



National
Autistic
Society



**“My life could be
so different”**

Experiences of autistic
young people in the
youth justice system



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Background

The National Autistic Society is the leading charity for autistic people and their families in the UK. Since 1962, the National Autistic Society has been providing support, guidance and advice, as well as campaigning for improved rights, services and opportunities to help create a society that works for autistic people.

In this time, we have worked on a number of projects supporting autistic young people and adults within the youth/criminal justice system as well as youth/criminal justice professionals. This has included chairing the North West Autism and Criminal Justice Forum for almost 15 years, delivering a number of Government-funded projects to provide training, reflective practice sessions and consultancy support to probation service and prison staff. We have also provided training to a range of criminal justice agencies.

We have also been delivering our 'Autism Accreditation' in prisons and probation services for the past eight years. Autism Accreditation is the UK's only autism specific quality assurance programme of support and development for all those providing services to autistic people.

We currently have a number of prisons and probation services working towards their accreditation. We support professionals within the wider sector, through holding an annual Autism, learning disability and the criminal justice system conference, our free quarterly newsletter, *Autism Practice: Autism, Learning Disability and the CJS* with a circulation of over 3,000, as well as providing resources on our website including *Autism: a guide for police officers and staff*.

In 2019, in partnership with the All-Party Parliamentary Group on Autism, we held an inquiry on the *Autism Act: Access to Justice* at the Houses of Parliament. A report, *The Autism Act: 10 Years On* was developed from the findings of this and other inquiries. In 2020, we co-hosted an event with the Equality and Human Rights Commission looking at the experience of disabled defendants in the CJS with the then Lord Chancellor, Robert Buckland.

We contributed to the work of the Joint Inspectorate on Neurodiversity in the CJS, and examples of our work were included in the *Neurodiversity in the criminal justice system 2021* review. Our youth justice report builds on themes identified in the review about how youth/criminal justice professionals can be better supported to understand autism and adjust and adapt their practice to suit autistic young people's needs. Furthermore, young autistic people are overrepresented in the youth/criminal justice system and there is no research out there that looks together at what the risks are and how to avoid them.

This report details, using autistic young people's, their families' and professionals' experiences, what the Government needs to do to prevent autistic young people entering the youth justice system in the first place as well as improve the support offered to them within it. This was made possible by funding from Barrow Cadbury Trust to build on evidence they have already collated through their Transition to Adulthood (T2A) campaign, working towards a better justice system for young adults. We are very grateful for the funding they provided.

We collaborated with the University of Kent on parts of this project, including our ethics approval process, advising on our research methodology and conducting some of our interviews. We want to thank them for their contributions.

We would also like to thank our Advisory Board for their expertise and commitment to this project as well as to members of the National Autistic Society Influencing and Research team. Lastly, most importantly, thank you to all the autistic people, family members and professionals who shared their experiences with us.



Executive summary

Purpose of this report

Years of social care crisis and the resulting lack of support for autistic children and their families have contributed to the current overrepresentation of autistic young people in the criminal justice system. With better interventions this can be avoided. Committing crimes can have a serious detrimental impact on anyone's life chances. This only causes additional challenges for autistic people who are already less likely to find employment and more likely to have poor mental health than the rest of the population.

Furthermore, despite improvements in recent years, many staff working within the criminal justice system still do not have the autism knowledge to provide effective support for autistic young people. In the worst cases, this can result in longer sentences and further crimes being committed. System-wide changes are needed to prevent autistic young people being involved in the criminal justice system in the first place as well as improving the subsequent support they receive.

Our report gives the views of autistic people, families and professionals on what autistic young people need to prevent their involvement in the criminal justice system in the first place and, if crimes are committed, what needs to change to improve support they are given.

Through surveys and interviews we spoke to:

- autistic adults who had previous involvement with the criminal justice system as children or young adults
- families of autistic young people who have been involved in the criminal justice system
- professionals currently working or who had previously worked in the criminal justice system
- professionals working with autistic people outside the criminal justice system who may be at risk of being involved with the system.

Questions covered:

- the risks of autistic young people entering the criminal justice system and what is needed to prevent them
- where practice can be improved, including:
 - autistic young people's negative experiences of the criminal justice system
 - criminal justice professionals' views of what can be improved
- where good practice is happening already, including:
 - autistic young people's positive experiences of the criminal justice system
 - criminal justice professionals' examples of good practice.

Findings show the majority of autistic young people are 13-15 years old when serious early concerns emerge about them being at risk of committing a crime. Top concerns include being easily led or influenced by others, violence and/or aggression towards others, damaging property and being excluded from school.

For many, this behaviour is a result of being unable to get a timely diagnosis as well as receiving little to no accompanying support for themselves or their families when they do get one. This is further exacerbated by surrounding education and healthcare systems being ill-equipped to cater to autistic young people's needs. No professional we spoke to outside the criminal justice system believed there was enough support in place to prevent autistic young people committing crimes.

When it comes to the treatment of autistic young people in the criminal justice system, there are some examples of good practice; however, this is still inconsistent. Many criminal justice professionals across the system report being inadequately supported to first identify autistic young people they work with. Then they lack support on how they can adapt and adjust their practice. They further report that even when different professionals in the system know someone is autistic, often that information is not shared. As a result, many autistic people and families report professionals do not understand them and that they receive little to no adaptations and adjustments throughout their experience with the criminal justice system.

The vast majority of autistic young people won't break the law, get into trouble with the police or go through the courts or young offender institutions. But our research shows that the impact on these young people who do is profound.

Conclusion

No autistic child or young person should be at greater risk of getting into trouble with the criminal justice system just because they're autistic. However, our research shows that this is too often the case and the impact can be devastating. The damage this has caused to the people who contributed to this report can't be underestimated or undone. Their stories and experiences, alongside those of families and professionals, show clearly the areas where change needs to happen. We have been calling for many of these recommendations for years and the Government must act now, once and for all.

Staff working within these systems must be supported to understand what autism is and how to meet an autistic young person's needs. In entering the system in the first place, autistic young people have already been failed, there is no excuse to fail them further.



Introduction

Autism is a lifelong disability which affects how people communicate and interact with the world. All autistic people have difficulties with communication and social interaction. Many autistic people have sensory sensitivities with noise, smells and bright lights, which can be painful and distressing. They can experience intense anxiety and extreme unease around unexpected change.

As the Government's recent all age autism strategy recognises, autistic people are overrepresented among people who come into contact with the criminal and youth justice systems, as victims, witnesses or defendants.¹ Furthermore, years of social care crisis and lack of mandatory teacher training in autism in schools can contribute to autistic young people not receiving the support they need. A lack of support can lead people into crisis and as we have seen in our interviews, not having support or access to a diagnosis was a reason why more than one young person committed a crime. Critically, the professionals working with autistic people outside the criminal justice system thought there is currently not enough support provided to reduce the risk of autistic young people entering it.

The vast majority of autistic young people won't break the law, get into trouble with the police, or go through the courts or young offender institutions. But our research shows that the impact on those young people who do is profound.

With better support to get a diagnosis and the right interventions by professionals who understand autism, we believe this trauma can largely be prevented. Having a criminal record can have a detrimental effect on the rest of someone's life. We need to stop failing autistic young people by committing to invest in their futures.

Furthermore, our previous [APPGA inquiry](#) found that autistic people often have poor experiences when they come into contact with the criminal justice system. There are many reasons for this, including poor understanding of autism among professionals as well as challenges with getting adjustments they need to engage in processes. This lack of understanding can cause staff to misinterpret autistic people's behaviour, resulting in further offences at worst and missed opportunities to divert them from the criminal and youth justice systems.

In addition to this, the [Equality and Human Rights Commission](#) also found that disabled people, including autistic people, often struggle to understand the sentencing process. This is because adjustments are not made to those processes, or because their needs are not identified early on.

The Government strategy promises that by 2026, it will have made improvements in the experiences of autistic people coming into contact with the criminal and youth justice systems, by ensuring that all staff understand autism and how to support autistic people.

It wants all parts of the criminal and youth justice systems, from the police to prisons, to have made demonstrable progress in ensuring that autistic people have access to care and support where needed. In addition, they want autistic people who have been convicted of a crime to be able to get the additional support they may require to engage fully in their sentence and rehabilitation.²

Our research highlights that in order for this to be successful, there needs to be:

- better preventative support for autistic young people
- better support for autistic young people in the youth justice system.

Based on our findings, we have made recommendations on how local and national governments can make sure this commitment in the national autism strategy is met.



How we carried out our research



Advisory Board

We recruited an advisory board to govern and oversee the project. The board was made up of members of the Research Team and our Criminal Justice Manager at the National Autistic Society, experts by experience including parents of autistic children, autistic adults and our academic partners. We met regularly to shape the delivery and monitor progress of this project.

This research was supported by the **Barrow Cadbury Trust**. We could not have done it without their support and would like to thank them for making this important project possible.

We collaborated with the University of Kent on parts of this project, including our ethics approval process, advising on our research methodology and conducting some of our interviews. We want to thank them for their contributions.

Research

We developed our survey and interview questions by analysing anonymised data and testimonies from our helpline and casework services, allowing us to build up a picture of what life is like for autistic young people at risk of offending or who have offended. We did this by using pre-identified key words, such as 'police' and 'violence', to sort through call records. From this, we identified a range of main themes that frequently occurred during calls about youth and criminal justice. This data then fed directly into the creation of the survey.

Four different versions of the survey were produced and shared. This enabled us to tailor each survey to a specific audience, allowing us to better capture survey responses. The four different surveys were for:

- autistic people who have been involved in the criminal justice system (aged 25 years and below)
- families of an autistic person who has been through the criminal justice system when they were/are 25 years and below
- youth justice professionals who have worked with autistic people aged 25 years and below
- professionals working in any other sector with autistic people aged 25 years and below who are at risk of entering or have been involved with the criminal justice system.

We heard from 203 autistic people, 167 family members, 40 criminal justice professionals and 115 professionals working with autistic people outside the criminal justice system.

We also carried out semi-structured interviews with:

- 11 criminal justice professionals (this included prison officers, educational psychologists and specialists working in youth offending services)
- 22 autistic people
- 20 parents/carers.

The autistic people we spoke to who had previous involvement with the criminal justice system under the age of 25 had at least one:

- experience with the police
- experience with solicitors and courts
- experience within the prison system
- experience on probation.

The professionals we spoke to and who answered our survey worked across:

- the police
- judiciary services
- youth offending services
- Criminal Justice Liaison and Diversion Services (CJLDS)
- probation services
- prisons
- clinical psychology
- social work
- support work
- residential services
- special educational needs and disability (SEND) services
- further and higher education
- educational psychology
- community nursing
- psychotherapy and counselling
- psychiatry
- research
- multi-disciplinary teams (including speech and language and occupational therapists)
- mental health services.

The autistic adults who answered our survey were mainly aged 18-25 and above and were recounting previous experiences. Whereas the majority of the families were responding on behalf of their primary and secondary school aged children. The autistic adults who responded had a fairly similar gender split between male and female and we also received a small number of responses from non-binary people. The majority of families were responding on behalf of male autistic children. It is interesting to note that a high number of the autistic adults that responded (42%) were currently unemployed; their time in the criminal justice system may have contributed to this, though this was not the remit of this research.

**We have divided
this report into
two sections:**



Section one:
**Preventative support
for autistic young
people at risk**



Section two:
**Support for autistic
young people in the
criminal justice system**

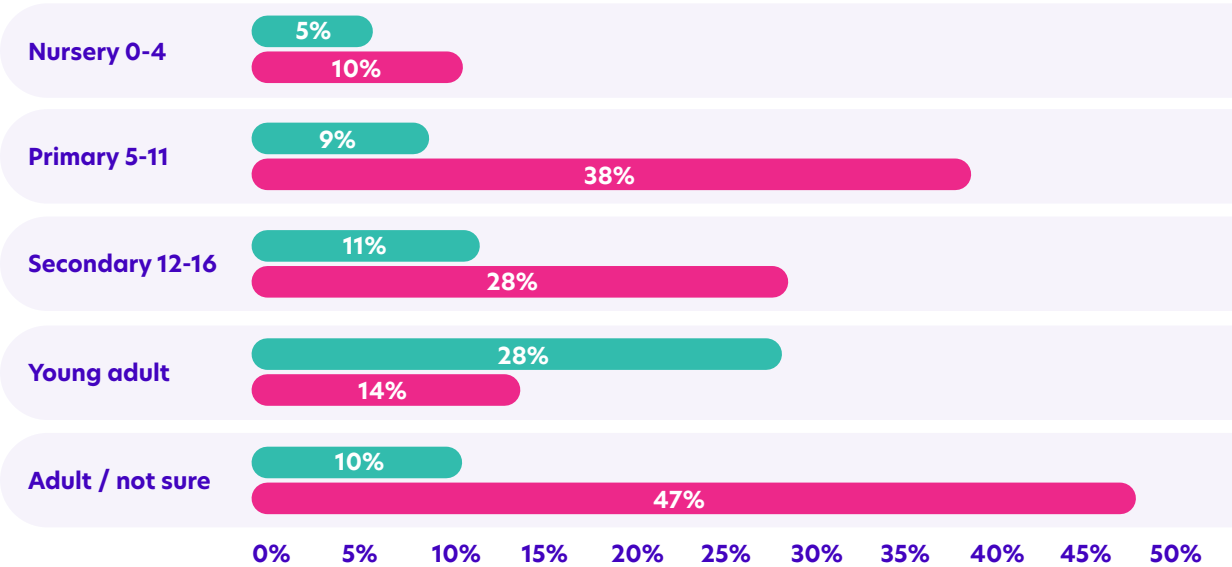
Section one: Preventative support for autistic young people at risk

In our survey, we asked people a number of questions relating to their early concerns and involvement with the youth justice system. We asked when people received their autism diagnosis and when there were first worries about getting into trouble. Our findings, supplemented by interviews with autistic adults and families, paint a picture of early and low-level needs going unsupported, leading to people getting into trouble with the justice system. **Professionals who work with autistic people outside the criminal justice system told us that currently there is not enough support provided to reduce the risk of young autistic people entering the system.**

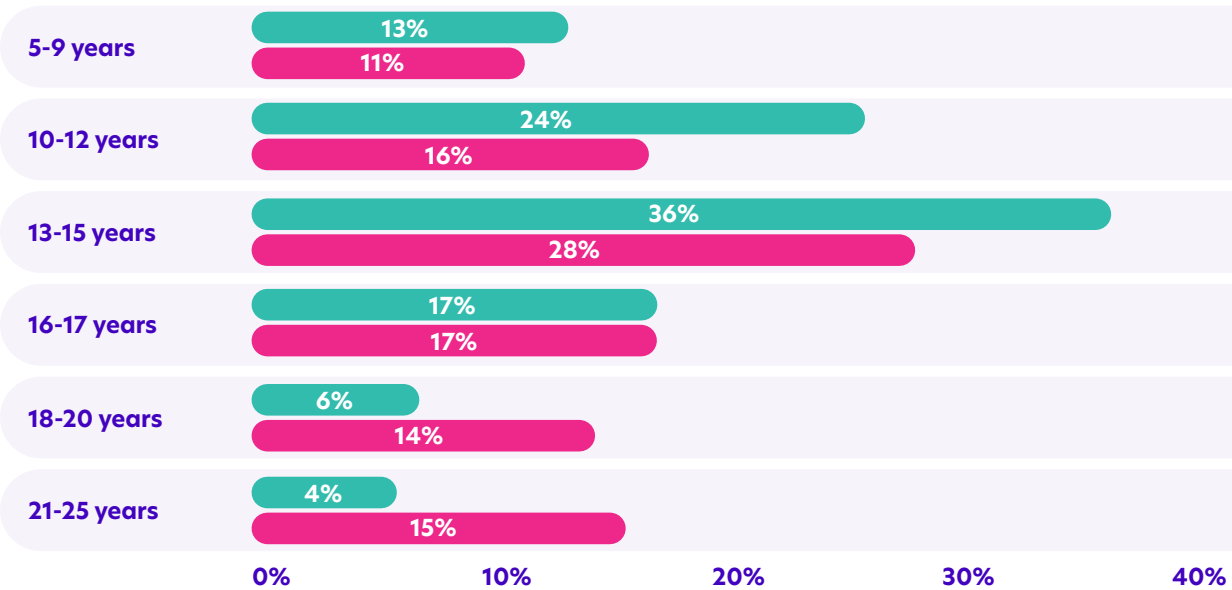
Society needs to ask if this involvement in the youth justice system could have been avoided and if these autistic people's lives could have been different.



