



Autism Act 2009 Committee

Corrected oral evidence

Monday 16 June 2025

3.15 pm

Watch the meeting

Members present: Baroness Rock (The Chair); Lord Addington; Baroness Browning; Lord Crisp; Lord Elliott of Mickle Fell; Baroness Goudie; Baroness Hodgson of Abinger; Lord Hope of Craighead; Baroness Ritchie of Downpatrick; Lord Wigley.

Evidence Session No. 19

Heard in Public

Questions 132 - 141

Witnesses

[I](#): Dr Katie Maras, Reader in Psychology, University of Bath; Dr Alexandra Lewis, Consultant Psychiatrist, Cambridge and Peterborough Foundation NHS Trust; Martin Jones CBE, HM Chief Inspector of Probation; John Nelson, Chair, National Police Autism Association.

Examination of witnesses

Dr Katie Maras, Dr Alexandra Lewis, Martin Jones and John Nelson.

Q132 The Chair: Good afternoon and welcome to this public meeting of the House of Lords Committee on the Autism Act 2009. In this evidence session, we will hear from witnesses about support for autistic people who are in contact with the criminal and youth justice systems.

We are delighted to be joined in person by Dr Katie Maras, reader in psychology at the University of Bath, and Martin Jones CBE, who is His Majesty's Chief Inspector of Probation. We are also delighted to be joined remotely by Dr Alexandra Lewis, consultant psychiatrist at Cambridgeshire and Peterborough Foundation NHS Trust, and John Nelson, who is the chair of the National Police Autism Association. You are all very welcome indeed; thank you so much for taking the time to see us today.

Our evidence sessions are on the record, which means that they are broadcast and a written transcript is taken for subsequent publication. The list of members' declared interests has been published on the committee's website.

Having made that introduction, I will now ask the first question. When you answer it, please introduce yourselves briefly. I will ask the first question to Dr Katie Maras. What is the key evidence on the number of autistic people who come into contact with the criminal and youth justice systems? We are talking about victims, witnesses, suspects, defendants and offenders. What are their demographic characteristics and the support that they need? Are there any main gaps in this evidence? When you answer it, could you also talk about the evidence of why autistic people come into contact with the criminal and youth justice systems? What are the consequences of failing to offer autistic people in that system the support that they need?

Dr Katie Maras: I am an Associate Professor of Psychology at the University of Bath. My research focuses on the intersection between autism and the criminal justice system. I have particular expertise around memory and cognition, and how police interviewing and courtroom questioning techniques impact one's ability to provide evidence, and what adaptations are needed for vulnerable individuals and those who process the world differently. I also work with police and other legal professionals to translate empirical findings into best practice, training and guidance.

It is really difficult to answer on the numbers of autistic people coming into the justice system. The studies are mixed and generally of quite poor quality. It is a difficult thing to put a number on: estimates of prevalence range from 0.9% to 60%, which is huge, but it very much depends on who you are asking and from what sample. Is it a forensic in-patient sample or a community sample? Are you asking whether they have had contact with the police or if they are actually in prison?

That notwithstanding, we find that autistic people are more likely to be victims. That is fairly clear from the messy evidence. There is no evidence that they are more likely to be offenders overall. However, for the small minority of autistic individuals who do offend, you can quite often link that back to the autism in some way or understand their offending behaviour in relation to their autism. Further, when autistic people commit violent offences such as assault they often have co-occurring ADHD, and it is the ADHD which is resulting in that violent behaviour rather than the autism per se. We also find that they are less likely to commit other types of crime like property offences.

So, on balance, they are no more likely to commit crimes, but we know that they are overrepresented generally in the criminal justice system, in one way or another. The Criminal Justice Joint Inspection report a few years back suggested that up to 50% of the prison population is neurodivergent. But that obviously includes things other than autism and it is very much an estimate.

