

Scottish Government:

Learning Disabilities, Autism and Neurodivergence Bill: Consultation

**Response from GAIN (Group for Autism, Insurance Investment and Neurodiversity)
April 2024**

About 'GAIN'

GAIN – the Group for Autism Insurance, Investment and Neurodiversity (www.gaintogether.org) was formally established in April 2021. Its mission is to improve, radically, the employment prospects of autistic and other neurodivergent people, in the insurance, investment and related sectors of financial services.

We believe there is a match between the talent needs – talent gaps - in our sector and the too often untapped or underappreciated abilities and attributes of neurodivergent people.

In this response, we set out a summary of our views on the consultation, and a number of pieces of supporting evidence, which, we believe, underpin those views.

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Summary of GAIN's views:

- 1. GAIN welcomes, strongly,** the motivation behind, and the thoroughness of the approach taken, as described in the consultation document. We believe it is an important step forward in itself. And that it also represents an important piece of evidence that neurodivergence has, only in quite recent years, started to become acknowledged as just as much of an issue, requiring as much thought, and appropriate actions, as other forms of diversity. Some examples of this growing awareness are shown in section 1 of our 'supporting evidence', below.
- 2.** Because GAIN is focussed particularly on the challenges faced in employment and the workplace, **our response is concentrated mainly on Section 8** of the consultation document.
- 3.** As elsewhere in the document, the arguments made in that section and supporting evidence for them are strong. But it is, understandably, mainly focussed on the challenges faced by individuals and measures to help them overcome those challenges more readily than is possible at the moment. We strongly support the suggestions made.
- 4.** But **we believe there is a case for looking more closely** – as closely - at the other side of the coin – **the benefit to employers which could be achieved** by realising and releasing the talents and attributes of neurodivergent people and considering measures to enable and encourage employers to put them in place – not just for fairness towards those employees, but for the benefit of the business.
- 5.** We believe that **one of the ongoing forums should have particular regard to ensuring that the 'business case' for employers is developed**, clearly understood and widely propagated.
- 6.** The **issues concerning employment are as, if not more important, in the case of neurodivergent people already in the workplace**, as they are in for people seeking employment. Many neurodivergent people are not, for a variety of reasons, able to work as effectively or with as much opportunity or satisfaction as they could, and should be able to.
- 7. Workplace environmental issues and – particularly – the understanding and attitude of management (especially first line management) are crucial.** The effect and stress caused by 'masking' is pernicious, to the detriment of both the individual and their employer.
- 8. We believe that there is a clear business case for making workplaces more neuroinclusive.** That this view is held widely within the sector of financial services which has encouraged and supports GAIN, is demonstrated by the fact that our corporate members between them employ more than 100,000 of the 300,000 people employed in insurance in the UK.
- 9.** And that the **steps to realise those business benefits are not significantly expensive or difficult to implement** – more a matter of attitude and understanding than of substantial physical or organisational change.
- 10.** So, given the limitations mentioned on page 109 to what the LDAN Bill can do, we believe that – as well as the measures set out, not in substitution for them – **there could be similar efforts applied to inform and advise employers of the benefits of having a workplace which works well for neurodivergent people.** We believe that the speed, with which our industry sector is taking up the concepts and beginning to take substantive action, shows that such measures would be pushing at an open door.

- 11.** There is clearly a direct benefit to the 1 in 7 people (if the proportions are in line with the general population) who are neurodivergent, in the insurance and investment sectors where in the order of half a million people are employed – including significant numbers in Scotland, given the historical and current strength of Scotland as a centre of financial services
- 12.** But we believe that **the effect of our sector having a clear understanding of the business case – for any employer - can generate much broader positive change** – across all industry sectors and potentially internationally - by leveraging its reach, as investors in businesses of all kinds and locations. There is a particular coincidence with the growing importance of Environmental, Social and Governance considerations in assessing the future prospects of businesses of all kinds, as described further in section 3 of our supporting evidence.
- 13.** So, we do not attempt to comment on every aspect covered by the consultation, but hope it will be helpful to note some specific areas, in support of the above.
- 14.** **We would welcome the opportunity to amplify** any of the points, and generally share our experience, methodology, success stories and contacts which we have developed

Supporting evidence:

1. That neurodiversity is emerging, fast, as a topic requiring as much attention – and is potentially a form of diversity where positive change might be achievable more rapidly - than more long acknowledged forms of diversity

- Especially in employment. Viz the establishment, in the last 2 or 3 years, of:
 - the Buckland Review of Autism Employment, by the UK Government
 - the Institute of Neurodiversity
 - Neurodiversity in Business
 - The Neurodiversity Workstream of the Investment Industry's 'Diversity Project' Diversity project ND workstream
 - The Legal Neurodiversity Network
 - The 'Employ Autism' Development Board of 'Ambitious About Autism'
 - The Autistica 'Neurodiversity Employers Index'
 - **And, of course, this Bill, and this consultation**
- The clearest evidence, that 'the time is come' for neurodiversity to have a similar focus to other forms of diversity in the workplace, is probably the UK Government having agreed to the Buckland review being carried out:
 - Although it was initiated to examine the particularly low rates of employment of autistic people, its considerations have encompassed other forms of neurodiversity.
 - One particularly important recommendation, given 'what gets measured gets done' is the promotion of the 'Neurodiversity Employers Index' being developed by Autistica.
 - This 'Neurodiversity Employers Index' is intended to enable organisations to measure themselves against best practice, highlight areas of strength and areas for improvement and include an annual awards programme. The Index will also provide guidance on how employers can design fully inclusive processes, procedures and premises so all staff can receive the support they need without autistic staff needing to disclose their condition. The Index had a limited release as a proof of concept with selected employers in autumn 2023, with a full launch open to employers from all market sectors scheduled for spring 2024.

2. That the adjustments needed in a workplace, to make it more accessible and able to better benefit from the abilities and attributes of neurodivergent people, almost axiomatically improve the environment for other forms of diversity or disability – and for the workforce in general

- For example, accommodations to ensure that those neurodivergent people for whom travelling at peak times is difficult, also assist parents – the majority still women – who have to manage school attendance as well as work.
- In 'hot desking' environments, allocating some areas where there are set workstations people who need a familiar location, or facilities for access or to enable them to contribute fully whilst managing a disability.
- ensuring that job interview and appraisal processes do not – often inadvertently - make it more difficult for neurodivergent people. Small changes – such as telling candidates in advance what the interview questions will be, and who will be interviewing them, benefit all applicants, especially those who are less confident.

- The 'curb cutting' effect of improvements which help neurodivergent people, help the workforce at large can be seen from this summary of such measures in an office context:

Distributing meeting agendas in advance, and sticking to them

- *Provide a bullet-point agenda 24 hours ahead*
- *Include approximate timings for agenda items*
- *Include goals/intent/outcome desires*
- *Highlight individual ownership of agenda points*

Benefits ND employees by

- *Decreasing anxiety caused by uncertainty*
- *Allowing processing time and provides opportunities to seek clarity with manager*
- *Increases the likelihood the ND employee will be able to contribute during the meeting*

Benefits all employees by

- *Keeping meetings on-topic more effectively*
- *Providing all employees more time to prepare slides, contributions and data for the meeting*
- *Increases the likelihood of meetings ending in decisions made and actions agreed*
- *Reduces over-running meetings*

Accommodating sensory needs by Allowing all employees to

- *use headphones at their desk when not on-call*
- *Book focus spaces and meeting rooms when they need to focus*
- *Utilise remote working and other flexible options as needed*

Benefits ND employees by

- *Reducing sensory overload*
- *Providing a signal to "get attention" for those with auditory processing challenges*
- *Reduces anxiety caused by an unpredictable environment*
- *Reduces the need to socially mask in the office for long periods*

Benefits all employees by

- *Reducing frequency of migraines and headaches in busy environments, reducing sick time overall*
- *Providing means for energetic employees to self-motivate with music without disturbing colleagues*
- *Gives parents the ability to work around childcare needs more easily by working remotely*
- *Reduces disruption in-office caused by conference calls when others are focusing*

Improve the experience of meetings in the workplace

- *Making 50 minute meetings the norm with meetings starting on-the-hour*
- *Permitting camera-off during remote meetings*
- *Scheduling meeting-free days*

Benefits ND employees by

- *Reducing masking fatigue from being on-camera for long periods*
- *Encourages meetings to be shorter and more focused, reducing overwhelm and anxiety around overrunning meetings*
- *Reduces the frequency of meetings that could instead be emails or other, less time-intensive means of distributing information*
- *Provides more opportunities for ND employees to hyperfocus on tasks*

Benefits all employees by

- *Reducing back-to-back meetings and putting a 10 minute rest-break in for those with chronic health needs*
- *Reducing "zoom fatigue"*
- *Providing time at the end of a meeting for write-up of meeting notes, resulting in fewer missed action points*

3. That there is the possibility of leveraging the reach of the investment management sector to broaden the acceptance and uptake of workplace practices which are neuroinclusive, especially given the coincidence with the growth of ESG considerations as a factor in assessing the long term financial performance of businesses.