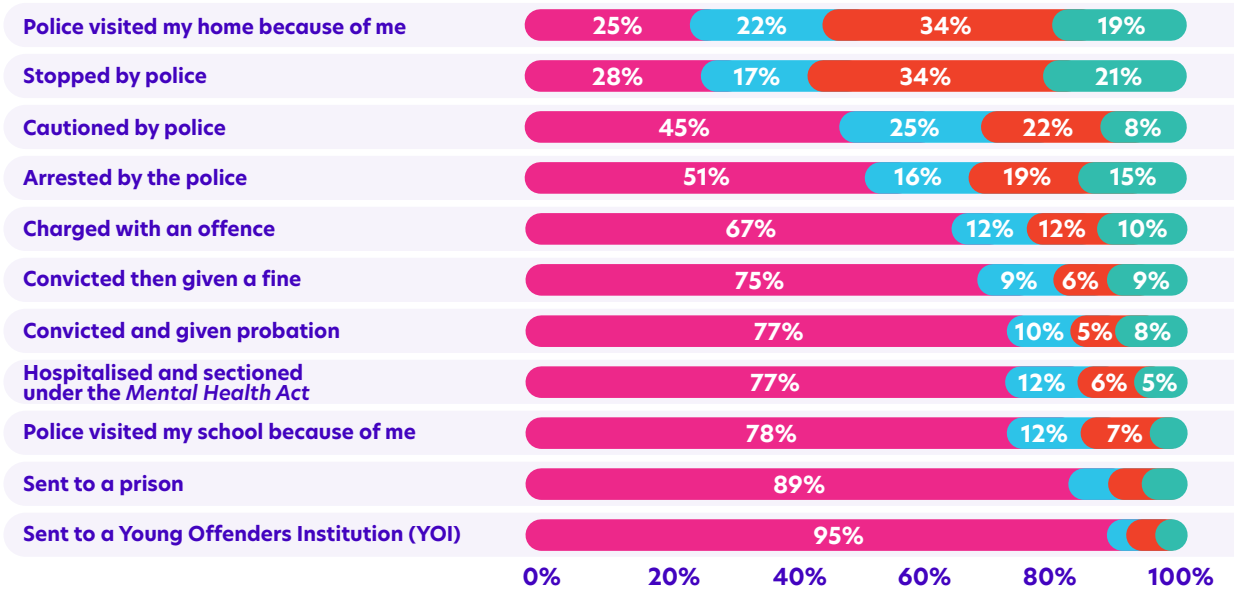
Age of autism diagnosis



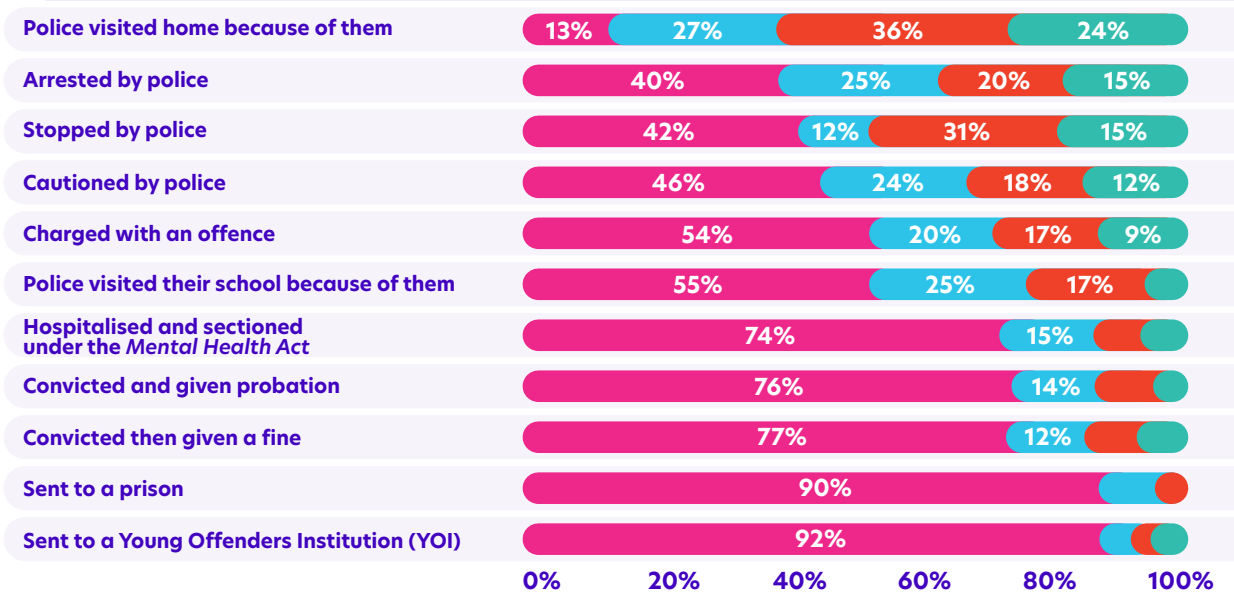
Age of first concerns



What involvement autistic adults had with the criminal justice system



What involvement the autistic young person had with the criminal justice system (Families' perspective)



Early concerns and levels of involvement

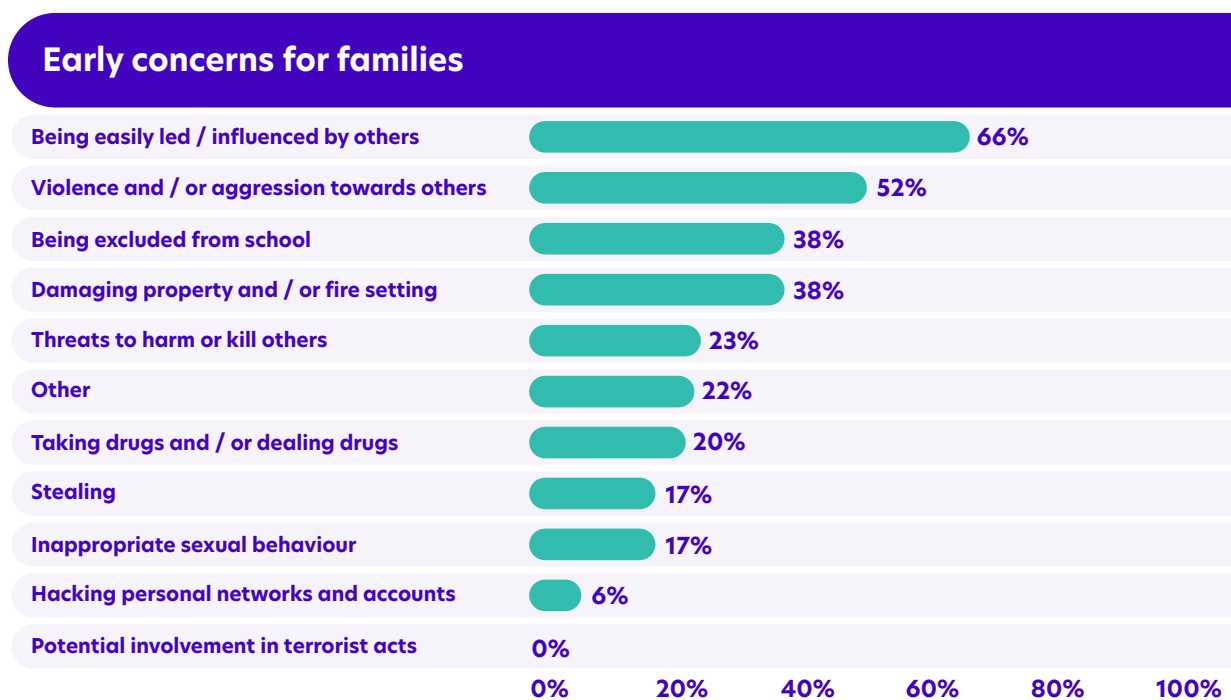
According to both autistic adults and families who answered our survey, the average age range for both early concerns and first involvement with the police is 13-15 years.

This is school-age and the majority of these autistic young people were part of a system that is meant to support every child and teenager. For the people we spoke to, too often they didn't get the support they needed.

Our report explores some of the changes that need to be made to not only support autistic teenagers when early concerns are identified but to support autistic children to stop concerns arising in the first place.

This should happen regardless of their involvement with the criminal justice system but should definitely be put in place if someone is known to the police to help prevent future offences. This is especially important as those who had been arrested (but not charged) or were stopped by the police at an early age were found to have been more likely to receive community orders and custodial sentences.

Listed below are the behaviours/actions that parents listed that they were most concerned about their child doing at the time. They were able to choose multiple options and the percentages represent how frequently each action was chosen.



Listed below are the top concerns of families participating in the research.

Being easily led or influenced by others

Families shared a number of concerns about their children being easily led and influenced by others in order to 'fit in', going around with the wrong people or being bullied into things.

"He was being taken advantage of and being influenced by the wrong individuals."

Parent of an autistic young person

"They could be and still are influenced by others to fit in with a crowd, he didn't understand he was being used."

Parent/carer of an autistic young person

Violence and/or aggression towards others

Families shared worries about their child's aggressive or violent behaviour. Often this happens as a result of someone being completely overwhelmed and not supported properly at school or by statutory services. Parents are not to blame and should receive help much sooner to support escalating behaviour and the situation causing it.

"Our daughter becomes extremely violent when she suffers acute anxiety. We couldn't access any help despite contacting various agencies including GPs and CAMHS. She would smash our house up, hit us, hit others. I was very concerned as she became older how we would be able to help her control her temper and protect her, ourselves and others."

Parent/carer of an autistic young person

"When in periods of high anxiety and overwhelm/meltdown, my daughter's behaviour escalates to using violence against others. Now we have an assessment/diagnosis of pathological demand avoidance autistic profile, we can attempt to provide a low/no demand environment and have had no incidents for almost two years - however, before this, we were having weekly incidents."

Parent/carer of an autistic young person

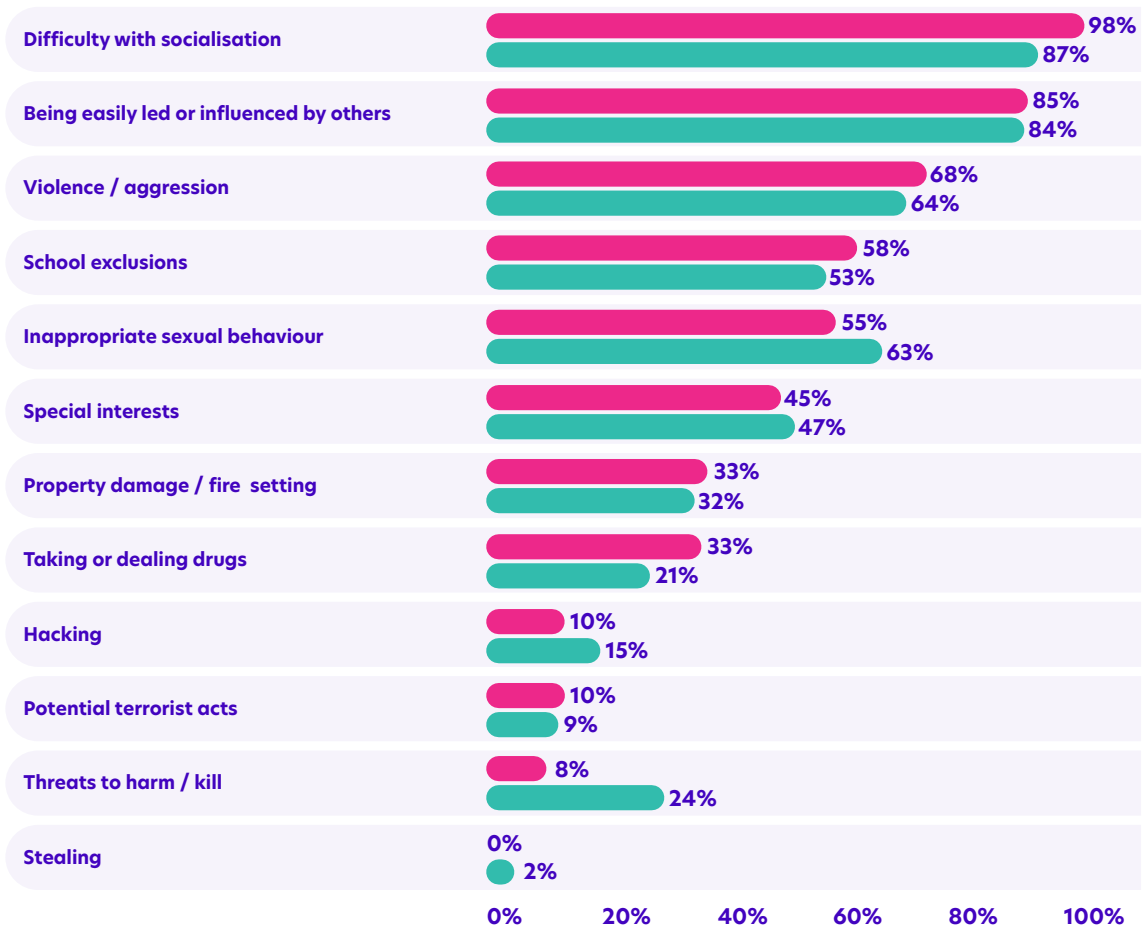
Damaging property and/or fire setting/being excluded from school

Many families shared that their support had broken down at school, resulting in their child being excluded or expelled. Many recounted how this led to parental blame, further difficulties at home and incidents with the police.

“We had no idea what was causing so much ‘bad’ behaviour. He was uncontrollable. We were wrong to trust the school - we presumed they were experts. They made everything much worse, with worsening punishments. They taught him, at 13, that ‘I am absolutely rubbish at absolutely everything’. They ignored me telling them about his suicide attempt. They implied they thought we were responsible for his behaviour, or he ‘could behave nicely if he wanted to’. They had no idea how to treat a very intelligent boy with Aspergers. Most ‘help’ they gave was hopeless, or too little, too late. Finally they excluded him. The pupil referral unit would not take him and nor would any other school, as his record was so bad. These were our ‘hell’ years.”

Parent/carer of an autistic young person

Risk factors for involvement of autistic young people in the justice system



Key

● Criminal justice professionals

● Other professionals

Each of the behaviours/actions above were listed and both the criminal justice professionals and professionals working outside the criminal justice system with autistic young people at risk were asked to select their top 5. The percentages represent how often each crime was chosen.

Similarly, when we asked professionals working in the criminal justice system what they thought the risk factors were for autistic young people's involvement in the criminal justice system, they said:

- difficulties with socialisation
- being easily led or influenced by others
- violence and/or aggression towards others.

There were some similarities with the professionals who worked with autistic

young people outside the criminal justice system, who identified their top concerns as:

- inappropriate sexual behaviour
- being easily led
- difficulties with socialisation.

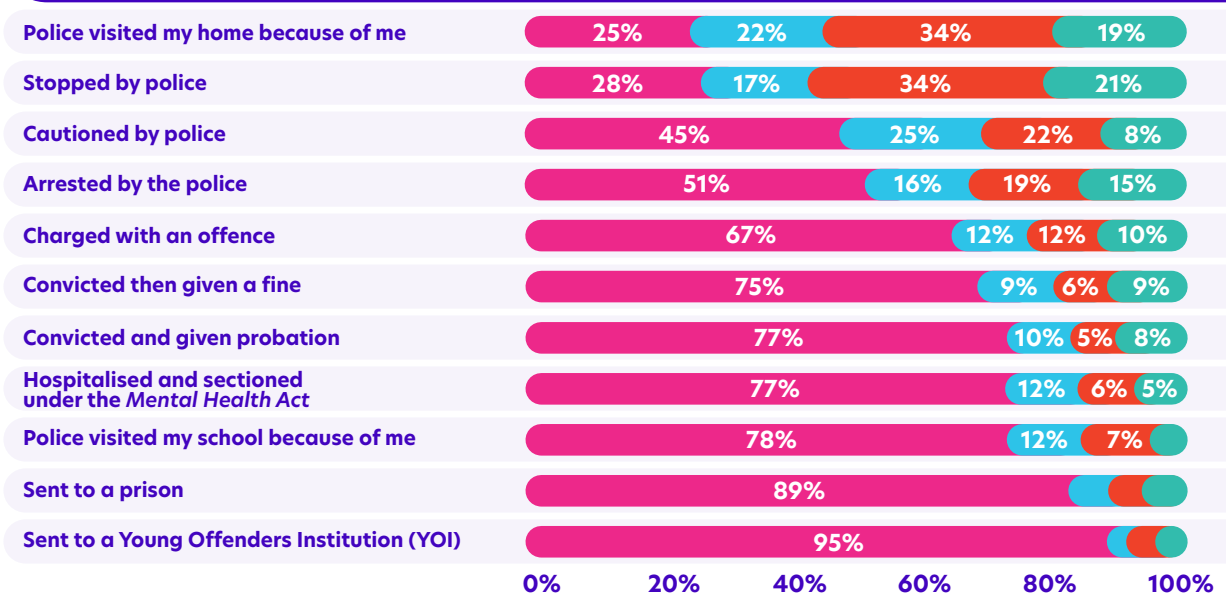
There are clear similarities between these groups, which suggests common risks that need to be addressed. Some of the differences in responses from professionals outside the criminal justice system may in part be explained by the wide variety of roles they hold and the needs of the children they support.

The next part of this section uses our interviews and surveys to explore how these concerns can be addressed through better support in autistic young people's lives.