There are various reasons for why that might be, including pre-sentencing factors. Okay, maybe they committed a crime, but maybe they are also more likely to confess or to be caught. Or they may be less able to advocate for themselves in court or more likely to enter a guilty plea. They may be innocent, in some cases. Maybe they are not able to get out of the prison system earlier because of the way that their autism impacts their ability to engage with rehabilitation programmes and risk assessments.

The support autistic people need very much depends on the stage of the criminal justice system. From first response, police custody and police interviewing. Throughout the criminal justice system, we have issues around identification. Either they might not be clearly or obviously autistic or they may be masking; the difficulties that they have may not be apparent at a surface level. We also see gender differences; the way autism presents in females is often less obviously recognisable. Further, those who have a diagnosis already are often reluctant to disclose their diagnosis, either because they fear that they might be stigmatised or discriminated against or because they do not think it will make any difference to any support or adaptations that they receive anyway.

Another issue we have is that most police officers' initial contact with an autistic person is when that person is under extreme distress, and they are not necessarily able to advocate for what their difficulties are and how they should be supported better. Throughout the criminal justice system process, more general adaptations could be made around sensory difficulties, around minimising anxiety, on making everything a bit more predictable and trying to reduce the noise that they experience, on a sensory or predictability level, and in the provision of support from adapted interviewing, registered intermediaries, appropriate adults and so forth.

Q133 The Chair: Thank you; that was incredibly helpful and very well rounded. Martin, do you want to build on that and focus particularly on some of the

consequences of failing to offer that support that Dr Maras has already talked about? I could see that you agreed with quite a lot of what she was saying.

Martin Jones: I totally agree with Katie's expert view on this. My role as Chief Inspector of Probation is to inspect adult probation services and youth justice services. I spent the last 30 years or so working in and around the criminal justice system, so I am very well aware of how the system works overall.

From our inspections, I have observed a contrast in the way in which the system deals with children and with adults. When we inspect youth justice services, not everything is perfect but, generally speaking, the system tends to be better at identifying the needs of the children who are getting involved in the justice system and the underlying reasons for that. When those needs are identified, it is better at trying to get those children the support that they need to ensure that they can be tackled. So we see some good work there.

Things are rather different on the adult side. The Probation Service is currently under huge pressure, particularly staffing difficulties and challenges that feed right the way across its work. There is actually a really good strategy in place within the Prison and Probation Service, but we see a really patchy, difficult position on the ground, with pockets of good practice. I saw some really good practice on a recent inspection in Yorkshire, where we had the local autism society providing support to local probation areas and doing some really good work assisting probation officers in how to deal with things.

Of course, if you fail to identify autism or other challenges at a very early stage, it impacts, first of all, people entering the system. But what is to happen thereafter, after that person has been sentenced? How do you ensure that they understand the order they are on? If they go to prison, how do they understand the requirements of licence? Of course, if you do not understand that, there is a risk that you may breach the terms of your licence and end up being returned to custody—not because you are intrinsically a more risky person, but simply because you do not understand what you need to do from a particular point in time.

I do think, and I do agree, that there is a difficulty around the numbers. There is a range of different views on this. Certainly, our joint inspection report found that there are a significant number of people in the system with neurodiversity, but I am not sure that the system is good enough at picking up autism in particular. I think it needs to—

The Chair: Effectively, you are saying that the data is not there, really.

Martin Jones: It is just really flaky. Again, we get some local good practice, but on a national level it is really quite hard to piece that together. I guess the final—

The Chair: Is there something that you think would help the system to have better data?

Martin Jones: You need to start from the premise that most people getting involved in the justice system, whether they are a young person or an adult, have underpinning needs—the reasons why they are in that circle of behaviour. As part of that, it is important to understand the needs of that individual. Sometimes, certainly, autism will be one of those factors. The more you understand that, the better you are able to then ensure that your activity is attuned to work with that person. That would help with the probation officer who is trying to ensure that somebody understands what is happening, ensure that they comply with their order, and that actually you keep them out of those destructive cycles of crime.

Q134 **The Chair:** Dr Lewis, perhaps I could come to you next with really the same questions around the evidence of why autistic people come into contact with the system and, again, the consequences of that lack of support, building on what Martin and Dr Maras have said.