This can benefit the people working in a business, as well as the business itself, so this is considered from both perspectives, and that of the broader economy and society:

From an employee's perspective:

In a benchmark survey carried out by GAIN in 2023, 75% of respondents reported experiencing or witnessing bullying, exclusion or harassment of neurodivergent individuals in the workplace. 86% disclosed that they have left a workplace, or considered leaving, due to these causes and only 29% of neurodivergent respondents felt safe to raise a complaint. This is consistent with the most recent major study of vulnerability experience in the workplace¹, which observed that 54% of autistic people reported having been bullied by someone at work versus 36% of non-autistic people. 49% of autistic people had also reported leaving a job because they were treated badly by colleagues compared to 19% of non-autistic respondents.

From an employer's perspective:

The United Nations Guiding Principles on Business and Human Rights, and the OECD Guidelines for Multinational Enterprises recognise the responsibilities the Financial Sector has regarding adverse impacts their investments or companies can cause to society. Even the *risk* of human rights issues such as bullying and harassment can create broad, negative, economic impacts. ESG and Diversity, Equity and Inclusion disclosure requirements will therefore continue to evolve and be integrated into financial regulations. As with health and safety policies, more scrutiny on disability and neurodiversity inclusion policies should help businesses assess and mitigate such human rights risks, under globally accepted standards and frameworks.

From the perspective of the Investment and Insurance sector

To improve investment returns:

The case for greater diversity leading to better business results is well established. For example, the coincidence of diversity in general with business outperformance, and its impressive progression, has been recorded by McKinsey regularly over the past 10 years². The strong case for neurodiversity in particular, is evidenced by, inter alia, Deloitte Insights in 2022³.

Consequently, GAIN, with others, is working to encourage investment analysts, in their assessment of future prospects of businesses, to take into account steps which a business has, or hasn't, taken, to create a neuroinclusive workplace, as part of their review of ESG considerations. Because businesses which have, are likely to deliver better business results, this should flow through to higher valuations. This prospect will prompt adoption of neuroinclusive working practices, across all forms of business – and geographical locations. Thus, leveraging the industry wide and worldwide reach of the investment sector as a catalyst in achieving wholesale positive change.

To achieve better customer outcomes and meet compliance requirements:

The Financial Conduct Authority has recently introduced a strong 'Consumer Duty' requirement on all firms in financial services, requiring firms to act to deliver good outcomes for all customers, including those with characteristics of vulnerability. With 1 in 7 of the population likely to be neurodivergent, companies are seeking help from GAIN to understand the needs of

¹ the 2019 Vulnerability Experiences Quotient: 'VEQ' Survey <https://pubmed.ncbi.nlm.nih.gov/31274233/>

² [Why diversity matters even more | McKinsey](#)

³ [Building a neuroinclusive workplace | Deloitte Insights](#)

this customer base and how their characteristics impact on accessibility of financial products and services.

The role GAIN is playing.

Being an industry-owned and led initiative, GAIN is well placed to help. Raising awareness of all matters related to neurodiversity workplace inclusion but also creating collaborative initiatives through its eco-system including industry trade bodies and wider partner organisations. GAIN is forming an Investment Management Working Group to, via 'design thinking workshops' to inform the strategy and execution of initiatives that will address specific issues and risks such as discriminatory bullying and harassment, and leverage the benefits of neuroinclusion to create better outcomes for the economy, community, customers and businesses

4. The business case for neurodiversity:

The business case for neuroinclusion has been made many times. One succinct example is in the Deloitte Insights report 'Building the neuroinclusive workplace' (2022)⁴:

Neurodiversity can be good for business.