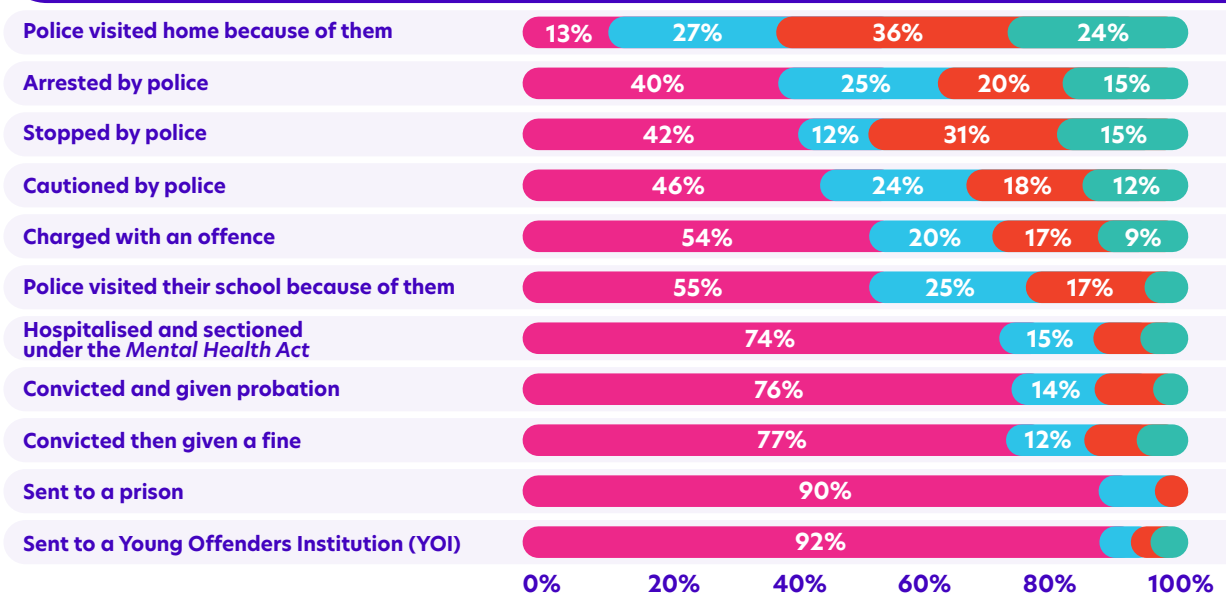
Impact of early experiences on future offences

The types of incidents leading up to involvement with the justice system reported by both autistic adults and parents/carers were varied. They included property damage, fire setting, hacking, theft, drugs, assault, sexual offending, joint enterprise (being involved in someone else committing an offence and also held responsible) and breach of the *Malicious Communications Act*.

What involvement autistic adults had with the criminal justice system



What involvement the autistic young person had with the criminal justice system (Families' perspective)



Key ● Never ● Once ● A few times ● More than a few times

Of the autistic adults and families who reported they or their child had had the most involvement with the police:

Autistic adults



75% reported the police had visited their home at least once.

Just under a fifth of the responders had had the police visit their home more than a few times.



72% had been stopped by the police at least once.

Over a fifth had had this happen more than a few times.



Over half had been cautioned by the police at least once and half had been arrested by the police.

Over one sixth had this happen more than a few times.

Families



86% reported the police had visited their home at least once.

Just under a fifth of the responders had had the police visit their home more than a few times.



Over half said their child had been cautioned by the police at least once.

Almost six in ten families reported their child had been arrested by the police at least once.



45% reported the police had visited their child's school at least once.

These levels of involvement show a clear need to ensure all criminal justice professionals, but especially the police, have an understanding of autism and how to support autistic people.

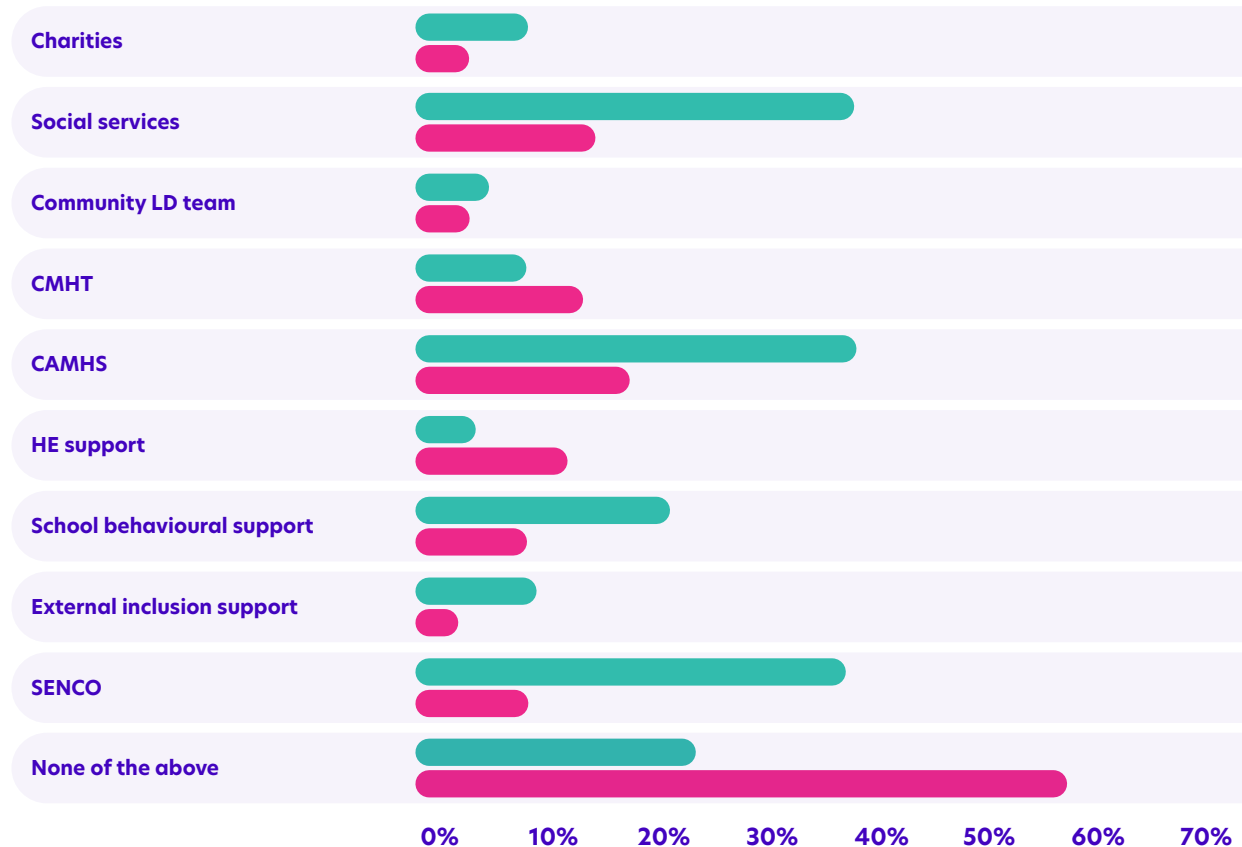
Based on our surveys and interviews, the reasons below were suggested to contribute to autistic young people going on to offend or re-offend:

- lack of autism diagnosis
- the presence of co-occurring conditions (including mental ill health)
- lack of support at school and from statutory services (with or without an autism diagnosis) and the 'vulnerability' of many autistic young people.

This was supported when we asked autistic adults and families what support they had received. Sadly, the majority of autistic adults who responded said they had received none of the following support:

- support from charities
- support from social services
- Community Learning Disabilities team
- Community Mental Health teams
- Child and Adolescent Mental Health Services
- health education support
- school behavioural support
- external inclusion support
- SENCO.

Which of the below did you receive?



Key

● Families ● Autistic adults

When we asked professionals who work with autistic people outside the criminal justice system if they thought currently there was enough support provided to reduce the risk of **autistic young people** entering the system, no one thought there was.

More should be done to change this and we have listed some clear recommendations based on the themes above where change needs to happen:

Recommendations:

- 1. Better and quicker access to an autism diagnosis and statutory services (including support for co-occurring conditions and mental ill health)**
- 2. Better support at school, specific support with school exclusions and support for the family**
- 3. Better social understanding support at school and through additional services as a preventative measure.**



1. Better and quicker access to an autism diagnosis and statutory services (including support for co-occurring conditions)

1.1 Receiving an autism diagnosis as soon as possible

Receiving an autism diagnosis as early as possible is vital as it helps unlock support, services and adjustments. Only 25% of the autistic adults who answered our survey were aged 16 and under when they received their diagnosis. This means many were adults before their condition was diagnosed.

Current NHS statistics show that despite the National Institute for Health and Care Excellence (NICE) recommending 13 weeks between referral and first assessment, many wait much longer, with **around 100,000 people currently on the waiting list for an autism assessment.** This risks people's needs escalating and autistic people falling into crisis unnecessarily.³

In surveys and interviews, families spoke of their desperation for a diagnosis for their child and how they had to 'fight tooth and nail' for any support. They described a system that is broken and needs fixing. Lots of autistic survey respondents spoke about how earlier diagnosis may have made a significant difference to their lives. Over 80% felt that their diagnosis helped them understand themselves better and over 90% felt it explained their past experiences and difficulties well.

1.2 Co-occurring conditions

It's not just about having your autism recognised and supported, it's about supporting the whole individual and all of their needs. Many of the autistic people we spoke to and who answered our survey had a number of co-occurring conditions and had experienced mental ill-health. The most common co-occurring conditions were anxiety (59%) and depression (53%), and for children, they were anxiety (58%) and ADHD (41%). Furthermore, throughout the survey results, there was a clear demand for more mental health services and crisis support.

Autism is not a mental health condition. However, incredibly high numbers of autistic people experience poor mental health. 70% of autistic children have a mental health problem (such as anxiety or depression), and 40% have more than one.⁴ In addition to this, between 7% and over 40% have self-harmed and/or attempted suicide.⁵ These stark figures show an urgent need to support autistic young people better.

One of the things autistic people and families shared with us was that when they hit crisis point, support offered was not autism specific. Therefore, it was unhelpful and only worsened the situation. Our interviewees were aware of a lack of autism understanding as well as a lack of tailored support in our mental health system. This situation needs to change.



“It came far too late. My life could have been so much different had I had access to the correct support.”

Autistic person

“Deeply frustrated it took so many years of involvement in the mental health services before it occurred to anyone to check me for autism... was such a relief when I received my diagnosis as so much about myself made so much sense.”

Autistic person

“We realised for many years but he was expelled from two schools and a referral unit before anything happened.”

Parent of an autistic young person

“I think the main issue with CAMHS is that they weren't listening. They didn't listen to A, and they weren't managing her very well. And actually, they were exacerbating her problems.”

Parent of an autistic young person

“So my mum first raised the concerns when I was a very young age, but none of the schools or anyone else took that particularly seriously. So it took until I went through PREVENT [the government's programme to safeguard young people from extremism and radicalisation] for the diagnosis to come about.”

D, an autistic young person

“In terms of therapy, they have offered me everything on the NHS but none really help with my autism and my social anxiety. I feel there is no therapy in the NHS mental health system for people like me.”

BM

1.3 Access to statutory services and early intervention (with or without an autism diagnosis)

Many autistic people we interviewed talked about needing post-diagnostic support. However, public services have been stretched by increasing demand for support, and funding reductions. Our previous inquiry with the APPGA found that these reductions have led to a decrease in the range of services councils can provide, from preventative or lower level services, to specialist support.⁶ There are deeply concerning levels of unmet need in social care and across mental health.

The impact of reduced support for autistic adults has been profound. As many as 327,000 autistic adults in England could be living with unmet needs across England.⁷ Autistic people may need a wide range of support, from a little help to organise and keep on top of things, to intensive packages of personal care. But that same APPGA inquiry found that for people across the autism spectrum of all ages, those services are not there.

Some low-level support can stop people needing more help later on. This is often called preventative support, because it prevents people needing more intensive support. It can include things such as social groups and befriending services. Access to community support can be a good way to support autistic people to develop their social understanding and gain a better understanding about relationships. Having some difficulty with these skills was identified by all groups we spoke to as putting someone at risk of involvement with the criminal justice system due to a lack of understanding about committing an offence and potential exploitation.

Councils must be encouraged and supported to increase investment in these services because they stop people's needs from escalating. We also need a greater understanding of which models of low-level support are most effective for autistic people.

Importantly, any autistic young person who has had some involvement with the criminal justice system should be referred for a social care assessment. This should also apply to autistic young people who are only identified as autistic when they are exhibiting potential offending behaviour or they have committed an offence.

They should be given specific support to understand their diagnosis in a positive way and not see it as responsible for their crimes. In any service that an autistic person accesses, the professionals they work with should have a good understanding of autism, supported by quality autism training.

“I think more investment needs to be made into community services. You've got your Learning Disability bespoke community team in mental health. You've got multiple bespoke teams and I think we need an autism service community team. And it needs to be a big team that has an array of professionals: learning disability nurses, mental health nurses, occupational therapists, psychiatrists, psychologists.”

Prison officer

Case study

Committing offences to get a diagnosis and support

For some of the people we interviewed, the lack of support they had experienced in their youth could have led to them taking more extreme steps, such as offending, in order to identify themselves as needing help. The case studies below illustrate the consequences of state support failure.

Case study

BKK – Diagnosis through youth justice system, Judge said to get autism test.

“ [the] NHS didn’t believe me, as I approached them relentlessly and ended up being prosecuted several times. Rather than supporting me, the GPs banned me for asking for my medical notes; they have to call the police to ban you, that’s part of their policy... [Criminal Justice Liaison Diversion Services] recommended to the judge I get diagnosed.”

Autistic adult

“ For 18 months, I’d been suffering from severe suicidal ideation... The GP still did nothing... so I tried other ways of getting help and therapy, but that had led to nowhere because waiting lists were so phenomenally long, so I committed the index offence in the context of trying to draw attention to my plight and need.”

Autistic adult

Extract from ED’s diagnosis letter:

‘E is autistic. He has tried to have his autism recognised and formally diagnosed [but] was not offered an autism assessment, despite repeatedly requesting an assessment in accordance with NICE 142, via the police, and CPS since 2015. He reports the police and CPS refused to accommodate it, and told him “the burden of proof is you to prove you have autism”. He felt the only way he would be properly assessed would be if he made threats to commit a crime, got arrested, and could access a diagnosis as part of the youth justice system. His volley of emails reflects an undiagnosed autistic person desperately trying to access an autism assessment. He acknowledges that he loses control over his behaviour when he feels overwhelmed. He has no intention of hurting another person and in my opinion is not dangerous. His extreme behaviour reflects his desperation for his human right to be offered an autism diagnostic assessment when he experienced the public sector as ignoring his needs for this. To be clear, his behaviour was not caused by his autism but by his autism being overlooked.’

No one should be put in a situation where they feel they need to commit a crime to get the help they need. Committing offences will have long-term impacts on people’s lives such as getting a criminal record that could stay with them for their whole lives. It could affect their ability to get a job, find somewhere to live or have the relationships and families that they want. With access to diagnosis services and post-diagnostic support, getting involved with crime could be avoided. Many of the people we spoke to were desperate for support. However, we also know that even after getting a diagnosis, autistic people struggle to receive that support.

2. Better support at school, specific support with school exclusions and support for the family

“The biggest problems have been with schools not being properly educated in autism. Our son was being bullied at his academy and was physically beaten up and the school did very little. He finally broke down one day and exploded and was expelled. He damaged property and the school tried to charge him. Sadly he would come home and damage our house and was violent towards family members.”

A family member in our survey

2.1 More support at school

To give an example from our research (from a parent whose child was diagnosed as autistic at nursery age), lack of understanding through school (despite there being a specialist SEND unit within the school), parental blame from school staff, chronic anxiety and an eventual expulsion from school were all factors that contributed to drug abuse and a prison sentence in adulthood.

Our conversations highlight the need to:

- improve autism understanding amongst education professionals
- provide specific support around school exclusions
- provide support for parents.

2.2 Improve autism understanding in schools

It is clear from the evidence we have collected in this study that initial involvement with the criminal justice system often occurs during formative school years. Therefore, it is important to understand the link between children’s school experiences and their behaviour. We found that a major factor for autistic young people being involved in the criminal justice system is that they can be easily led or influenced by others.

This can stem from a need to be accepted and fit in. Many of the parents and autistic people we spoke to recounted incidents of bullying. With greater awareness and understanding, schools are best placed to provide the support that autistic children and young people need to tackle this.

A key part of improving support for autistic children and young people at school is for professionals to receive good quality training in autism. The Government proposes in its recent SEND Green Paper to improve mainstream education for autistic pupils, including through teacher training and staff development. We think this is a step in the right direction, but it doesn’t go as far as saying that all teachers must have autism training, which is what we would like to see.

Many teachers want to support autistic young people better. However, many can lack the confidence and knowledge to effectively support their needs. In the [APPGA's Autism in England report](#), fewer than five in ten teachers said that they felt confident about supporting a child on the autism spectrum.⁸ The need for whole school autism training is highlighted again in our recent *School report*.⁹ Only one in 12 autistic children in our survey felt that other students at their school knew enough about

autism. Other children's understanding is vital to enable autistic young people to make friends, work with their peers and feel accepted and supported. Seven in ten autistic children said school would be better if more teachers understood autism. This is consistent with our previous education research in 2017. This is an entrenched issue that autistic children and young people face. High quality autism training is the key to implementation of the autism strategy. Schools play an important role in supporting autistic children and their families.

2.3 Specific support around school exclusions

Being excluded from school was identified across the professionals, families and autistic people we spoke to as putting someone at risk of entering the criminal justice system. This is supported by recent youth justice statistics from 2014-2016 (Youth Justice Board and Ministry of Justice) indicating 25% of young people on sentences of less than 12 months had been permanently excluded from school; 45% of those who received short custodial sentences (three to six months) had special educational needs compared to 17% in the general pupil population in England.¹⁰

In our recent *School report*, one in ten parents said their child had been suspended in the last two years. And worryingly, more than one in five parents said their children had been informally excluded in the past two years.¹¹

Government figures show that the most common reason for formally excluding autistic children from school is "persistent disruptive behaviour" (22% of fixed-term exclusions). But disruptive behaviour is often an indicator that an autistic child's need for support at school is not being met.¹²

Under the *Equality Act 2010* schools have a legal duty to make reasonable adjustments to the school environment and to their policies for autistic students. Additionally, the Upper Tribunal in 2018 ruled that disabled children, including autistic children, should not be excluded for behaviour related to their autism if schools have not made reasonable adjustments to support the child and meet their needs. For many of the people we spoke to, this important clarification of the law won't have been made - and it is vital that autistic children now benefit from it.