Dr Alexandra Lewis: I am a consultant, forensic and child and adolescent psychiatrist. My work kind of transcends the lifespan really, but with particular focus on under-21s.

A lot of the time people come into contact with the criminal justice system because that is the first agency that picks them up. If they were picked up by social services or by education, they might not get into the criminal justice system at all. Sometimes that is why they have ended up coming into it. Often these are young people who come to our attention, but the reasons why they are coming to our attention have not been understood. In general, across education and across healthcare, there is quite a poor understanding still of how young people and adults present with autism. There is still a very stereotyped idea that conflates autism with learning disability, and we particularly do not understand how people who are normal or high IQ present. That group tends to get missed.

Then there is a misunderstanding about why autistic people might be vulnerable to becoming involved in the criminal justice system. There is this well-worn idea that it is around social communication deficits and that they might be more easily duped or misled. Unquestionably, that is a problem for some, but I do not think that it is actually the reason why a lot of people get into trouble with the criminal justice system. Sometimes the things that we regard as their strengths can end up being vulnerabilities that draw them into contact with the criminal justice system.

An example is the ability to hyper-focus on a certain topic to the exclusion of everything else, where it takes on an overriding significance to somebody. The ability to assimilate huge amounts of very complex knowledge and communicate this very eloquently to other people can mean that they become influential thought leaders, particularly when you think that young people spend a lot of time online. There is this idea that perhaps people with autism are vulnerable online, but they can also be perpetrators online because they are at their most eloquent.

If those circumscribed interests are inherently criminal or sometimes become conflated with other interests, then people can be vulnerable to coming in contact with the criminal justice system. I spent time working in counterterrorism policing and, when we were looking into and concerned about young people perhaps being vulnerable to radicalisation, that seemed to be something that was being missed—this idea that it is not perhaps social communication deficits but their strengths that might be vulnerabilities. That is just not being picked up and recognised.

Young people with autism are perhaps less influenced by social pressures than other young people. That can be a strength; we worry about our teenagers being overly influenced by people who may not have their best interests at heart. But it may push you away from societal norms as well, if you do not really give a stuff and do not care too much. Those are possible reasons. Really, we have to think about push and pull factors that draw people in. Sometimes, it might be the offence itself that is very appealing. We see worries, particularly about violence fixation or very graphic things. There may be other things such as being bored, being lonely—things that are inherently part of their characteristics. The thrill-seeking can drive people to do things that may lead them to get into contact with the criminal justice system.

Q135 The Chair: Thank you; that is extremely helpful. Could I come to you, John Nelson?

John Nelson: Good afternoon, everyone. A quick introduction first: the National Police Autism Association, which I founded and chair, is a peer support network for autistic and neurodivergent police officers and staff. We were formed 10 years ago; we are coming up to our anniversary in October. As part of our work, we promote best practice for working with the autistic community via our members' forum, website and social media channels. Some of our members sit on the College of Policing neurodiversity working group, which formulates best practice across the police service. However, we as a network have no remit for implementing best practices within policing or for training officers. I am not here as a subject matter expert. I speak as the chair of the NPAA. I provide and run an online community for our members in my spare time. I am also a front-line sergeant with British Transport Police, and as such I have direct experience dealing with and supervising incidents involving neurodivergent adults and children—probably more so than frontline officers from Home Office forces, due to vulnerable persons coming to police attention on the rail network.

With regard to the question in hand, I cannot really add anything more to the evidence already provided by my colleagues. I have a few talking points later on around why autistic people may suffer worse outcomes coming into contact with the criminal justice system and perhaps what can be done to remedy that.

The Chair: That is very helpful. Perhaps I could come to Baroness Hodgson for the next question.

Q136 Baroness Hodgson of Abinger: Good afternoon, everybody, and thank you so much for coming. My question is about who is responsible and accountable for supporting autistic people in the criminal and youth justice systems. How clear are the lines of responsibility and accountability? In connection with that, what influence, if any, have the Autism Act 2009 statutory guidance and the Government's autism strategy had on support for autistic people in the criminal and youth justice systems? Why have they been effective or not effective? Mr Jones, should we start with you?