The business case for neuroinclusion is emerging as organizations realize that integrating neurodiverse professionals can lead to enhanced organizational productivity and greater innovation.¹³ The intersectional nature of neurodiverse conditions could mean that these shifts will potentially benefit multiple populations beyond neurodiverse individuals.

- **Enhanced productivity:** Research indicates neurodiverse professionals can be more productive than their neurotypical counterparts. For example, JPMorgan Chase & Co. estimates that employees hired into tech roles through its neurodiversity program are "90% to 140% more productive than others and have consistent, error-free work."¹⁴ Executives we spoke to also point to higher retention rates among neurodiverse professionals for successful programs.¹⁵ These same executives suggest that accommodations to support neurodiverse professionals often benefit the productivity of their neurotypical workers as well.
- **Better overall management practices:** Many of the accommodations that organizations are implementing to benefit neurodiverse professionals, like increased clarity in communications, could also benefit management practices for the entire team. For example, the neurodiversity training company Uptimize recommends team managers tailor their communication strategy with a given neurodivergent professional. But they also recognize that this is a practice that should be done with all team members.¹⁶
- **Increased innovation:** Neurodiverse professionals can add greater cognitive diversity and creativity to teams.¹⁷ As a workforce neurodiversity advocate at a large multinational financial services company noted in our interviews, "Neurodiversity is not a superpower. [They] are different, and just like every other section of diversity, having a diverse workforce enables creativity that you're not otherwise going to have if everybody thinks the same.

⁴ [Building a neuroinclusive workplace | Deloitte Insights](#)

5. *The pernicious effects (on individuals and consequently for their employers) of ‘masking’*

Many neurodivergent people ‘mask’ or ‘camouflage’ the effects of their neurodiversity, for a variety of reasons – including the simple desire to ‘fit in’, although sometimes from concern that their difference might be viewed negatively in terms of ability or progress.

The problems which neurodivergent people can face from ‘masking’ include:

- *Anxiety, depression, or other mental illness from lack of self-worth or loss of identity*
- *Stress from time investment, social exertion or fear of being ‘outed’.*
- *Exhaustion from planning strategies*
- *Delay of a professional diagnosis*
- *Engaging in risky behaviours like addictive substances*

There are numerous studies and articles which describe masking, its causes, and effects, in general. (An example is the article from the ‘PsychReg Journal’⁵.)

But in the context of the workplace, the academic study published in the Journal of Autism and Developmental Disorders, in January 2019⁶, is, we believe, especially relevant. This study brings out, particularly, that people may mask in the workplace, but not at home or in social situations, and it evidences, clearly the stress and threat to mental wellbeing which can arise as a result of having to be ‘two people’. To quote from the introduction:

“.....there is a “disconnection” of self-presentation and engagement between different contexts: for example, an individual may decide to openly discuss their autistic identity with friends but not with co-workers.....having more disconnection may be detrimental to mental health: when an individual puts energy into keeping track of which parts of their identity are expressed in which environments, it could cause identity fragmentation, stress, anxiety and depression..... (and it was...) found that disconnection between personal-life and work-life for individuals related to more stress and fear of disconnect collapse than the consequences of actually disclosing their identity in the workplace.

A conclusion that can be drawn from this is that it is important for employers to find ways in which neurodivergent people are confident about disclosing what it is they need in order to do the best possible job. And that managers – especially first line supervisors – are sufficiently aware of the issues and what to do for the benefit of both the business and the individual.

If masking or camouflaging is as stressful as the studies show, the correct action for an employer to take is really quite obvious. The logic seems clear that it is better for a business to have employees less stressed rather than more stressed, and using their mental energy on doing their job as well as they possibly can, rather than being perceived as neurotypical.

So the case for employers taking steps to make their workplace as neuroinclusive as possible is clear.

⁵ [Masking: What Is It and Why Do Neurodivergent People Do It? | Psychreg](#)

⁶ [Understanding the Reasons, Contexts and Costs of Camouflaging for Autistic Adults - PMC \(nih.gov\)](#)

Some more about GAIN: The 'Group for Autism, Insurance, Investment and Neurodiversity'

Mission

GAIN's mission is very simple. To bring about, in a way which is industry owned and industry led, a radical change in the employment prospects of neurodivergent people – including (e.g.) autistic, dyslexic, ADHD, dyspraxic, people – in the insurance, investment, pensions and actuarial - sectors of financial services.