An autistic person should be supported so exclusion is not necessary in the first place. But if they are excluded, specific support should be given to them to help make sure that they are well supported and to prevent them going down a route that ends in potential offending behaviour.

"What we've found is that those with autism are vulnerable within the educational context because they don't read the situation very well. They're also getting in trouble in schools, then they become excluded and then they get placed in the inappropriate position because they've been seen as having a behaviour problem, and before you know it, a stigma would be placed upon them."

Educational psychologist

2.4 Provide support for parents

Parents and carers we spoke to, as well as professionals and our survey respondents, spoke about the need for more support for families. Many described having to 'battle' for support and not getting any as well as encountering professionals time and time again who did not have a good understanding of autism. Many parents felt they were being blamed for their child's actions.

Both professionals and families suggested that providing a whole family approach would be beneficial. Promoting positive understanding of someone's diagnosis should be extended when supporting family members.

When talking about a parent support programme one parent said:

"They helped reassure me I was not doing anything wrong and that I was not to blame for my son's autism. They taught me behavioural management strategies that I could implement when appropriate. They told me I was not alone."

Parent of an autistic young person

3. Better social understanding support at school and through additional services as a preventative measure

The autistic people, families and professionals we spoke to recognised that the 'vulnerability' of autistic people was a key contributing factor to involvement with the criminal justice system. Vulnerability is not a core feature of autism. It stems from a lack of autism understanding in society generally but also from a lack of targeted interventions and teaching surrounding social understanding, exploitation, relationships and the law.

3.1 Specialist social understanding and relationship support including the risks of exploitation and crime

Wider research finds that children who have a special educational need or disability (SEND) are particularly at risk from being criminally exploited. In 2018, there were 564,883 children between ten and 17 years old that had an identified special educational learning need. Based on pupil-level data collected through the school census, this equates to around 15% of all children of these ages.¹³ There has been significant research which outlines the multiple factors that increase the risk these young people face in relation to child sexual exploitation. A particular issue that has been raised is the vulnerability of victims who have an undiagnosed educational need.^{14 15 16 17} Children and young people who have been exploited are also vulnerable.¹⁸

Several of the professionals who responded to our survey specifically identified the need for more support around the risks of committing crimes, better understanding about exploitation and specific work on the risks of social media/cybercrime.

More research is needed to identify how this education can best be tailored to support autistic young people and prevent offending.

Furthermore, what was repeatedly emphasised to us was that poor understanding of social interaction, relationships and sex education can all contribute to autistic young people committing crimes. Providing specialist support in all of these areas is essential.

Specific teaching needs to be undertaken around:

- the steps to building a friendship or relationship
- recognising and understanding other people's emotions
- specialist sex education around understanding sexual boundaries and consent (and putting this into context).

"It's whether the person who committed that act truly understands that that act is illegal. Not all people... a lot of people with autism, are very rule and law abiding anyway, so when they do unfortunately commit an offence, a lot of the time they're not actually sure what they've got wrong, how they've got it wrong, and that's primarily due to the social communication."

Prison officer

Recommendations:



To prevent and reduce offending by autistic young people

The Government needs to:

- ✓ roll out specialist autism teams across England to improve access to timely diagnosis and post-diagnostic support. These teams could also provide specialist advice and support to general services
- ✓ make sure all families have access to post-diagnostic support around what autism is and how to support their child
- ✓ make autism training mandatory across all criminal justice professionals
- ✓ make sure that mandatory autism training in health and social care is rolled out as soon as possible across staff working with all age groups
- ✓ make sure all mental health professionals working with autistic young people have had sufficient quality training in autism and understand how to adapt and adjust their practice to suit autistic people's needs
- ✓ make autism training mandatory for all teachers in schools
- ✓ fund best practice services to support children and young people at risk of early offending behaviour, to prevent this escalating
- ✓ improve access to general preventative services to make sure autistic people are less lonely and socially isolated
- ✓ update the Autism Act Statutory Guidance to give clear direction to local systems on how to improve identification and support for needs relating to potential offending behaviour
- ✓ make sure the national curriculum's focus on personal, social and health education effectively meets the needs of autistic pupils
- ✓ stop the high numbers of autistic pupils being excluded and commission further research into the needs of autistic young people and the risk factors that may lead to offending.

Recommendations continued:



Local government needs to:

- ✓ establish systems to trigger assessment of education, health and care needs of autistic young people where there are concerns they might, or if they do, come into contact with the criminal justice system
- ✓ establish systems to trigger a diagnosis assessment if there are concerns someone will, or if they do, come into contact with the criminal justice system, when it is suspected that they might be autistic
- ✓ work between Integrated Care Systems, local criminal justice bodies and schools to better understand local needs of autistic young people through improved data collection and consultation. This should include work to develop best practice in the development of Dynamic Risk Registers.

Services need to:

- ✓ promote positive cultures of autism understanding, identifying when reasonable adjustments could be made to tailor support to autistic young people
- ✓ proactively seek opportunities for training and improve autism understanding.

Individual professionals need to:

- ✓ take up autism understanding training
- ✓ sign up to the National Autistic Society's Autism Practice emails, to receive best practice examples
- ✓ act as champions of improved autism understanding within their local services.

Case studies

C, an autistic adult, talks about previously being a professional tennis player which provided them with structure and support. After they were injured, their behaviour spiralled because they didn't feel like there was anyone they could relate to or talk to. This resulted in offending behavior and exclusion from school before they committed further crimes.

"I was a professional tennis player and life was very easy for me when I played professional tennis because it was very disciplined and it was very organised and there was a very strict routine. But when I got injured and I could no longer play anymore, then it kind of threw my world into complete chaos and I didn't understand how to exist really in the real world and I didn't have anyone really who understood what it was like and I didn't have anyone to communicate with. I started to write graffiti walls and set things on fire and hack into things on the Internet because that was the only way I could communicate. I was excluded from a number of schools... what I struggled with was all the sensory things like the overhead lights and having to wear a uniform that I couldn't deal with the touch of and I couldn't sit still and things like that so a lot of the things were actually my autism."

S, an autistic adult, recounts the difficulties she had at school both from other pupils and the teachers and how this contributed to her getting into trouble:

"I didn't have many friends and the friends I did have used to befriend me and just basically take what they could out of me and then turn on me because they were actually onside with the bullies... I was getting tortured in school constantly and not only by pupils, it was by teachers also that didn't understand me. I didn't trust anybody basically... [the] headmaster and my mum and my dad then thought it would be better if I went to college. Fifteen and a half when I went to college and I didn't even last there very long and I left there as soon as I was 16 and because I was in a flat on my own in this small town in the borders... I was pretty much a loner. And in college I didn't have any friends. I [found] it really difficult and because I was so young at the time I just couldn't cope with it."

Case studies continued...

KE, an autistic adult, told us about how difficult he found school and how teachers would often misinterpret his behaviour because they didn't understand autism. He says he spent more time in isolation than he did in classrooms.

“My hyperfocus interests are military history, firearms and explosives and legislation and law, which are both things that I intend to use in a career in law enforcement, actually. And the thing that mainly led to [involvement in the criminal justice system] was me expressing my interest in military history, firearms and explosives in school. We were given a task in our English lessons because we were studying *Private Peaceful*. One of our tasks was to do a bit of research into the weapons, vehicles and uniforms that would have been in the First World War. And whilst some of my classmates would produce two or three pages, I produced roughly 30 pages of information in extreme detail. And one of the things that I thought was completely okay, I thought I saw nothing wrong with it, is I brought in expended shell casings that would have been First World War. They've got the dates on the rim of the cartridge and I brought them into school. Those were obviously a problem. The school thought that they were live and they had the place in the middle of the school field and had people walking around them like that was going to do anything. And then I believe that somebody misheard a conversation I had with the classmate. I'm reported that I actually had access to firearms, which I don't, I never have had access to any firearms, explosives or even bladed articles. I've never had access to any of those... and then they reported that to *Crimewatch*. So, I was actually taken out of school [and put into segregation] for six weeks whilst an investigation was pending into the allegations that were made.”

“This was just leading up to GCSEs as well. So, I really did not understand what the problem was. That's because of my interest in the way that my brain works. I process things as if it's very black and white. Either it's okay or it's not. And in my eyes, it's all okay because it's something I'm interested in and it's something that I have looked into in detail and I certainly know that I am not interested in it from a malicious point of view.”

Case studies continued...

KE, an autistic adult

“So, to me, it’s all okay, and it’s a completely normal thing to talk about, whereas to other people, it’s not. And I was very confused by this. I didn’t understand how people could have interpreted it to be a negative thing and I was told all the time that that was very much more rigid thinking, which is part of the condition I was told about. My condition is my incredibly rigid, black or white thinking.”

“My mum was more angry at the school for not attempting to understand because my mum obviously knew that I was autistic. She knew from a very young age my personality, the way that I have always been a very quiet child, very, very much almost non-verbal. I just didn’t, didn’t talk to people, didn’t feel the need to. And I was very much on my own. I like to be on my own or I like to be with older people. So my mum always knew of my personality and my friend thinks that I was on the spectrum somewhere. So, she was more angry at the school for not trying to understand me, rather than immediately just going to the police. I spent more time in isolation than I did in classrooms. I think I was included a lot in many things. But when it came to actual lessons, I was very clearly either moved out of the way or just moved out of the classroom. I found it very difficult in school because if I thought something wasn’t right or I thought that a piece of information wasn’t delivered correctly, I’d make it very well known that’s how I felt. Which obviously comes across as being the difficult child kind of thing.”



Section two: Support for autistic young people in the criminal justice system

The Government's all-age autism strategy commits to: **"making improvements in autistic people's experiences of coming into contact with the criminal and youth justice systems, by ensuring that all staff understand autism and how to support autistic people. We want all parts of the criminal and youth justice systems, from the police to prisons, to have made demonstrable progress in ensuring that autistic people have equal access to care and support where needed. In addition, we want autistic people who have been convicted of a crime to be able to get the additional support they may require to engage fully in their sentence and rehabilitation."** ¹⁹

Autistic young people are being failed by a lack of teachers who understand how to support them, having to wait years for an autism diagnosis and being offered little to no support. If given the right interventions, this could help prevent them from entering the youth justice system in the first place. This will take time and we need to make sure that the criminal justice system at present is not further failing them. This next section looks at autistic people, their family members and youth justice professionals' thoughts about experiences and involvement in the youth justice system. It details what needs to improve but also what is currently working well.



We asked the three groups questions about:

- if the service they were interacting with (police, court, probation services, solicitors or prison) were aware that they were autistic
- what adjustments were put in place, if they were helpful or not and what additional adjustments they think would have improved their experience
- anything else they would like to share with us about their experience.

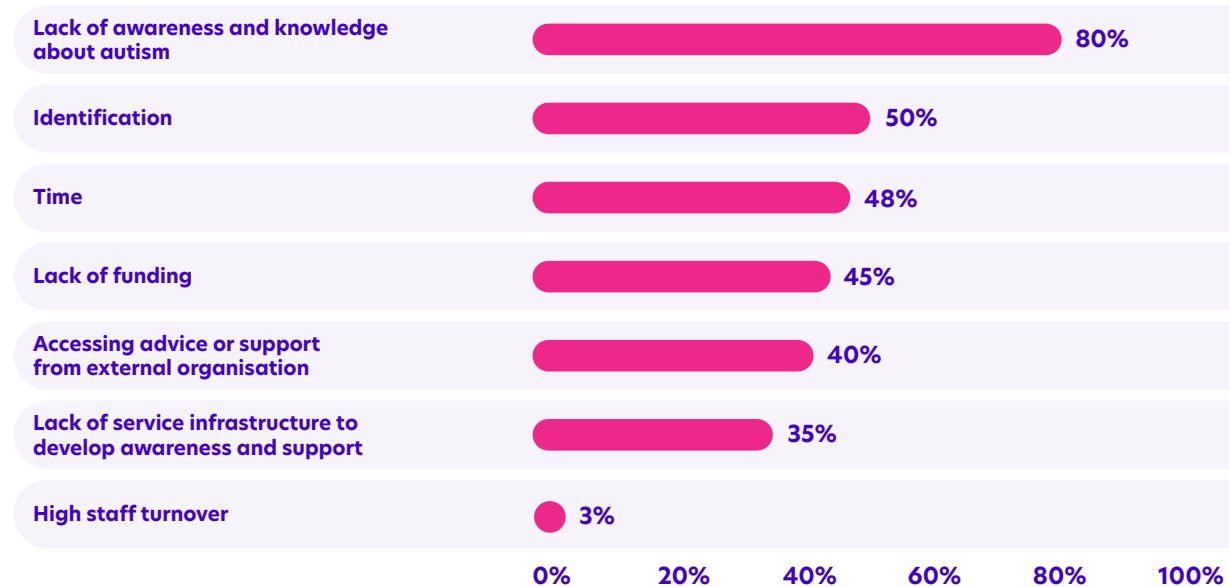
Recommendations:

Our research shows some key areas where actions need to be taken, including:

1. support for identifying autistic people when they are in contact with the service
2. improving autism understanding
3. providing reasonable adjustments.



Where you work, what are the barriers to making adjustments for autistic offenders? Please just choose your top three.



When we asked criminal justice professionals what the top barriers were for making adjustments for the autistic people they were supporting, the majority identified 'Lack of awareness and knowledge about autism'. This was followed by 'Identification' which over half felt was a top barrier, as well as 'Time' and 'Lack of funding'. The majority also said that there are services and adjustments that they think autistic people involved in the criminal justice system should be receiving that they don't. Open-ended responses to this included specialist services and interventions as well as specific adjustments.

Case study - CK

Support receiving a diagnosis of fibromyalgia and autism through CJLDS and profiling by the police

CK was struggling with bullying and discrimination as a result of undiagnosed autism which led to eventual loss of employment. He approached the NHS many times to get a diagnosis for the chronic pain he was experiencing (for undiagnosed fibromyalgia), only to be ignored and then reported to the police:

"I was totally isolated, I was in bed most of the day, and the only sort of energy I had was to try and approach them to try and get some support for it. But I lost like ten years of my life from about age of 23 onwards. I was very ill. I was just unable to do anything and rather than get support, the GPs ban me for asking for my medical notes. They have to call the police to ban you, that's part of their policy. That was the very first instance where the police were really sort of targeting me..."

CK was initially prosecuted under 'section five: harassment, alarm and distress' and then for 'misuse of a communication device' when he was filming his interactions with NHS workers and police to use as evidence when making a complaint about his lack of support and abuse from police:

"But most of it is basically around the fact that they felt that I was purposely bullying the NHS workers whereas I was actually asking them for help and I started to record myself as I was doing it you see... I've got videos of them abusing me because I tried to make a complaint, got a police officer coming around my house, and she refused to look at any evidence I produced. She just yelled at me the whole entire time. She accepted nothing that I said. It was entirely toxic. I got an apology from the inspector very recently for it, but that was all I got after being prosecuted about 15 times."

When evaluated at the police station after flagging mental health issues, CK had an appointment with a professional from Criminal Justice Liaison and Diversion Services who recognised autistic traits. In court, the judge was going to order that CK get a diagnosis, but apparently didn't have the power to do this. A referral was successfully made through diversion services, nonetheless. CK found his experiences with a probation officer most helpful in terms of understanding:

"She was very lovely, and she understood where the issues were coming from, and she did the best to try and put forward boundaries of what would be like police abuse and stuff and the inspector kind of accepted what she had said and since they stopped sort of targeting me and sort of understood that I did have fibromyalgia and I did have autism. Then it kind of came to almost an end, they've not done anything for a while."

Case study - L

Autism and ADHD diagnosis as a teen and racial profiling by the police

L first began to have issues when a teacher in primary school reported to her mother that she 'was non-compliant' when following instructions in art class. The same teacher made her do the task again in front of the whole class the next day. In secondary school she would often question and correct the teacher, but not in an 'aggressive way'. She was a top competitor in sports, but just before sitting her GCSE exams she dropped out of school because of panic attacks and anxiety.

The private school she was attending had not picked up on her ADHD and autism at this point, and encouraged her mother to take her away from school instead of supporting her. L was accused of being a bully because of how she reacted when people shouted at her and blamed by school staff despite evidence to the contrary. She eventually managed to sit two GCSEs but afterward felt she could no longer continue with her education.

L experienced sexual assault and was in an abusive relationship. Not being able to take part in sports because of injury made her more vulnerable to being influenced by 'the wrong kinds of people'. Her first arrest was for drunk and disorderly conduct of which there were four charges against her, and she was asked to do a no comment interview without an appropriate adult.

A referral order was made by the court and a solicitor employed by her parents recognised ADHD and autistic traits in L, who was then subsequently referred for diagnosis. L's parents are now making a formal complaint regarding the bullying and physical manhandling she has endured from police:

"There's six officers on top of her. I'm trying to speak to an officer to say, 'You can't do this. Get off her. You cannot have male officers touching us. She's wearing a lanyard, which says, Please give me space. Please help me. You know, I might need a few minutes to understand what's going on. I've got autism. I've got hidden disabilities.' They put three different types of restraints on her. She wasn't trying to run away. She wasn't doing anything. You can hear in the footage they don't even know how to put on the knee brace. Yes, it was so tight. You know, the muscle and fat of her legs was hanging over the side of it. She was left in a van hanging off the back of her arms. They were laughing at her the whole time. She kept saying 'Can you please call this number? Can you please call my Mum in case of emergencies?' Five hours they kept saying yes. Kept laughing after and take her to a cell where they cut all her clothes off, the lanyard is cut in two.