Martin Jones: Thank you. I shall give a few reflections. In terms of accountability, if you look at the national framework, I think all the agencies understand what the obligations are. We have got a good suite. Our joint criminal justice inspection report from a few years ago now set out almost that the national approach is the right one. The real challenge in accountability is: how does that then translate on the ground in an individual police station and an individual probation office? For me, as somebody who inspects the system, that is about good, strong local leadership to ensure that local leaders are aware of what the requirements are and that that is followed up.

The one benefit I would say that you get from areas like probation and youth justice is that, when a case kicks off in that part of the system, it is based on an individual assessment of the case and the need of the individual as part of that. That provides an opportunity to then identify signs. Of course, ideally what you want in the system is to identify it before that person enters the system. I completely concur with what Dr Lewis said—that sometimes people enter the system, and thereafter you identify that autism may be an underpinning problem in the case. Of course, that is too late for somebody who has almost crossed the threshold of the criminal justice system. I think it has to be about local leadership and local accountability, within the national framework, to ensure that individual members of staff receive the proper training and that that is then followed through. When the other Criminal Justice Inspectorates are inspecting, they have to identify where the gaps are in the local practice.

Dr Alexandra Lewis: I have some things to add. I am the clinical adviser in the children and young person's workstream in the health and justice department at NHS England. This has done a huge amount of work over the last decade trying to improve care and the whole culture around managing young people in the children and young people's secure estate. That covers young offender institutions for the under-18s, secure children's homes, secure training centres and the new secure school—Oasis Restore. That is managed slightly differently, but it also has a lot of input from NHS England.

In essence, there has been a wholesale culture change in the system by introducing a framework that is sometimes called the framework for integrated care or the secure stairs framework. It is a comprehensive, trauma-involved, developmentally sensitive framework. Its primary goals are to get a psychological formulation for every child who is in the

system. NHS England has funded that for all children, by which I mean all those under 18 years old. That will not produce a diagnosis of autism, but it will pick it up if somebody seems like they might have autism or autistic or neurodiverse needs. The purpose of that formulation is then to inform interventions and planning for interventions, and it is regularly reviewed.

There is a lot of training for staff, because well-cared-for staff who can manage their own emotions are in a better position to manage those of young people who might be distressed. If they are recognising, understanding and questioning why this young person is presenting in a challenging way, they can look behind and perhaps create more effective interventions. That is one thing that is being done.

NHS England also has enhanced support teams within YOIs. Every child in that group will have a formulation and a care plan. The young people in that group have autism, ADHD, a learning disability or another neurodevelopmental condition and complex needs. That is what NHS England is doing within the children and young people's secure estate to try to identify this and support them.

We know that so many do not actually have a diagnosis. The whole issue about getting a diagnosis is so problematic really. We do not have enough people with the diagnostic skills so, by picking up people who appear to have those needs and recognising the needs rather than the diagnosis, we can make more of an intervention.

It is great but it is not being entirely implemented across the entire system. It is implemented within all the secure children's homes and a secure school has implemented it. It is more difficult within the YOIs and the secure training centre, largely because of staffing issues. It is a multi-agency system that involves education, healthcare and youth custody service staff, and the demands on time make it practically difficult to do sometimes, but it feels like a change that has happened culturally.

I would also like to say that I spent 14 years as a clinical lead in a young offender institution, Feltham, which actually covers 15 to 21 year-olds. Back in 2012, we worked with the National Autistic Society to develop standards or support a kind of autism-sensitive prison, and to see if the standards that the NAS had in other environments could be put into place within prisons. That was really successful. We developed the standards and piloted them, and Feltham young offender institution was the first autism-accredited prison in the world back in 2015. That acted as a catalyst for change across the criminal justice system. Now, there are four other prisons that have achieved autism accreditation; women's prisons, high-security prisons and other prisons have done it. It has also been rolled out into the community and some probation services have autism accreditation.

