

SPRING 2023

DRAPER LANG QUARTERLY



Welcome to the Draper Lang LLP Quarterly Update. Here we share some employment news highlights and look at what's coming up to help your business planning.

Inclusion: Spotlight on Neurodiversity

WHAT IS NEURODIVERSITY? HOW INCLUSIVE IS YOUR WORKPLACE? ARE YOU HARNESSING THE ADVANTAGES NEURODIVERSITY CAN BRING TO YOUR ORGANISATION?

Neurodiversity as a term was coined in the 1990s by a sociologist. Most people's brains function and process information in a way that is common and expected, known as neurotypical. However there are many people whose brains process information differently, known as neurodiverse.

As the name suggests, there is a **huge diversity within the neurodiverse spectrum**, common associated terms include autism, dyslexia and attention deficit hyperactivity disorder (ADHD).

It's fair to say that for many on the neurodiverse spectrum, **the world of work is not always a welcoming place** and statistics show that those with autism, for example, are often underutilised at work. There are challenges from the start of the recruitment process to the sensory challenges of the workspace itself. These challenges mean many neurodiverse people are not meeting their full potential, and organisations are missing out.

Due to the way their brains operate, many on the neurodiverse spectrum have heightened competencies of problem solving, spatial recognition, creativity, enhanced memory, pattern recognition and mathematical processing. These competencies might be core to your business, but **are your processes good enough to secure the advantages of a neurodiverse talent base?** The likes of Microsoft, Google and EY have recruitment processes in place specifically adapted to attract neurodiverse candidates.

How do you do this? Talk to a foundation that specialises in supporting neurodiverse demographics to sense check your processes. **Simple steps can be put in place to help**, such as clear, concise job descriptions which clearly state core competencies, not just 'nice to haves', **introduce imagery** to illustrate key responsibilities, which can be easier for the brain to process, and don't forget to **state that reasonable adjustments will be put in place** for those who need it.

In recruitment processes remember that certain types of neurodivergence result in different body language, such as not making eye contact, not wanting to shake hands or failing to engage in small talk. Often these points lead candidates to fail the test of 'cultural fit', in spite of having the skills and competencies needed for the role. Take care to avoid this bias and really assess whether the person you are interviewing can do the job required.

Once recruited, **consider your workspace**. It may take neurodiverse employees time to acclimatise, **adjustments may be needed** such as a quiet spaces, noise cancelling headphones, screen readers, time allowed to plan and respond to requests, rather than the expectation of an immediate reply.

Most importantly, remember that **one size does not fit all**. There are general steps you can and should be doing to **ensure that your organisation becomes a leader in this field** but, as always, each person will have their own needs that your organisation can support to develop their full potential.

THERE IS SO MUCH MORE TO THIS, PLEASE [TALK TO OUR TEAM](#) IF YOU WOULD LIKE TO KNOW MORE.



There have been so many updates which fall under the banner of equality this quarter. Headlines include:

Equality round-up

- **Ethnicity Pay Gap** - reporting these figures will not be made mandatory, but for the first time Government guidelines have been issued setting out how data might be collected and reported. It mirrors the gender pay gap stats and information can be found [here](#)
- ACAS has launched [new guidance on reasonable adjustments for mental health at work](#) which includes examples of adjustments, how to request and respond to them, and how to manage employees with mental health issues
- The Buckland Review of Autism Employment will consider how employers can **advance support for employees with autism**. Recommendations will be presented in September 2023.
- **Women in STEM** - Women make up just 29.4% of the UK STEM workforce. STEM vacancies are hard to fill and many STEM returners want to get back to work following career breaks. A Government initiative has been launched to understand and reduce barriers to this.
- Gender Pay Gap - TUC analysis shows that, because of the pay gap, **women work for free for 54 days a year**. Women's Pay Day - the day women stop working for free, was 23 February 2023 - two days less than last year.
- Both McDonalds and IKEA UK have signed legally binding agreements with EHRC to address how they deal with sexual harassment. This will include policy review, training and communication of a zero-tolerance approach.

Other news

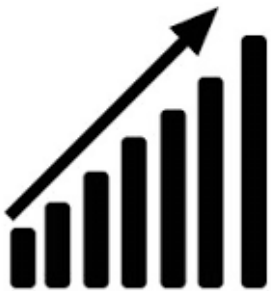
- **Four-day week update** - this trial has been a big success with 92% of businesses saying they will continue. Of 61 participating organisations, 56 have extended the scheme including 18 who have made it permanent. In the battle for candidates, this may become key. In the main, sick days and stress reduced but productivity was maintained.



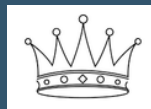
- As part of the Spring 2023 Budget, the Chancellor has introduced [Returnerships](#), a programme to help the over-50s return to work. This will promote accelerated apprenticeships, Sector-Based Work Academy Programme placements and Skills Bootcamps
- BEIS (The Department for Business, Energy and Industrial Strategy) is no more and the [new Department for Business and Trade \(DBT\)](#) will oversee employment policy and regulation
- Tribunals may see a reduction in panel members in future. Consultation has been launched to consider whether there are cases in which this can be further reduced, presumably due to lack of personnel.
- Tribunal statistics were also published recently which show that [cases have returned to their pre-pandemic level of about 600-700 cases a week nationally](#). Waiting times vary considerably across the country with the longest delays in London South, London East, the North West, Reading and Watford.

Rate rises

- [The National Living Wage](#) rose to £10.42 per hour for those aged 23 and over from 1 April 2023. The Apprentice rate is now £5.28;
- Statutory Sick Pay rose to £109.40 per week from 2 April 2023;
- Statutory Maternity, Paternity, Shared Parental and Parental Bereavement Pay rose to £172.48 per week from 2 April 2023;
- The [unfair dismissal compensatory award](#) cap rose from £93,878 to £105,707
- A week's pay for the purposes of [calculating statutory redundancy payments is now capped at £643 a week](#), previously £571 - this will be a sharp increase for those with long service;
- The Vento bands which guide Tribunals in awarding compensation for [injury to feelings in cases of discrimination](#) rise to the following:
 - a lower band of £1,100 - £11,200;
 - a mid-band of £11,200 - £33,700
 - an upper band of £33,700 - £56,200
 - Amounts in excess of £56,200 in the most exceptional cases.



COMING UP



Another bank holiday!! [Monday 8th May 2023](#) for the King's coronation. As for the extra royal bank holidays last year, entitlement is not automatic and will depend on the employee's contract of employment.

The Employment Bill, which was promised in 2019 but not delivered is still creeping in piecemeal, through Private Members Bills.

These changes will include greater protections from redundancy for those returning from maternity leave (for 6 months after they return), greater rights for carers and vulnerable workers and flexible working changes, [see our previous updates](#).

The Retained EU Legislation (Revocation and Reform) Bill is making its way through Parliament. This potentially explosive legislation can change much of what we in employment law and HR hold dear as norms, with over 4000 pieces of legislation now likely to be affected, including the Working Time Regulations and TUPE. The key deadline is [31 December 2023](#). Check our [Autumn update](#) for more details.

We love to hear from you, so please [get in touch](#) if you would like to know more about anything featured in this update, or to give us any feedback.