Case study - L continued...

"They stripped her naked. Although she's saying, please don't, please don't. I've been sexually assaulted, police do not take my clothes off. It was horrific that they come to my doorstep at about 5am and she was in such a state. I mean, I literally had to get her in the bath first because they'd been punching her."

"She realises that she was drunk and, you know, and did these things. But the issue is in my opinion, she's a [person of colour] and the police, I think, want to make an example of someone they know. She's an easy target because if they come near her, you know, she kicks off because they touch her or they grab her. So, she's been... I mean, the times that she was arrested, and times that other people were there and nothing was done with them, but they would cart her off."



1. Support identifying autistic people when they are in contact with the service (including referring for assessment)

It is incredibly important that, firstly, autistic people with or without a diagnosis are identified when they come into a service. The HM Inspectorate found in their review of evidence of neurodiversity in the criminal justice system that when professionals are unaware of a person's neurodivergence, they can be disadvantaged in a number of ways.²⁰

Staff need clear and consistent ways to identify autistic people who come into contact with their services and they should be supported to share this information across services. Though the information below refers to all neurodivergent people, it is relevant to autistic people.

At arrest: The behaviour of autistic and other neurodivergent people may not be recognised as related to their condition, or may be misinterpreted, which could make them more likely to be arrested. As a result, diversion away from custody and the criminal justice system may not be considered. Parts of police custody processes (for example, booking in and searches) and the custody environment could also be unsettling to a neurodivergent person. This could lead them to exhibit behaviours which are interpreted as “non-compliance” and may mean they do not receive the support they need. Neurodivergent people may also not fully understand the processes involved and without appropriate support they may not be able to effectively engage with the investigation or might need to have someone to advocate on their behalf.

At court: Neurodivergent people may be more likely to be held on remand before trial. If they do not fully understand the process or what is expected of them, at trial they may plead guilty inappropriately, and their neurodivergence may not be considered in sentencing decisions.

On community supervision: Neurodivergent people may be less likely to understand or struggle to comply with the requirements of a community order. Without autism understanding and reasonable adjustments being made, support or education programmes might not work as well.

In prison: There are many elements of the prison environment that can cause neurodivergent people distress, including busy and noisy wings, cell sharing and changes to the daily routine. Responses to the environment can lead to neurodivergent people exhibiting distressed behaviour that could result in them being disciplined or sanctioned. A lack of suitable programmes for neurodivergent prisoners can also mean that they are seen to fail to adequately address their offending behaviour which could delay their release.

On release: People with neurodivergent conditions may have difficulty understanding or being able to comply with their licence conditions, potentially leading to breach and recall to prison. They may also require specific support to deal with the transition from prison to living in their community again.²¹

We asked criminal justice professionals how effective they find the process of identifying someone in the criminal justice system as autistic:



Only 5% of autistic people

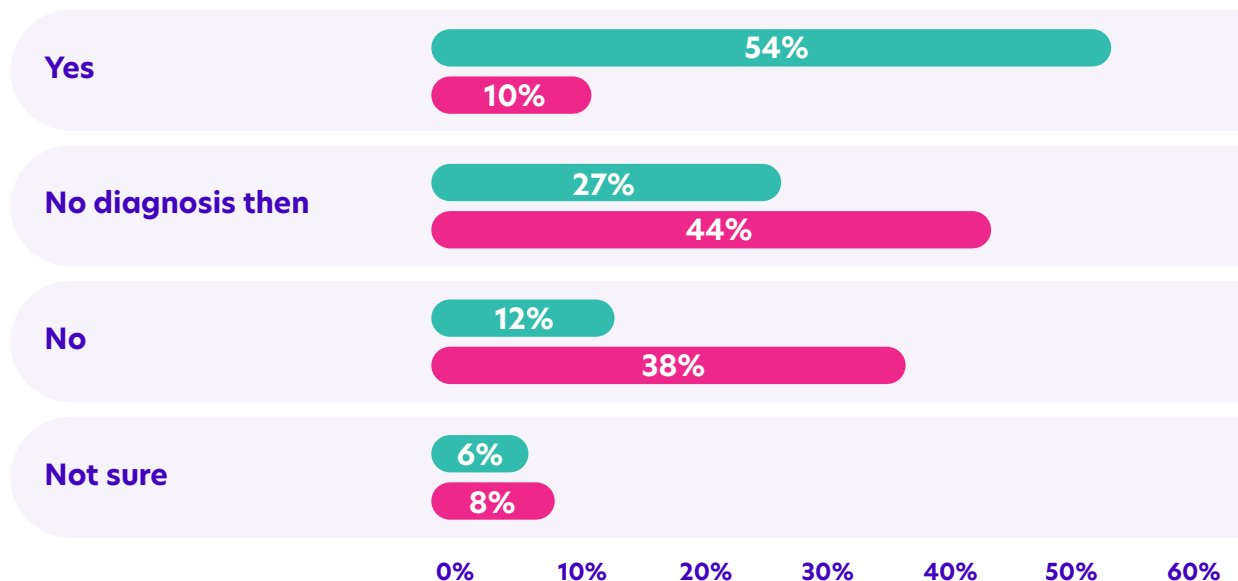
thought that the process of identifying someone in the criminal justice system as autistic was effective in most cases.



58% thought that the process for identifying that someone in the criminal justice system as autistic was only effective in the minority of cases or ineffective.

The majority of criminal justice professionals said they think the process for identifying if people who have offended are on the autism spectrum is ineffective or only effective in the minority of cases. When we asked how this can be improved, most people spoke about better 'staff awareness', 'screening processes' and 'information sharing'. There is a varied picture of whether and in which services the autistic people and families we surveyed decided to disclose being autistic.

Autism disclosure - Police



Key

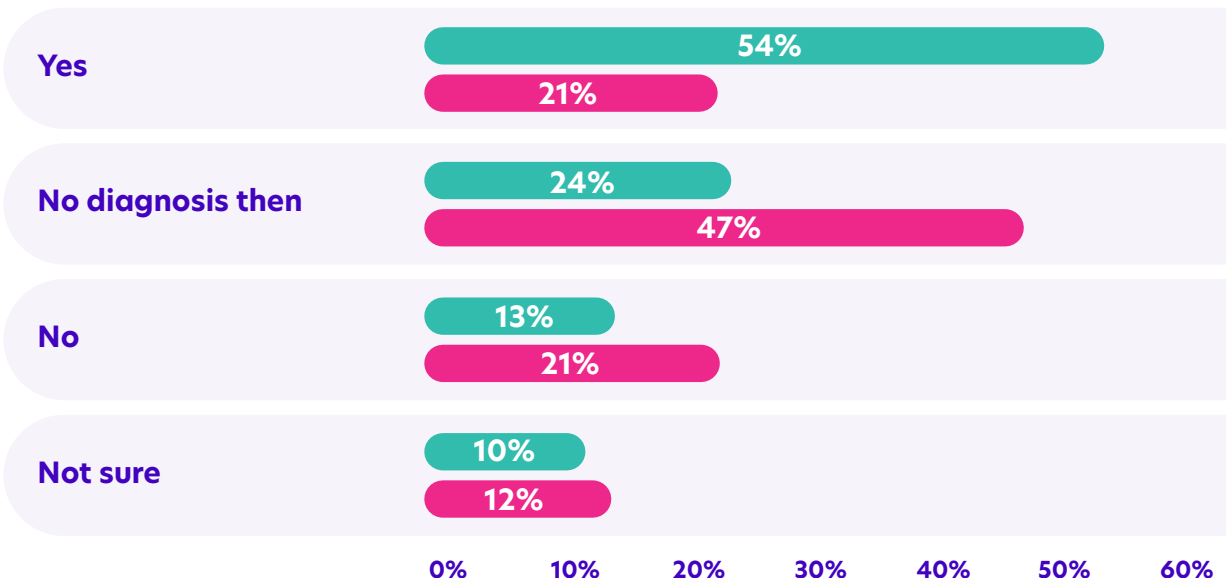


Families

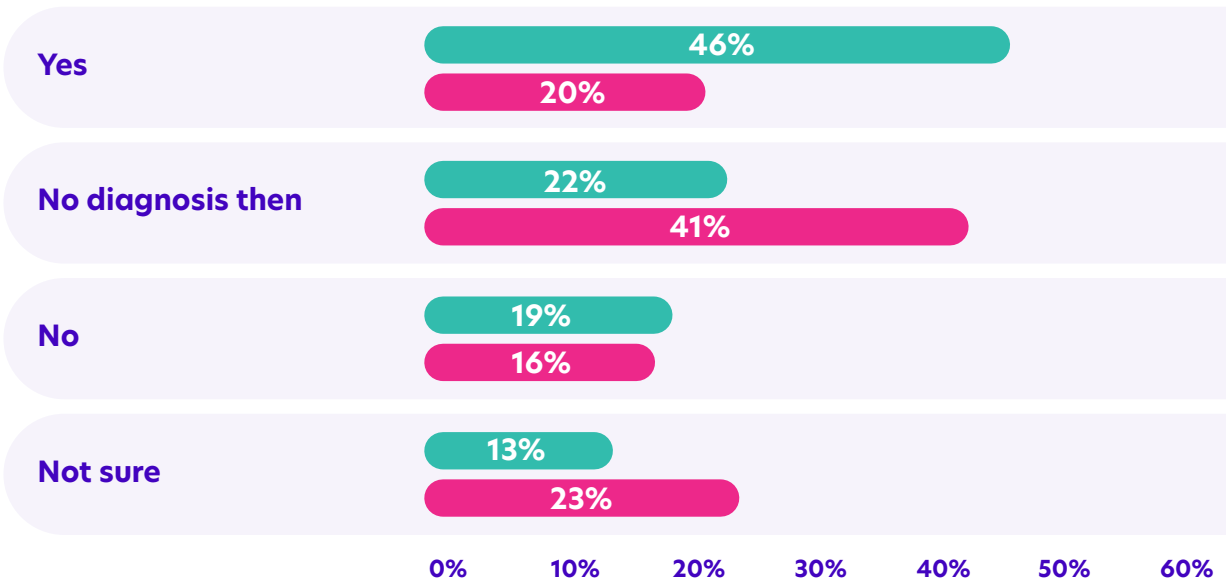


Autistic adults

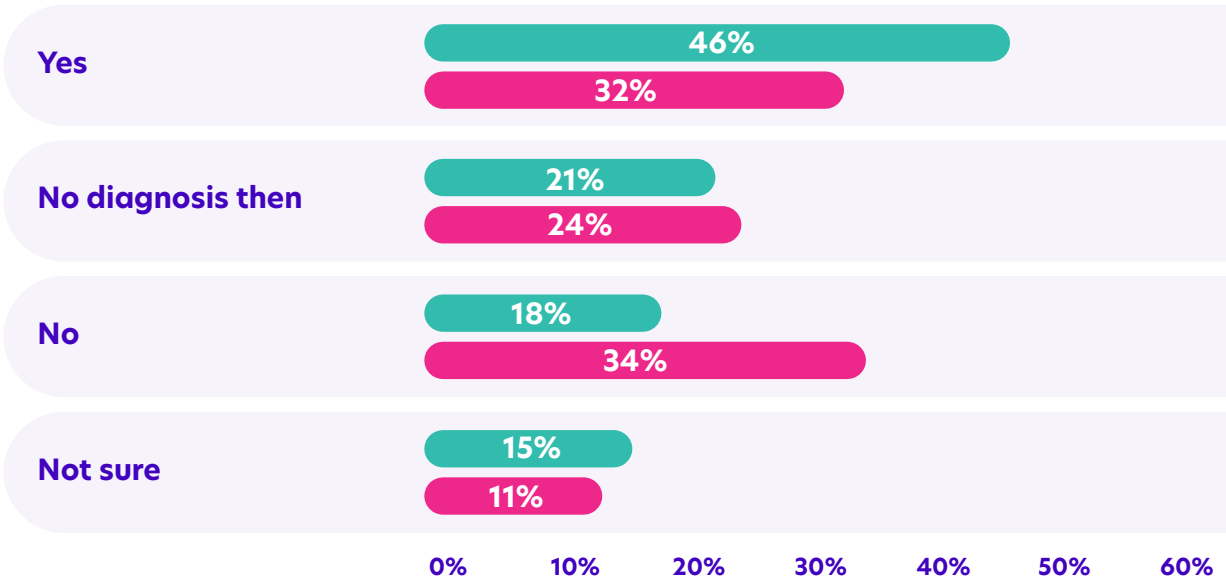
Autism disclosure - Solicitor



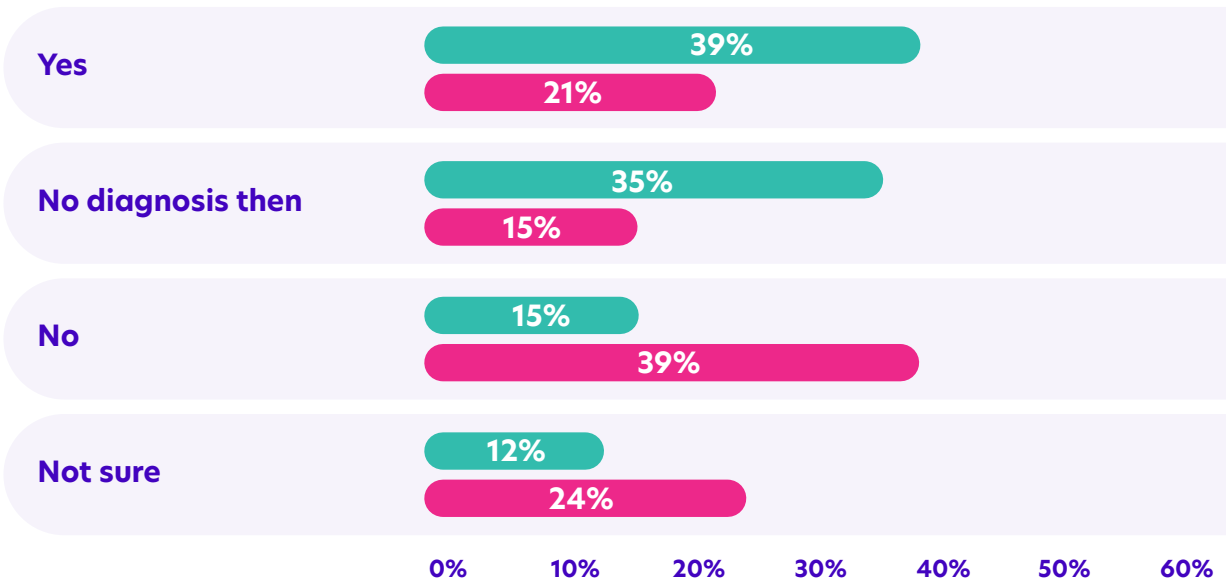
Autism disclosure - Court



Autism disclosure - Probation



Autism disclosure - Prison/YOI



We did not ask further questions about this, but we know that in order for autistic people to feel able to disclose their autism, they need to feel confident that they will not be judged or discriminated against as a result. In addition, according to our survey, 34-47% of autistic adults did not have an autism diagnosis to disclose when they were first in the justice system. In contrast, 38-54% of families were able to support their child in disclosing their diagnosis to justice professionals. This difference can be explained by the differing age ranges of respondents, where the average age of diagnosis for autistic adults responding was in adulthood and for families, the average age their children were diagnosed was primary school age.

It is important to improve identification to provide support for autistic people who do not yet know they are autistic and do not have a diagnosis yet. Some services rely solely on the disclosure of an autism diagnosis to put reasonable adjustments in place. However, as highlighted in our interviews and survey data, many people may not have had their diagnosis yet or may not have felt comfortable disclosing this information about themselves. This may have meant they were not provided with any adjustments at all.

Although we do not expect all youth justice professionals and the police to be autism experts, they should be able to identify autistic people they interact with. The HM Inspectorate of Prisons (HMIP) identified that systematic screening would help with this. Having a process like this in place could provide better support to professionals and reduce the pressure on autistic people and family members to disclose their diagnosis.²² However, it is vital that any screen that is used is appropriate for criminal justice settings and accurately identifies autistic people of all genders, cultural backgrounds and levels of need.

The need for autistic people to be identified, referred for assessment and reasonable adjustments made was highlighted in a recent complaint made by an autistic man which was upheld by the Prison and Probation Ombudsman ([Please see case study EG on page 64](#)). The National Probation Service (NPS) staff had failed to arrange an autism assessment for him and had also failed to therefore provide any reasonable adjustments to support his care. As a result, the Ombudsman recommended that by the end of the financial year 2022/2023, the Chief Executive of HMPPS, the Director of Health and Justice for NHS England and Improvement and the Director of Healthcare Inspectorate Wales, jointly commission and ensure that appropriate staff complete an end-to-end review of the process and implements an effective strategy to address the issues identified. This will cover screening and assessment for those prisoners who demonstrate autistic traits, to providing reasonable adjustments and appropriate rehabilitative support for those diagnosed as autistic.²³

1.1 Information sharing

Many professionals highlighted the importance of services within the justice system sharing information with each other. This is especially important when sharing information about autism diagnosis and if an autistic person has already benefited from any reasonable adjustments being put in place.

This is also important when sharing specific information about someone's case. For example, someone working in probation services was not aware that the person they were supervising had committed another offence until that person was due in court. Had this information been shared with them, they could have provided specialist support ahead of them re-appearing in court.