So there are pockets of good practice, but it is not joined up. The adult health and justice department at NHS England has developed its own set of autism standards, which are the same as or adapted from those for

hospitals across the community. It is bringing those in to try to work with prison mental health services within all prisons and it is making those mandatory. That should level up the standards there as well, so there are those different approaches working in the adult estate.

However, there is increased knowledge. Of course, all NHS staff have to do Oliver McGowan training, which increases awareness of autism, and understand about how autistic people might present in a challenging way. Unless you actually know to look behind and think, "Why is somebody behaving in this way?" you will not pick up on autism. You might think that it is difficult behaviour and then not have an effective or appropriate response.

Dr Katie Maras: I go back to the police and court stages, following those important points on prison. For adults, at least, it largely relies on individual police officers to recognise there is a vulnerability. Obviously, police officers can't be experts in everything, and not specifically in autism, yet whether an appropriate adult becomes involved is largely down to whether that is flagged during that early police contact. The same goes for intermediaries for witnesses.

When it goes to court, if that vulnerability has not been identified before that point, it is again relying on legal professionals—largely solicitors—to have some knowledge of autism to put in place the appropriate support. If they are funded by legal aid, they will potentially be more reluctant to seek an intermediary's report, which would add extra time to the case.

Q137 **Baroness Browning:** Could I ask this of Dr Maras and Dr Lewis? Given that it is a spectrum, across the whole course from police questioning to police arrest to court procedures and possibly to prison, how difficult is it to extrapolate the autism and maybe also a learning disability in order to test capacity? How much more difficult is it to test capacity to answer and know that you can rely on those answers throughout the criminal justice procedure?

Dr Katie Maras: Dr Lewis might be better placed to answer that, as a practitioner. I am more research-based.

Dr Alexandra Lewis: Capacity is decision specific. That is a slightly difficult question, because you might have capacity to answer on one topic and not on another. Once vulnerability has been identified or suspected, there should be an appropriate adult presence. How much training the appropriate adults have in neurodiversity is questionable; some are excellent and some have no knowledge at all. That might influence whether an appropriate adult is stepping in and stopping.

It also depends on the duty solicitor coming in. Certainly I have worked as an expert witness on cases when I have worried about the advice that an autistic young person has been given by the duty solicitor, when I have felt that they have not really understood. Often, it moves so quickly and the young person may still be processing something from earlier on, but they may have to carry on. For example, the person I am thinking

about was told that there was loads of CCTV evidence, but that does not mean that it shows that he had done something. He kind of misunderstood that and was just saying, "Yeah, yeah, yeah".

It is a really problematic area. A duty solicitor comes in with no knowledge, often late at night, to see a distressed person. That is the kind of scenario where there are few eyes on the situation and vulnerability is at its highest.

Q138 Baroness Goudie: Good afternoon and thank you very much for coming. John, I will come to you first. To what extent do the criminal youth justice systems provide autistic people with the support that they need? What are the main barriers to the effective identification and support for autistic people in the criminal and youth justice systems? What would be the best way to overcome those barriers? Further, how can the criminal youth justice system be adapted to respond to autistic people's needs? What are the main barriers to making such applications? Answer whichever questions you would like to answer first.

John Nelson: I have identified a few ways in which the journey of an autistic person through the criminal justice system could go wrong. The first is how we identify a subject as autistic, if that information is not immediately volunteered by the subject, which it not always is. What I am getting at here is police procedures around internal and external data recording—internal on police crime systems, and external on the police national computer (PNC), which all police forces have access to. From what I have seen, recording of autism is rather patchy. There is a discussion as to whether it is recorded as an ailment, which is far from ideal, or some other sort of information marker, which is my preference. This has been highlighted in the development of LEDS (Law Enforcement Data Service), the replacement for PNC which is due to roll out next year.