When did GAIN start?

The GAIN initiative was started in 2020, initially focussed on autism, because provision for autistic people – improved somewhat in recent years for children - drops sharply at age 18, and only 1 autistic person in 3 is in paid employment, when the considerable majority could be. Very shortly after work began it became clear:

- many of the challenges which autistic people face apply to other forms of neurodiversity as well.
- how widespread the issues are. 1 person in 7 is neurodivergent.
- it is as much an issue for many people already in the industry as for people wishing to join it.
- engendering a change organically, business by business, would be very slow.

Why now, and why an industry initiative?

Hence GAIN has been established as an industry initiative, and with a broader remit. To test this, in detailed discussions with more than 30 major businesses in the industry, a strong consensus emerged on three things:

- there is a match between the talent needs of the industry - especially, but not only, as the importance of data builds exponentially – and the talents and capabilities of neurodiverse people. That match is generally not being made. As well as problems with getting employment, many neurodivergent people, already in the industry, 'mask' their differences, when those differences are often their strengths.
- the time to start addressing it is now, when improvements in diversity and inclusion generally are being recognised and addressed, both from a best working practice viewpoint, and as an important element in ESG considerations. Measures to include neurodiversity are best done alongside other actions to improve diversity, to which they add a cross cutting dimension, rather than subsequently.
- The best way to achieve change is with an industry initiative.

What workplace adjustments are needed? What is the business case? And the case for the industry?

Quite minor adjustments - to things like employment interview and appraisal processes and recognising there are people who think differently - can make a big difference. To the benefit of the businesses, as well as to the individuals. The primary objective is not aimed at improving CSR, even though it will. Getting it right brings clear benefits which go to productivity and to the bottom line. Experience at businesses like J P Morgan prove this, as do initiatives at Marsh and some other insurance businesses. *For example, a recent Harvard Business Review article cited research which shows that, when matched with an appropriate job, autistic people can be 140% more productive than the typical employee.*

GAIN is seeking the commercial, societal and economic benefits of the insurance and investment industry – of which GAIN’s initial founders, with long standing in it, are proud, but which is too often maligned and underappreciated - becoming pathfinders, an exemplar to other industries, of a step change in the employment of neurodivergent people.

What is GAIN doing?

GAIN is a HUB. Where individuals and organisations can find out more and find each other. Open to everyone in insurance, investment and related sectors, GAIN will raise awareness of how to unlock the potential from neurodiversity. GAIN is not aiming to be a large organisation. Its role will be to connect neurodivergent people with employers who need their talents and abilities and provide links for both to service providers who have established expertise, rather than GAIN building infrastructure to provide services itself. To do this, GAIN has been established as a not for profit Community Interest Company as a staging post towards charitable status.

How is GAIN funded now, and in future?

For the first two years, the effort was entirely voluntary, with any expenses bring met by members of the 12 people who make up the steering group (from a variety of backgrounds, such as lived experience of neurodiversity, the industry, educators, and specialists in working with neurodivergent people and their employers). Subsequently an influential and growing group of ‘founder funders’, from major industry businesses gave given some seed funding which enabled the appointment of a first full time person as General Manager.

In June 2022, GAIN launched a membership scheme, which is now the long term method of funding. We have four strands of membership:

- Corporate membership, for businesses in the sector, with subscriptions which reflects both the ambition to achieve the change for the industry and specific benefits provided by, or facilitated by, GAIN. More detail can be seen at www.gaintogether.org.
- Neurodivergent Individuals, and those who support or work with them, for whom membership will be free
- Providers of services to both neurodiverse people and employers who want to be more able to use their talents and abilities, and
- Researchers and academics interested in the field

GAIN Corporate Members

GAIN now (April 2024) has more than 40 organisations, within the insurance and investment and related sectors of financial services. Most of these are businesses, who are committed to improving the way in which their workplace functions for neurodivergent people. They include:

AVIVA	GUARDIAN	Reinsurance Group of America
AGEAS UK	Hymans Robertson	RSA
AXA	JUST Group	SAGA
Beazley	Legal & General	Schroders
BIBA	Liberty	Simply Business
Chartered Insurance Institute	Medical Defence Union	St James’s Place
CHUBB	Pensions Insurance Corporation	Swiss Re
COVEA	QBE	Zurich UK