"I think one of the areas that we've got so much work to do is actually systems being joined up. For example, somebody will be on probation, they'll come and see me, and they will assume that I know that they were arrested at the weekend but the systems don't talk to each other. So unless that person comes into probation and says I was arrested at the weekend and I've been charged with something else, there's not necessarily the communication between the police and the probation service to know that has happened... I just find that quite shocking that a probation officer wouldn't know that this person is due to be in court in six weeks' time for another offence until it comes through the courts. I just think that should happen much quicker because actually [you can be] picking it up and helping support them as you know something's gone wrong and we need to be able to intervene much quicker. So the same old kind of communication between agencies is important."

Autism specialist working with probation services

Liaison and diversion services

In our previous inquiry with the APPGA, witnesses raised that liaison and diversion services can play a vital role in identifying people who may be autistic when they first come into contact with the police and in diverting them away from the youth justice system.

When looking at how to improve identifying autistic young people who have offended, the importance of liaison and diversion services was referred to specifically in the answers. One professional said:

“I feel that liaison and diversion services tend to identify offenders that may be on the autistic spectrum regularly, even offenders that have never previously been highlighted for their potential to be on the spectrum. I feel that liaison and diversion services can bring this to people’s attention for the first time and assist in getting them support and/or an assessment to see whether or not they are on the spectrum.”

Furthermore, in the HM Inspectorate review, probation staff spoke of being reliant on screening by liaison and diversion at the pre-court stage, and to inform pre-sentence reports. However, such services are reliant on police officers recognising the possibility that someone is autistic. Interviews found that liaison and diversion services were valued by custody officers in helping them to deal with vulnerable detainees. Liaison and diversion practitioners were also sometimes mentioned as being available in custody suites to provide more detailed screening and onward referral.²⁴

Despite it being clear that these services can be incredibly useful, the majority of the autistic people we asked had not accessed them. The same was found when we asked families of autistic young people too.



93% of autistic people who answered our survey had not accessed Criminal Justice Liaison and Diversion Services.

Of the few people who had accessed these services, some described very positive experiences whereas others described the same challenges as across other parts of the criminal justice system around lack of autism awareness.



Question: How would you describe your experiences with these services?

“Extremely helpful, they have been great listeners and guides.”

Autistic adult

“Excellent. However not all courts offered these services which is major concern.”

Parent of an autistic child

“Without a diagnosis, my son was treated like a liar.”

Parent of an autistic child

2. Improving autism understanding

“I'd like to see further training in dealing with meltdowns and dealing with the way that some people may see the world being very black and white. I just thought I'd really like for a standardised module of training for police, the ambulance service, fire service, teachers where they are taught about autism and about the spectrum and about things that follow with the spectrum, such as dyspraxia, dyslexia, ADHD, depression, anxiety. Because something I found through all my school life, through infants, juniors, seniors and college, the one thing that people don't understand is autism and what my autism is and how it affects me. I've always just sort of got on with it and the teachers, either they get it or they don't, and there's never been a between... I didn't need to go on a youth offending programme. That was a complete waste of somebody else's time and throughout I very much felt like I was wasting my time because I firmly knew that I wasn't a threat to anybody, and my family knew that I wasn't a threat to anybody.”

KE, an autistic adult

“There's flaws within the youth justice system... and training is very needed especially for police officers. And for custody officers and judges as well because you do have judges who are aware of autism and you have some who aren't. So it's the battle of training and then there's also that other side of, well, how do you train and get the funding for training?... because it's not like you can do it for one area specifically when it's all the police officers, all the whole youth justice system needing it. And it's such a vast system. You can't just do it in one area and think, OK now we've fixed the problem.”

Educational psychologist who works with young people who have offended

“They've been nothing more than humane. We've even had police officers involved who have had autism training themselves and have tried to give us useful tips... But where do you go? There is nowhere for even the police to say, Look, you know, this is a young person who needs urgent help.”

Parent of an autistic young person who was sent to a young offenders institution

Key to early identification and assessment of autistic people's needs is good autism understanding amongst criminal justice professionals. This makes quality training essential in the early identification and assessment of an autistic person's needs and the provision of subsequent support. The HM Inspectorate review, our previous work with the APPGA inquiry and the interviews we carried out show that many staff are working hard to try and support the neurodivergent individuals they work with. All shared frustrations at the lack of support they receive and are keen for more training.

The HM Inspectorate review again substantiates much of the evidence we heard. The results from their staff survey were broadly consistent across settings and services and respondents reported they had received little or no training. Overall, just 28% of respondents from police and probation services, and 24% of those from prisons, said that they had received any training about neurodiversity.

Interviews and focus groups conducted as part of the remote fieldwork provided further insight into the types of training received by staff in different roles.

Whilst staff recognised the value of local innovations, forces would nevertheless appreciate a more proactive approach and direction from the centre. It was felt that training in neurodiversity should have the same status as mental health - that is, it should be mandatory.



“We are dealing more and more with neurodiverse individuals on a daily basis, there is nothing whatsoever in place to educate or assist frontline officers in dealing with these matters. We are expected to have a knowledge on how best to deal with this despite having no training... It is extremely unfair on both officers and the individuals we deal with.”

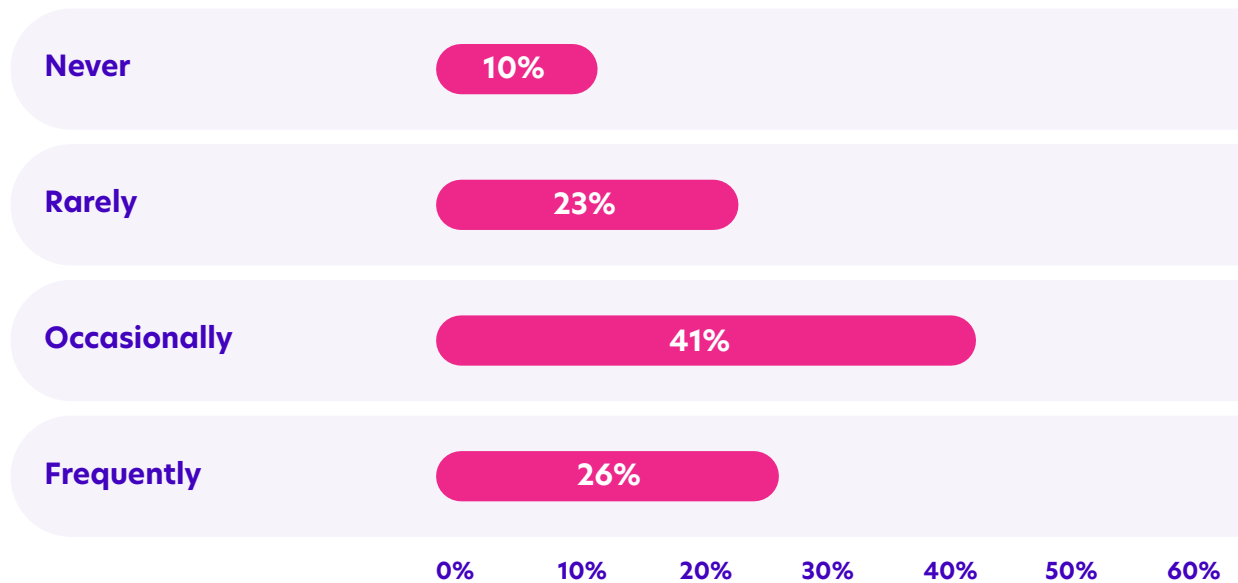
Staff survey, police (From HM Inspectorate)

Overall, staff who responded to the HM Inspectorate survey reported moderate levels of awareness and understanding of neurodiversity; lower scores were received in relation to how confident staff felt in working with neurodivergent individuals. There was a consensus – across all contributors to the review – that additional support and training was required for all criminal justice sector staff at all levels.

Staff they interviewed called for a greater understanding of:

- **the range of conditions and how they may present (neurodiversity)**
- **the type of challenges experienced by neurodivergent people**
- **the kind of adjustments that can be made**
- **referral routes for further support or diagnosis.**

Overall, do you get enough information and support to work with autistic people?



HM Inspectorate findings are reinforced by our survey results. The majority of professionals said they only occasionally or rarely get the support they need. However, on a more positive note, more than a quarter of the professionals do think they frequently get the support they need. We have heard some really positive experiences of good practice in our survey and interviews too, which demonstrate what can be achieved when staff have the support and expertise they need. Some examples of this are included below.

A highly specialist speech and language therapist we spoke to shared with us some training they are undertaking in the Youth Offending Service they are part of:

“We’re really increasing our training for staff, so getting staff more aware about the identification of autistic young people and about making sure there’s not using a one size fits all... they are more aware that it’s not behaviour by choice, but something that they’ve done because of a lack of social understanding and that they begin to understand the autistic nature of the offence. Perhaps rather than the behaviour and nature of the offence and that they have greater insight into actually the difficulties, but once that happens, it’s then how they provide the interventions in a more autism-friendly manner and so on. And then we’re looking at making sure resources are more autism friendly and that’s not just a case of having a bunch of fidget toys on the side of the table. It’s about actually acknowledging the range and allowing the young person to decide what they need. Rather than you coming in thinking that you know about autism, and this is what that young person should then need.”

When developing training, it is important that there is specific training around co-occurring conditions as well as around race. When looking at the youth justice system as a whole, an educational psychologist we spoke to who works in prisons highlighted the detrimental stereotypes held within the youth justice system when it comes to the treatment of Black, Asian and ethnic communities.

“Looking at those from minority ethnic groups and they suffer a double whammy with regards to being prejudiced against because of their culture. But also then, of course, [because] of their autism. So that then, you know, so the situation becomes very, very concerning as to how best to enable those individuals to have a just judgment dependent on their needs. Because we know that there are biases, there are stereotypes within the criminal justice system.”

Educational psychologist

Alongside co-occurring conditions and ethnicity, professionals should also consider a person’s gender and sexual orientation to ensure they are using person-centered practice to inform work with individuals. The adaptations and adjustments described in this report are a combination of previously identified useful adjustments as well as the experiences of autistic people, parents/families of autistic children and youth justice professionals we spoke to.

Further resources

We have developed our own autism guide, [Autism: a guide for police officers and staff](#). It provides background information about autism and aims to help all police officers and staff who may come into contact with autistic people to meet their responsibilities under the *Equality Act 2010 (Disability Discrimination Act 1995, Northern Ireland)*, *Police and Criminal Evidence Act 1984 (Northern Ireland Order 1989)* and the *Mental Health Act 1983 (Mental Health Northern Ireland Order 1986)*.



This gives some key advice on:

- **what autism is**
- **recognising and approaching autistic people**
- **making arrests and in custody**
- **interviewing autistic victims, witnesses or suspects**
- **Appropriate Adults and intermediaries.**

It is designed to be used as a regular reference. Each chapter can be read on its own and you can dip in and out to see information relevant to your role. The [Youth Custody Service](#) has also produced an Effective Practice Briefing to provide advice and guidance on how to support autistic young people in custody.

3. Making adjustments

Reasonable adjustments are a legal requirement under the *Equality Act 2010* to make sure all services are accessible to all disabled people. This includes autistic people.

As established in the previous sections, having a good understanding of autism is especially important in the implementation of necessary reasonable adjustments. Equally, relevant information needs to be shared, for example to magistrates and judges so that the needs of individuals are understood, and their behaviour is not misinterpreted.

Characteristics of autism will vary from person to person but they can include:

- difficulties with social communication and social interaction including difficulties with both verbal and non-verbal language
- restricted and repetitive patterns of behaviour, activities or interests
- sensory differences such as experiencing an over- or under-sensitivity to sounds, touch, tastes, smells, light, colours, temperature or pain.



Any involvement with the criminal justice system such as being detained by police, being required to appear in court and perhaps progressing to prison are all highly stressful experiences in themselves. Autism is not a visible disability, therefore many autistic adults find they can be misunderstood. The unfamiliar environment, formal processes and complex language should all be adapted and adjusted where possible to support someone's individual needs.

“Primarily you need to find out what adjustments need to be made. I think sometimes we're getting into a habit of making these adjustments, making assumptions that there's a sensory issue when... sensory issues don't actually affect them. I think the most important thing is to try and find out what difficulties the person has prior to making the adjustments.”

Criminal justice professional

Interviewees highlighted that this is especially relevant for autistic people who appear to have lower support needs. Some autistic people can appear to be able to communicate well, however when situations become stressful, they can become overwhelmed or 'shut down'. Instead of that person being supported, we heard that they may be perceived as 'being difficult'.

A prison officer who had worked in the criminal justice system for 30 years told us how difficult this situation can be:

“The second difficulty is the person who’s doing the interview. I know a lot of money, a lot of investment, is going into police officers being trained around autism. But unfortunately, I think the training is still very much that kind of basic training. Someone might be very articulate and know lots and lots of big words. However, it doesn’t mean that they are [the same] in every area of their life. For me it’s masking. Somebody on interview can present as very knowledgeable, very intelligent, very articulate. So, then there will be an assumption that this person should know better. That they know what they’ve done, they know it’s illegal.”

Prison officer

If adjustments are not made, it can lead to situations escalating. We heard examples of autistic people experiencing meltdowns due to adjustments not being made when first apprehended by the police. This led to further charges being brought. This does not only happen at the custody stage, but also throughout the youth justice system, where avoidable additional offences are recorded when someone is actually in distress.

“Things have escalated whilst in custody, as a result of the conditions under which they are held. So, for example, if they’re detained in a police station in conditions which could lead to sensory overload, this again can lead to an escalation in the behaviour or their condition, which can cause other offences being added.”

Researcher in the field of youth justice system and autism



“When a young person comes back from court into the community... they get, for instance, a youth rehabilitation intervention, and they’ve got restrictions on that. They get given an order, which is a list of things that they have to do or not do and if they breach those, they go back to court and/or youth offending institutions.”

“So I would get a referral order. That order lists what they have to do and if that is not listed in an accessible manner then they don’t understand it. We have heard police saying, we know we’ve written it down, we know they’re not going to understand that they’re going to end up being breached. They’ll be back in prison. They were back in the youth offending institution. So, if they know that’s going to happen, I say, why did they do it? But actually, they have not got the ability to make the changes in a way.”

Speech and language therapist

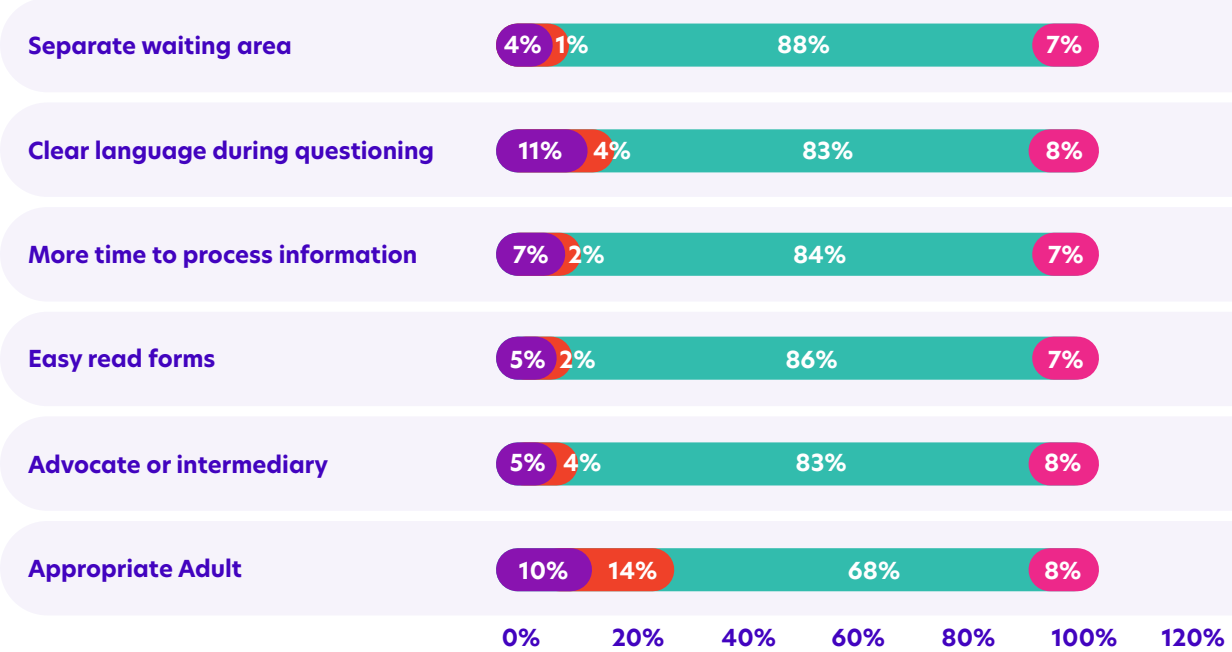
“I was like, well, I’m trying to understand what you say. So I said to them, please could you write it down for me? Because I find it easier to process information written down. [They say] we understand you’re a very intelligent girl. We understand that you have two undergraduate degrees and a master’s degree and an IQ of 169. You’re behaving in such a stupid manner that can’t be possible. You don’t need it written down. Just give us an answer.”