When an autistic person enters police custody—I will come on to this again in a moment—we should ensure that the questions they are asked at the custody booking-in process explicitly reference autism. If a person who is autistic is asked if they have any illnesses or mental health conditions, and autism is the only condition they have that that custody should know about, they may well—and accurately, in my view—answer no, because autism is not necessarily seen as a medical matter; it is a condition in its own right. Many autistic people see autism as part of their identity.

Secondly, there should be training for officers to identify and respond appropriately to autism. Training is still patchy across the UK and across individual police forces. Sometimes it is included as a larger input on mental illness, which is far from ideal because, as we all know, autism is not a form of mental illness. I will mention a couple of examples of best practice here, and I will do as I go. The first is the National Autistic Society police guide, which the NPAA was very pleased to have been included in when it was first launched a few years ago, and it has had a revision since then.¹ Another example of best practice is a guide for first

responders responding to autistic meltdowns, which was put together by an independent consultant and which we have been pleased to post on our website.²

Then there is use of out-of-custody processes wherever possible. When an autistic person commits an offence, front-line officers should always be asking themselves whether it actually is necessary to arrest that person and take them into custody. From what I have seen as a front-line supervisor, quite often, if we get to an incident involving an autistic person who is committing an offence, which may typically be a public order offence or an assault, by the time officers get there the offence has already been committed. Whatever the autistic person was doing is no longer happening by the time police arrive, so in many cases it would not be necessary to arrest the person if their name and address can be confirmed, and provided evidence would not be lost or safeguarding impacted by following up the matter at a later date. That, of course, is going to potentially make a big difference because, if we do not have to take the person into custody, we avoid many of the potential pitfalls.

Next there is the question of training officers to interview and investigate autistic and ADHD suspects, ADHD being another neurodivergent condition that is quite often identified in the criminal justice system. Here we are looking at ensuring that the appropriate adult for a young person has the necessary knowledge or training in autism. If an autistic person is brought into custody, they will be provided with an appropriate adult, which in the case of a child may be a duty social worker, who is not necessarily going to be trained in autism and is not going to be properly able to represent the young person when they are being interviewed.

We should ensure that the CPS—the Crown Prosecution Service—or the police decision-maker for an investigation is made aware that the subject or the defendant is autistic and how that affects them. That is advice that we have given to several members of the public who have approached us asking for help with, typically, their children who are the subject of police investigations. We always recommend that they make sure that the investigating officer is aware that their child is autistic, because that can be missed. As part of that, a suspect or defendant may be asked to provide a medical report from their specialist, evidencing on how their

¹ Note from witness: See <https://www.npaa.org.uk/police-autism-guide/>

² Note from witness: See <https://www.npaa.org.uk/autistic-meltdowns-guide-first-responders/>. I would also like to draw attention to a couple more examples of good practice. As mentioned by Dr Katie Maras, several police custody centres have been developed to be 'autism-friendly', with colour schemes and lighting designed to reduce stress—this was the subject of research carried out by the University of Nottingham, which also produced an Autism Custody Toolkit for police custody staff: <https://www.npaa.org.uk/university-of-nottingham-launches-autism-custody-toolkit/>. Devon & Cornwall Police have just launched a pilot of a NFC-enabled wristband to help autistic and neurodivergent people communicate with the emergency services: <https://www.npaa.org.uk/new-wristband-helps-nd-people-communicate-emergency-services/>.

autism affects them, particularly with regard to offending behaviour, because, of course, no two people are the same and that information is very important in ensuring the autistic person is treated fairly when outcomes are being considered.

Again, an example here of best practice is the National Security Agency, which has particular expertise and experience in interviewing autistic suspects, mainly due to their propensity to get involved in cybercrime offences. Some examples of good practice there are ensuring that questions in the interview are closed—avoiding open questions, which an autistic person may find ambiguous and may be unable to answer properly or in the way that the interviewing officer expects them to be answered— and, for instance, providing a break every 30 minutes. That is particularly important for ADHD suspects.

Finally, one thing that has come up is around stop and search. Autistic people may be unfairly targeted for being stopped and searched due to their behaviour being falsely perceived as suspicious. I am thinking, for example, of lack of eye contact. Again, to flag an example of best practice, the Metropolitan Police have developed an autism stop and search guide, which we have been pleased to make available on our website³.

