Robert Watson v. Roke Manor Research Ltd (2025):** Watson, a software engineer diagnosed with ADHD, faced repeated non-verbal expressions of frustration from his manager, such as sighing and exaggerated exhales. The tribunal found that these non-verbal actions constituted acts of harassment and part of an ongoing pattern of behaviour by Watson's managers. Failing to recognise the impact of ADHD upon him and their failure to offer him appropriate support, the tribunal ruled this behaviour constituted disability discrimination, demonstrating that even indirect behaviours can have a significant impact on neurodivergent employees.
- **Ciaran Saunders v. Peloton Interactive UK Ltd (2025):** Saunders, an autistic employee at Peloton's London studio, experienced sensory overload due to the loud music and strong fragrances in the workplace. Despite requesting adjustments, such as a quieter work environment and scheduled breaks, Peloton did not implement changes, leading the tribunal to rule that the company had not fulfilled its duty to make reasonable adjustments.
- **James v The Venture (Wrexham) Ltd (2025):** James, diagnosed with autism, was employed as a project worker at Wrexham's children's centre. James' role focused on inclusion, play, work, and similar youth work provision. He complained to his boss that he could not work properly because of the music played during the sessions, which affected his ability to concentrate. His boss, in turn, called him a 'weirdo', which the tribunal concluded violated James' dignity and amounted to harassment related to disability.
- **Wright v Cardinal Newman Catholic School (2021):** involved a long-serving head of mathematics who was diagnosed with autism and atrial fibrillation, after raising multiple grievances and being offered a demoted position, which he accepted under protest. The school eventually dismissed him on the grounds of an "irretrievable breakdown" in the working relationship. The tribunal found that his persistent complaints were a manifestation of his autism and that the school had failed to make reasonable adjustments. He was awarded £850,000 for unfair dismissal, victimisation, and discrimination arising from disability.
- **Kaler v Insights ESC Limited (2024):** an employer dismissed a teacher who had previously described herself as autistic after she sent a series of aggressive and threatening emails to colleagues during a pay dispute. Although she had referred to herself as an "aspie," the school did not formally recognise her as disabled, and the tribunal criticised the employer for failing to consider and respond appropriately to her potential disability. However, the Employment Appeal Tribunal ultimately upheld the dismissal and concluded that while her conduct may have been linked to her neurodivergence, the seriousness of her behaviour justified termination.

Taken together, these cases highlight the complexity of navigating neurodivergence in the workplace, even when well-structured employment procedures are in place, if such conditions are not adequately understood or factored into decision-making at all levels.

The cases also underscore the growing emphasis of courts and tribunals on an employer's duty to anticipate and respond appropriately to the individual effects of neurodivergence in the workplace.

We all need to think differently and keep an open mind when reviewing individual performance. What may at first seem like challenging behaviour could reflect a different type of information processing, and to

understand that, we need a different mindset. By proactively addressing the needs of neurodivergent employees, employers will not only comply with legal requirements but also foster an inclusive workplace.

## Practical steps for employers

### Create an open and inclusive culture

- Encourage open communication: Foster a workplace where employees feel safe discussing challenges and asking for support without fear of stigma.
- Promote inclusivity: Create a culture where neurodiversity is understood, respected, and valued, and where diverse ways of thinking and working are acknowledged.
- Train managers and staff: Provide regular training on neurodiversity awareness, inclusive behaviours, and legal responsibilities under the Equality Act.

### Provide personalised support and communication

- Maintain clear and consistent communication: Use unambiguous language and provide written follow-ups or visual aids where possible.
- Encourage collaborative problem-solving: Involve the employee in identifying what support would be most helpful to them.
- Obtain expert input: Where appropriate, consider requesting an occupational health report to identify tailored adjustments and support strategies.

### Make practical adjustments to the work environment

- Adapt the physical workspace:
- Use partitions or quiet zones to reduce distractions.
- Provide adjustable lighting or desk lamps to accommodate individual sensory sensitivities.
- Offer noise-cancelling headphones or other aids to manage noise levels.
- Support flexible working
- Allow home working or varied start and finish times where roles permit.
- Offer autonomy over how and when an employee completes tasks, if outcomes remain consistent.

### Provide assistive tools and technology

- Offer supportive equipment such as:
- Speech-to-text or text-to-speech software.
- Mind-mapping tools or daily planners.
- Dictation software or dual monitors for improved focus and processing.

See [ACAS Adjustments for neurodiversity](#) and the [Equality and Human Rights Commission's](#) resources on workplace adjustments, or for expert support in accommodating neurodivergent employees in your organisation, contact [Karen Cole](#), Head of Employment at West End law firm [RIAA Barker Gillette](#) (UK).