ID, autistic adult

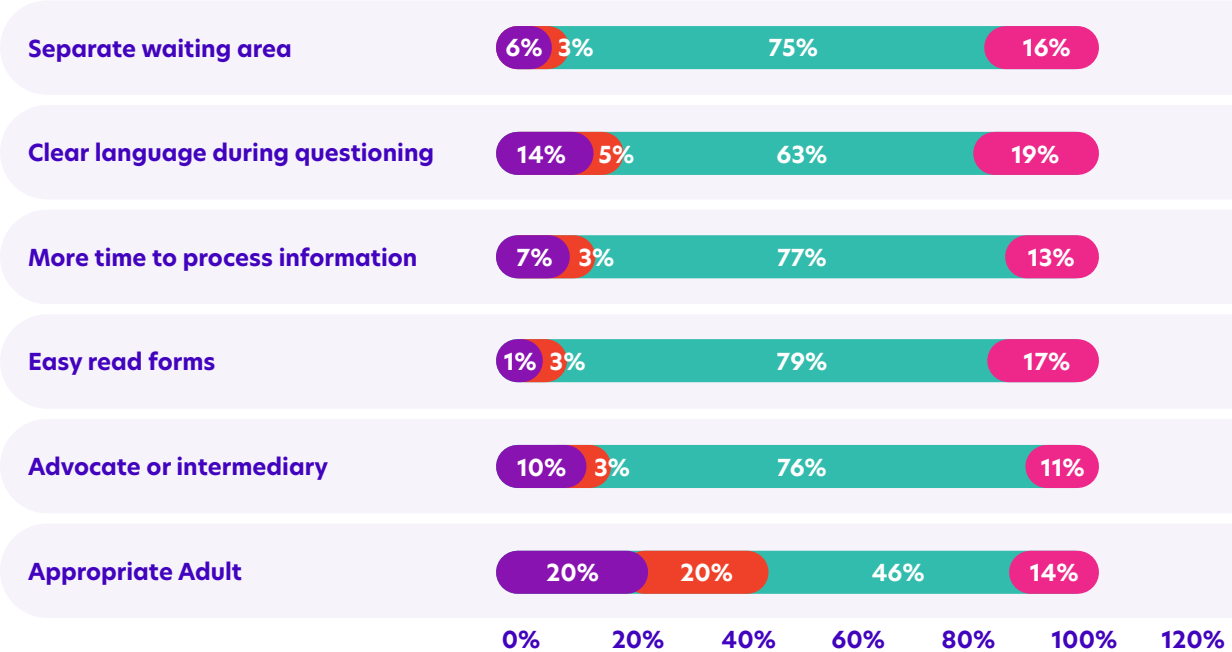


The survey responses we received demonstrated a shocking lack of reasonable adjustments being made, which can be seen in the charts below. For example, 78% of autistic adults told us that clear language had not been used during their interview. This could have profound consequences on someone’s journey through the criminal justice system.

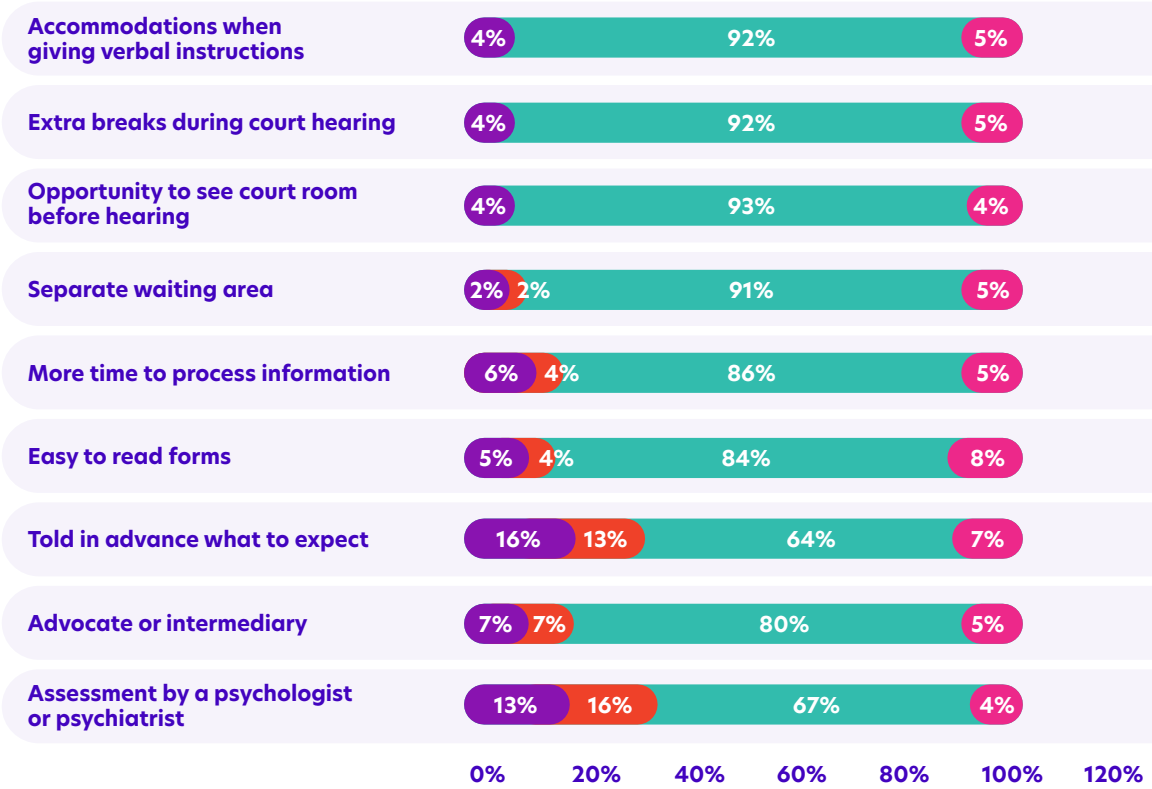
Police reasonable adjustments - Autistic adults



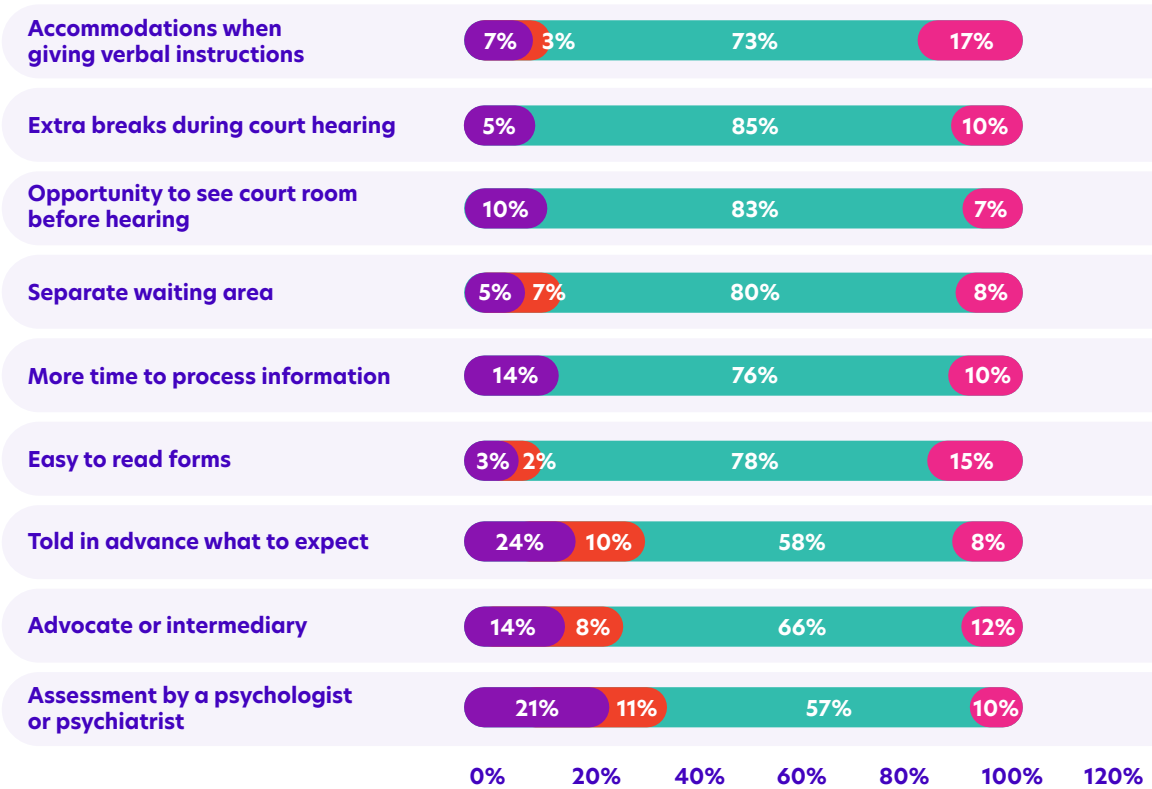
Police reasonable adjustments - Families



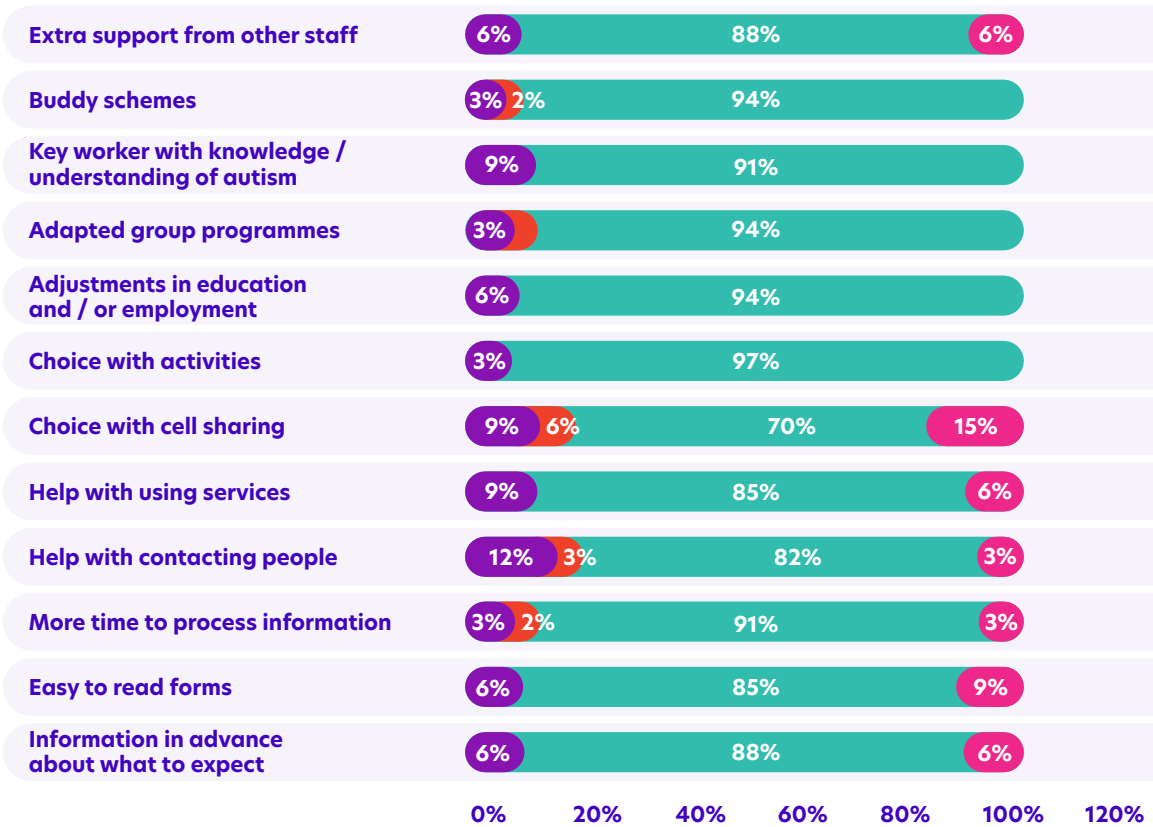
Reasonable adjustments in court - Autistic adults



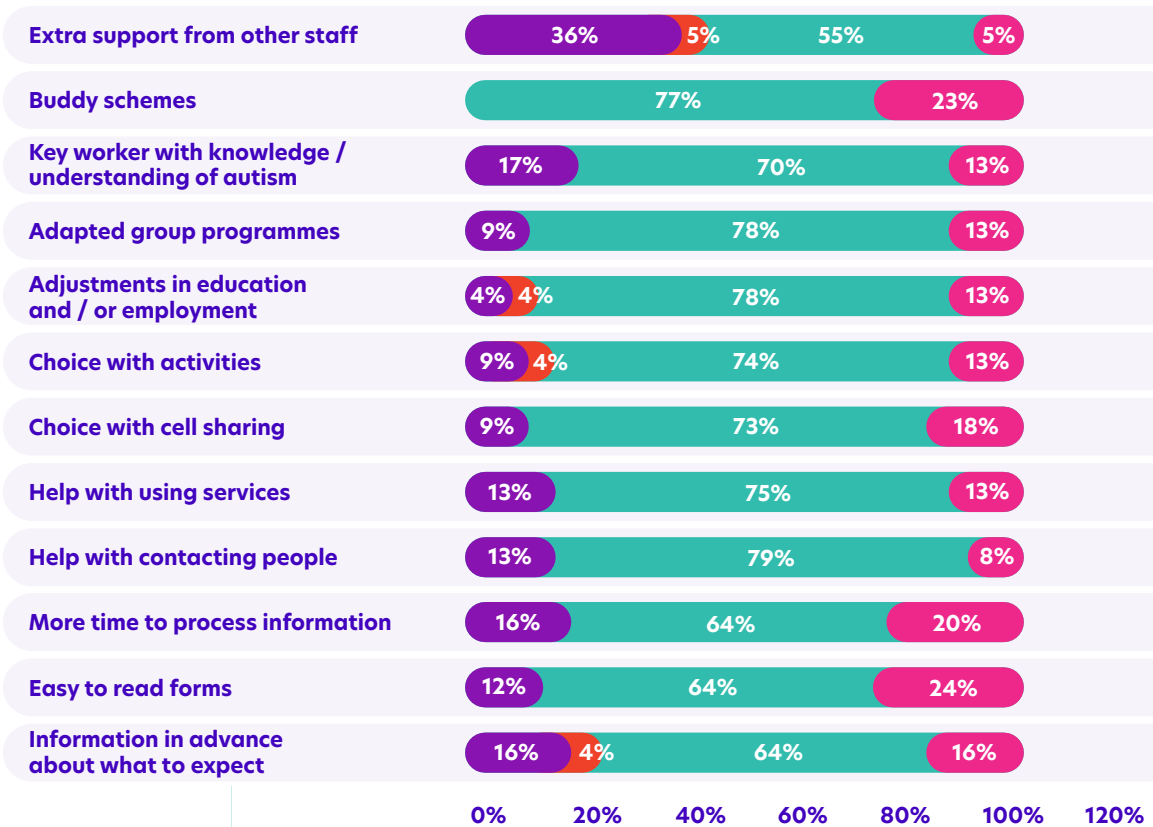
Reasonable adjustments in court - Families



Prison / YOI reasonable adjustments - Autistic adults



Prison / YOI reasonable adjustments - Families



Key ● Yes, helpful ● Yes, unhelpful ● No ● Unsure

3.1 Appropriate Adults

Under the *Police and Criminal Evidence Act* (PACE), vulnerable adults in police detention who may have difficulty understanding or responding to proceedings are entitled to the support of an Appropriate Adult (AA).

In our survey, despite being entitled to it, we heard that this does not always happen:



68% of the autistic people who answered our survey had not been offered an Appropriate Adult.



46% of the families who answered our survey had not been offered an Appropriate Adult.

Furthermore, autistic adults and families reported mixed experiences. For some, the use of an Appropriate Adult was really positive:

“Having an Appropriate Adult made me feel less anxious and less alone as I could let them do the communicating instead.”

“Being present as his Appropriate Adult, I was able to advocate for him and point out what was increasing his anxieties and request they make adjustments ie allowing him outside in the exercise yard at the police station.”

Others reported that having an appropriate adult was unhelpful. This could have been due to a lack of autism understanding.

3.2 Advocates/intermediaries

Intermediaries, or other supporters, can also be provided in court for those whose vulnerabilities have been identified, including trained specialists such as speech and language therapists.

For a long time, intermediaries had only been offered to victims and witnesses, but this year it has changed to be offered also to those who have offended. It is incredibly important that this support is offered and to keep in mind that professionals without a solid autism understanding may overlook someone’s communication needs. Just because someone may appear to be articulate, they may still need support understanding the information given to them.

What reasonable adjustments might help:

- ✓ separate waiting area
- ✓ clear language during questioning
- ✓ more time to process information
- ✓ easy read forms
- ✓ told in advance about what to expect
- ✓ opportunity to see the court room prior to appointment.



In prison and young offenders' institutions:

- ✓ extra support from other staff
- ✓ buddy schemes
- ✓ keyworker with knowledge/understanding of autism
- ✓ adapted group programmes
- ✓ adjustments in education and/or employment
- ✓ choice with activities
- ✓ choice with cell sharing
- ✓ help using services
- ✓ help contacting people.



On probation:

- ✓ home visits
- ✓ autism-friendly meeting room
- ✓ reduced waiting times.



Please note

The adjustments outlined in the charts are not exhaustive and our police guide details further information about how and why an autistic person may become distressed in police custody as well as detail about meltdowns. Meltdowns are intense responses to overwhelming situations; our guide has specific advice about how to react to them and provide support. Despite being entitled to reasonable adjustments by law, the majority of the autistic people and family members who responded to our survey reported not being offered any adjustments. But for the small number who did have adjustments, they were very valuable.

“The clear language was helpful as it kept me calm.”

Autistic adult

“They allowed me to take my time processing the information and allowed me to take breaks from the interviews for ‘time-out.’”

Autistic adult

“They understood the autistic spectrum and wanted to help my son. They did not use pressure or jargon and spoke in an easy flow tone of voice and gave time to process the words. They had a calm demeanour.”