I hope that answers the question, with just a few examples of barriers that I have seen and work that has been done to remedy those.

Martin Jones: I guess my one observation from a national level would be that, because youth justice services have statutory partnerships built into their remit, that is enormously helpful to them in leveraging the support that they need at a board level to ensure that people get the assistance that they need as part of that. That illustrates perhaps one of the reasons why sometimes probation struggles a little bit more, on the basis that it does not have those people around the table to ensure that the needs of the people that they are dealing with are met on probation.

Having said that, I do think there is something in relation to using the Autism Act to perform exactly what Parliament intended, on the basis that there are statutory responsibilities on all sorts of agencies. I think there is a question of awareness on the basis that, if you are identifying somebody who has autism, whether in prison, probation or elsewhere in the system, of course there are a set of responsibilities that then scan across the system. I ask the question sometimes: if you can identify it, there are probably doors that you can knock on to ensure people get the support that they need.

Dr Katie Maras: I shall just echo and draw on some of the points made by John.⁴ There are a lot of pockets of good practice, toolkits⁵, training⁶

³ Note from witness: See <https://www.npaa.org.uk/met-police-releases-autism-stop-search-guide/>

and guidance⁷, but there does not seem to be a joined-up approach, particularly at the police and court stages, in terms of training and resources. It can range from anything from an individual officer with their own PowerPoint through to a professionally developed training package. The key thing is that any training needs to have autistic input into its design and delivery.

Other changes that have been effective—but again are localised pockets, rather than widespread—are to the custody environment. For example, we have worked with Avon and Somerset Police to redesign their custody suites to make them more autism-friendly—repainting the walls, reducing the strip lighting and replacing it with LED controllable lighting, providing sensory-friendly blankets in cells. They are the sorts of things that would benefit everybody. The aim was that detainees leave in a better state than when they arrived, ultimately. If you can make these changes, they do benefit everybody, and Avon and Somerset have seen reductions in escalations and adverse incidents in their custody suites following the changes⁸. A handful of other places, notably Nottingham, have done something similar.

However, it needs wider roll out and evaluation. Training is also particularly important; we cannot expect legal professionals to be experts in neurodiversity, but they need to be equipped with the right knowledge and skills to make adaptations when somebody is identified as vulnerable, whether through autism or some other reason.

⁴ Note from witness: Forced choice questions should typically be avoided/ only used as a last resort with all witnesses. [Achieving Best Evidence](https://www.bath.ac.uk/guides/what-to-do-when-conducting-an-investigative-interview-with-an-autistic-person/) refers to 'specific closed questions' - that allow only a relatively narrow range of responses. See also <https://www.bath.ac.uk/guides/what-to-do-when-conducting-an-investigative-interview-with-an-autistic-person/>

⁵ Note from witness: For example:
Toolkit from the University of Bath: <https://www.bath.ac.uk/guides/what-to-do-when-conducting-an-investigative-interview-with-an-autistic-person/>
Toolkits from The Advocate's Gateway: <https://www.theadvocatesgateway.org/toolkits-1-1-1>

⁶ Note from witness: See Creased Puddle training:
<https://www.creasedpuddle.co.uk/creased-puddle-involvement-in-custody-project-with-the-university-of-bath-university-of-nottingham-and-avon-somerset-police/>

⁷ Note from witness: See National Autistic Society Guide for Police Officers and Staff:
https://s3.chorus-mk.thirdlight.com/file/1573224908/63296026948/width=-1/height=-1/format=-1/fit=scale/t=446220/e=never/k=420e7a4a/NAS_Police_Guide_2020_17092020.pdf

⁸ Note from witness: Avon and Somerset Police won a [Business Disability Smart Award](https://www.youtube.com/watch?v=Dqsr8DS-fI) for Accessible Built Environment for these changes in 2023. Video describing the changes here: <https://www.youtube.com/watch?v=Dqsr8DS-fI>

Dr Alexandra Lewis: As everybody said, there are pockets of good practice. I am thinking about HMP Pentonville and its neurodiversity wing, which includes people who maybe have autism, ADHD, acquired brain injury or dementia, who were struggling and failing to cope in prisons. They can come in, have a 10-week assessment and then 12 weeks of support to help them move on and cope better when they go back into custody.