Parent/carer of an autistic young person

“They talked to me before they questioned him and really wanted to understand his needs. They said that they wouldn’t charge him but had concerns around his understanding of what had happened and that he had committed a crime. We discussed options and I agreed to them processing him, not for the record but to help him understand what he had done - my son struggles with abstract concepts and needs to experience things first hand to understand them. They showed him a cell and he was in it alone with one of them holding the door ajar and talking to him. They then took fingerprints etc. I was present throughout.”

Parent/carer of an autistic young person

Case study - EG

Peer support and seeking a diagnosis when in and out of prison

EG first learned about autism from another prisoner on a wing where several men were seeking a diagnosis and providing informal support to one another. When released 'on licence' EG tried to seek assistance from probation on getting a referral for a diagnosis. Unfortunately, there was a general lack of understanding and support when trying to integrate back into the community:

"Didn't understand. Didn't try and help, didn't offer support to help me. I asked for help until it was right, go into like social groups and stuff like that, didn't get any. I got kicked out of the house I was in because the other residents found out what I was in prison for and the probation service... the boss of the probation service.... said 'I'm not doing enough to find myself somewhere to live', right? And yet I didn't even know where to start."

EG had a GP consultation to get a referral for autism diagnosis, but whilst waiting for an outcome he was recalled to prison. He found when back in prison there was no way to self-refer:

"... while I'm waiting for this phone call, I got recalled. I've tried speaking to the mental health team in prison. They're not equipped to diagnose people. Not even the psychiatrist... they're not even qualified enough to diagnose somebody with autism or Asperger's or anything like that. So I got no help..."

EG was recalled back to prison without any warning. There was no explanation from probation or police on precisely how his licence conditions had been breached. Despite there being routine and structure in prison, EG was very anxious when information wasn't given in advance and when prison staff didn't know how to deal with autistic prisoners appropriately.

Since serving his sentence, EG has sought a referral again through his GP and is now on a long waiting list. However, he is finding there are significant barriers in obtaining specialist autism support in the community due to a lack of autism diagnosis.

Case study - FF

Making a complaint to HMPPS regarding diagnosis and lack of support

FF was first arrested for an offence he admitted to aged 22 and given a two-year custodial sentence. Whilst in prison, his life was threatened by another prisoner he shared a cell with. He was initially enrolled on a programme that had no relevance to his offence. FF experienced contradictory opinions in which 'probation services overruled the Judge' regarding licence conditions on release. This resulted in FF being banned from computers for over three years whilst undertaking a programme relating to his offence:

"I didn't know how it worked back then, I didn't know what policies they had. So, when my judge sentenced me, he specifically said I couldn't be barred from computers because that would basically take away any possibility of employment. I thought in the UK, what a judge says is law, basically, but as soon as a probation officer got involved, I was banned from everything. I couldn't work out how a judge can tell me I can't be banned and a probation officer can overrule the judge. I didn't know how to get hold of their policies without a computer, and I couldn't touch a computer because I would get arrested for it."

Over eight years of unemployment ensued, and FF undertook a degree in IT and Digital Forensics, which probation had concerns about. Due to his employment situation, FF began purposively committing offences. This led to his second custodial sentence, which he believes has inadvertently led to a positive outcome as he now has employment and a diagnosis:

"I just couldn't be bothered anymore. I wanted to go to prison. Having been in [prison name] was fine for me, I was left alone, so that was what I believed prison to be. And I just had enough of basically sponging off my mother, because that's what I was doing. So I gave up on everything and started committing crimes again. Because it was to me the easiest thing to do. I didn't see myself ever getting a job again. And to be fair, from one perspective, it's the best thing I ever did. Obviously, from my victim's point of view, it's the worst. Because if I hadn't come back to prison, I wouldn't have met my current employer and I wouldn't have the life I have now."

FF was originally misdiagnosed with Schizoid Personality Disorder instead of autism by a psychologist during the court process. At the beginning of his prison sentence, a probation officer identified autistic traits after completing a screening questionnaire, but no arrangements were made for a further assessment. This subsequently delayed his parole hearing and eventual release from prison.

Case study - FF continued...

Through his job in a prison library, FF became well versed in policy and complaints procedures. After seeking a diagnosis privately, FF made an official complaint to HMPPS Ombudsman, where it was acknowledged that staff failed to support his autistic needs and make necessary reasonable adjustments. FF's thinking style and ability to retain factual information has enabled him to make a successful complaint.

An important point to highlight in FF's case is that in the criminal justice system there are often lots of rules to adhere to but staff don't always know them and sometimes ignore them. Pointing this out to staff or other prisoners can create significant problems for the autistic person involved:

"What someone says isn't always what they mean, and I don't get that. So, I say what I mean. And they don't. I also fixate on detail. Which gets me in trouble, especially with the probation service. Because they don't follow their policies. They don't know their policies. But I know their policies and they don't stick to them. And from my point [of view], I see it as if you've got a policy that's telling you how you're supposed to act, like rules. I love them. They tell me what I'm supposed to do in a particular situation, and I do it and I don't get why they can't."



Case study - S

'Because he was there' - from early diagnosis and vulnerability to serving a sentence for joint enterprise murder

S was always in trouble during his early life. He never understood how to ask other children to play and was often sent home from school. From age two it was recognised he was late walking and talking, and would often respond to touch with physical attacks. After a relative recognised autistic traits, at age nine he was eventually diagnosed as autistic with ADHD. Around age 13, there was suggestion of conduct disorder from CAMHS, but S and his family 'weren't allowed to say anything':

"She says: I think he might have conduct disorder, but I'm not saying it... and I had to go home and look at it on the internet. I think, if she had said at 13 that he had that, he might have been able to get some help and good therapy for it. He had... a psychologist and a psychiatrist look at him while he was in prison, actually waiting for his trial. And one of them said he's got antisocial personality disorder. So you know, if you had mentioned it all those years back..."

At the start of secondary school, S was permanently excluded after being dared to set off a fire alarm. He was sent to a pupil referral unit for six months, but was there for two years, where he did the same work repeatedly. He was eventually put in a school for children with social and emotional difficulties at age 14, where promises were made by staff, but S just thought 'what is the point, since I'll be kicked out anyway'. S lasted 11 months before being transferred to a separate building with 12 pupils. He was compliant in attending appointments for support, but after two months it was said 'we can't work with him anymore, we've done what we can do, that's it'.

S's first contact with the police started through association with other pupils at the secondary school, where he would hit peers if provoked or defend others that had been accused of assault. In this way, he was criminalised from a young age:

"Because everything that happened around here, no matter who done it, the police would knock my door. And they would say about him. Well, what did he do? He was there. That's all I ever got told. He was there. Yeah, but what did he do? Well, he was there. And this is how it went on..."

Case study - S continued...

Disclosing autism had no impact and he was put on an anti-social behaviour contract, where his movements were restricted. An eviction notice was also placed on the family home if 'certain terms were broken'. Following this, S's first experience of being charged was under a false accusation which was thrown out of court. S's first conviction in his late teens was for joint enterprise murder, for which he is currently serving 19 years.

During the court process, a 15-page psychology report was produced where S was referred to as a 'black man, who lives at X Road and has childhood autism' (he was actually a white man, who did not live at X Road and the National Autistic Society doesn't recognise the term 'childhood autism'). The judge accepted this psychology report and S was allowed to have an intermediary to rephrase questions and facilitate breaks:

"S was in the witness box for maybe four days, maybe longer than anybody. And he [the intermediary] kept asking, Did you want a break and you could just say, no, I want to get it over with, I just want to get it done. So they took that as you didn't need him. The judge even said, well, you had an intermediary that you didn't use. I think you didn't need him to be there. You know, your autism is that mild..."

Evidence relating to his childhood diagnosis was dismissed by the QC and a recent diagnosis in prison of antisocial personality disorder with borderline intellectual functioning was not provided at the trial:

"... they never, ever passed that report over to be part of the trial. We didn't know this report was there. Until the jury had gone out and they've been out over a week. And that's when his solicitor showed us this report. Do you think I should give this to the judge? You know, for his sentencing? So, you know, you should have given that to the judge before the trial."



An ex-prison officer we spoke to offered some specific advice around the process of making adjustments:

“If you’re wanting to get information from somebody, you need to allow them space where they can process the question and they can’t process the question if they’ve got all this other external stuff that they’re trying to process as well. If it’s somebody who you can see is really struggling with eye to eye contact. Sometimes you know I’ll say to the person, would you find it helpful if I look down so I’m not looking at you directly? Is that helpful for you? Some people can answer these questions and you know that they’re aware of the difficulties. However, not everybody is so I guess that’s the challenge for us as professionals. We don’t always know what difficulties this person experiences.”

“But certainly making the practical adjustments... allowing time for the individual to process. So an eight to ten-second pause. Allow them to process the question before you ask another question. Be very clear on your questioning. Don’t be vague, and if you’re asking one question, ask one question. Don’t ask one question that actually contains another two questions... So one question and then get your answer.”

“Check in with the facial expression, if they’re giving you a facial expression of anger, ask them, are you angry right now? And give them the space to be able to say yes or no. Or sometimes a facial expression isn’t actually illustrating what they’re feeling inside. If the individual asks you what your emotion is, don’t be offended by it. They’re trying to gauge that you know what’s going on because as individuals, our faces lie all the time. You know you’re interviewing somebody. You’re highly anxious. You may well be tired and you’re a bit frustrated because you know you need this information and it’s getting quite difficult... your facial expressions may well be giving all that away. So I think you need to be honest with yourself about your own emotions, but I think that’s with anybody for me, that’s when you’re interviewing. Assessing, questioning anybody, not just people on the spectrum.”

To improve the support for autistic young people in the criminal justice system:

Recommendations:

NHS England should establish a national forensic autism diagnosis pathway for prisons and probation services.



The Government should:

- ✓ establish a taskforce on improving the experiences of autistic young people in the youth justice system, to check that progress is being made and where more work is needed. This should involve people with lived experience
- ✓ commit to making autism training mandatory for all police officers, by working with the College of Policing to require all new police recruits to undergo autism-specific training as well as creating a programme for all existing officers to receive this training
- ✓ consider how best to roll out initiatives such as the Metropolitan Police's autism alert cards and communication passports, which can help improve interactions between autistic people and the police
- ✓ set out a clear statement that autistic people are entitled to Appropriate Adults and underpin this with guidance to local services
- ✓ work with relevant agencies to make good quality, role-specific training in autism mandatory for other criminal justice system professionals and prison staff
- ✓ make progress on all criminal justice actions outlined in the national all-age autism strategy.

Recommendations:



The Government must also act on further recommendations made in the HM Inspectorate report²⁵ to:

- ✓ consider the needs of autistic prisoners in the development of improved safety training for prison staff
- ✓ improve staff awareness of dealing with court and tribunal users with non-visible disabilities, including autistic people through the 'Hidden Disabilities Scheme'
- ✓ ensure that the experience of court and tribunal users in its buildings is autism-friendly, and that staff are making adjustments to environments
- ✓ employ a national neurodiversity advisor for the Community Sentence Treatment (CSTR) programme
- ✓ ensure all NHSE/I-commissioned services are able to continue to identify, assess and meet the needs of autistic people using these services.

Each local criminal justice facility or service should:

- ✓ make sure that they have expert advice that can be drawn from when local services need more guidance
- ✓ improve their services by exploring and incorporating best practice. This could include working towards the National Autistic Society's Autism Accreditation
- ✓ make sure all staff are trained to know when an autistic young adult is entitled to an Appropriate Adult
- ✓ provide all autistic young people and their families who come into contact with the criminal justice system an opportunity to discuss what reasonable adjustments they might need as well as a set list of reasonable adjustments they are entitled to.

Local services should create an environment and culture where autistic people feel able to disclose that they are autistic.

Conclusion

No autistic child or young person should be at greater risk of getting into trouble with the criminal justice system just because they're autistic. However, our research shows that this is too often the case and the impact can be devastating. The damage this has caused to the people who contributed to this report can't be underestimated or undone. Their stories and experiences, alongside those of families and professionals, show clearly the areas where change needs to happen. We have been calling for many of these recommendations for years and the Government must act now, once and for all.

Staff working within these systems must be supported to understand what autism is and how to meet an autistic young person's needs. In entering the system in the first place, autistic young people have already been failed, there is no excuse to fail them further.



Further reading



- Read our article exploring [how police officers can support autistic people in police custody and those that are witnesses](#)
- Read our article discussing [sensory needs and how these can potentially lead to issues involving, and within, the criminal justice service](#)
- Download [Autism: a guide for police officers and staff](#).
- Download [Autism: A guide for youth justice professionals](#)
- Download [Planning to question someone with an autism spectrum disorder including Asperger syndrome](#), one of a range of toolkits relating to vulnerable witnesses and defendants from [The Advocate's Gateway](#)
- Watch [Putting myself into words – a film about autism and practical information for the police](#).
- Visit [National Police Autism Association](#), website for UK police officers and staff who have a personal or professional interest in autism.
- Visit [Mental Health, Autism & Learning Disabilities in the Criminal Courts](#), a website from the Prison Reform Trust and Rethink Mental Illness.
- Read the Crown Prosecution Service's [Mental health: victims and witnesses with mental health conditions and disorders](#) and [Mental health: suspects and defendants with mental health conditions or disorders](#)
- Read the [Judicial Council's Equal Treatment Bench Book](#) which aims to increase awareness and understanding of the different circumstances of people appearing in courts and tribunals.

Endnotes



- 1 Department for Health and Social Care and Department for Education (2021). *The national strategy for autistic children, young people and adults, 2021-2026*.
- 2 Department for Health and Social Care and Department for Education (2021). *The national strategy for autistic children, young people and adults, 2021-2026*.
- 3 <https://digital.nhs.uk/data-and-information/publications/statistical/autism-statistics/april-2021-to-march-2022>
- 4 Simonoff, E. et al (2008). Psychiatric disorders in children with ASD: prevalence, comorbidity and associated factors in a population-derived sample. *Journal of the American Academy of CaAP*, 47(8), pp921.
- 5 Mayes, S. D. et al (2013). Suicide ideation and attempts in children with autism. *Research in autism spectrum disorders*, 7, pp109- 119. <https://doi.org/10.1016/j.rasd.2012.07.009>
- 6 APPGA (2019). *The Autism Act, 10 years on: A report from the All Party Parliamentary Group on Autism on understanding, services and support for autistic people and their families in England*.
- 7 APPGA (2019). *The Autism Act, 10 years on: A report from the All Party Parliamentary Group on Autism on understanding, services and support for autistic people and their families in England*.
- 8 All-Party Parliamentary Group on Autism (2017). *Autism and education in England*.
- 9 National Autistic Society (2021). *School report 2021*.
- 10 Youth Justice Board, Ministry of Justice (2019). Youth Justice Statistics 2017/18 England and Wales. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774866/youth_justice_statistics_bulletin_2017_2018.pdf
- 11 National Autistic Society (2021). *School report 2021*.
- 12 National Autistic Society (2021). *School report 2021*.
- 13 Department for Education (2018). Special educational needs in England: January 2018 [Data] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729208/SEN_2018_Text.pdf

Endnotes



- 14 The Children's Society (2019). *Counting lives. Responding to children who are criminally exploited.*
- 15 Berelowitz, S. et al, (2013). *If only someone had listened: Office of the Children's Commissioner's inquiry into child sexual exploitation in gangs and groups. Final report.*
- 16 Franklin, A., Raws, P. and Smeaton, E. (2015). *Unprotected, overprotected: Meeting the needs of young people with learning disabilities who experience, or are at risk of, sexual exploitation.* Barnardo's. Available at: <https://www.barnardos.org.uk/research/unprotected-overprotected-meeting-needs-young-people-learning-disabilities-who-experience-or-are>
- 17 Fox, C. (2016). *It's not on the radar.* Barkingside: Barnardo's.
- 18 The Children's Society (2019). *Counting lives. Responding to children who are criminally exploited.*
- 19 Department for Health and Social Care and Department for Education (2021). *The national strategy for autistic children, young people and adults, 2021-2026.*
- 20 HM Inspectorate (2021). *Neurodiversity in the criminal justice system: A review of evidence.*
- 21 HM Inspectorate (2021). *Neurodiversity in the criminal justice system: A review of evidence.*
- 22 HM Inspectorate (2021). *Neurodiversity in the criminal justice system: A review of evidence.*
- 23 Prison and Probation Ombudsman report.
- 24 HM Inspectorate (2021). *Neurodiversity in the criminal justice system: A review of evidence.*
- 25 HM Inspectorate (2021). *Neurodiversity in the criminal justice system: A review of evidence.*

About the National Autistic Society

The National Autistic Society is here to transform lives, change attitudes and create a society that works for autistic people.

We transform lives by providing support, guidance and practical advice for the more than 700,000 autistic adults and children in the UK, as well as their three million family members and carers. Since 1962, autistic people have turned to us at key moments or challenging times in their lives, be it getting a diagnosis, going to school or finding work.

We change attitudes by improving public understanding of autism and the difficulties many autistic people face. We also work closely with businesses, local authorities and government to help them provide more autism-friendly spaces, deliver better services and improve laws.

We have come a long way but it is not good enough. There is still so much to do to increase opportunities, reduce social isolation and build a brighter future for people on the spectrum. With your help, we can make it happen.



The National Autistic Society is a charity registered in England and Wales (269425) and in Scotland (SC039427) and a company limited by guarantee registered in England (No.1205298), registered office 393 City Road, London EC1V 1NG.



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