Maintaining any positives that are gained in the prison is a problem through the gates. There is NHS RECONNECT, but autism should be wider than just healthcare and that is a problem sometimes. There are things such as the care and treatment reviews and EHCPs for under-25s. Things like that are around, but they often do not link with justice. There are possible frameworks that could be built on so that, if a young person who has one or is eligible for one of these plans has contact with the criminal justice system, they have a need; that need may not be for more justice involvement, but they have an unmet need and perhaps having a CTR or an EHCP review might help keep them functioning well in the community.

It is really about enhancing the context of autistic individuals, so that they can live productive and happy lives and do not end up drifting into the justice system. I like the idea of perhaps trying to reframe the contact with the justice system as a pivotal moment, which can have a positive outcome and is not necessarily a catastrophic point of contact.

The Advocate's Gateway has advice for lawyers about how to communicate if you are going to work with an autistic individual, whether they are a defendant or a witness, and how best to manage that kind of thing. I do not think that is particularly well known.

We are trying to divert everybody from custody. Community sentence treatment requirements were really introduced to look at people who have mental health factors, or maybe substance or alcohol misuse, which underpin the reason that they are coming into contact with the criminal justice system. But when they were introduced, they did not have any modulation for people with neurodevelopmental issues. Then, for one year, the MoJ funded a wonderful psychologist, Dr Lucy Morris, who worked as the neurodiversity lead for the CSTR programme, but that money was not ongoing. Unless you adapt frameworks so that they are accessible to people who are autistic or who have other neurodevelopmental conditions, the people will miss out and they might end up coming back into contact with the criminal justice system.

Baroness Goudie: It is very disappointing about the funding, but thank you.

Q139 **Lord Addington:** What pathways are there to prevent young people from becoming involved in the criminal and youth justice system and to divert them out of those systems? What would be the best way to improve these pathways? I will go to Martin Jones first on this one: what are the main barriers to supporting autistic offenders to move into and stay in the community? What would be the best way to improve support?

I think we can take early diagnosis as read, but what about beyond that?

Martin Jones: The contrast in the system is quite interesting. Over the last 15 years, the youth justice system has been enormously successful in trying to get up stream and prevent children, in particular, from crossing the threshold into the youth custody estate. I think there has been a 90% reduction in the number of children in custody, which has been a success, and part of that is about earlier diversion.

The problem and my concern, although that has been successful generally, is whether it has been as successful for this group of individuals. There is a risk as part of that. Clearly, for that system to succeed, it needs to understand the reason for early identification. Quite often, diversion is about identification by the police officer or somebody in the youth justice team, so the better training that the individuals who are dealing with the child have had, the better they are likely to keep them out of the system if they possibly can. But it is reliant on that early diagnosis of what the issue might be.

In the adult system, by contrast, there is more momentum behind sending them into the system. There are opportunities, certainly following the David Gauke sentencing review, to look at whether more can be done to identify groups of people for whom there might be other options out of court—such as conditional cautioning and other outcomes—on the basis of behaviour that perhaps does not need to cross the threshold of the criminal justice system.

Certainly the indications are that you get much worse outcomes if you send people into the justice system. We know that particularly among children: in essence, a child who crosses the threshold of a young offender institution is more likely to reoffend than somebody who is dealt with in the community. If you do not identify early enough, you increase the risk of those people being stuck in that system.

Lord Addington: Dr Lewis, would you like to have a go at that next?

Dr Alexandra Lewis: Do you want me to focus on diverting people out of the system?

Lord Addington: Yes—at anything that diverts them away, besides that early diagnosis.

Dr Alexandra Lewis: I think there is a problem if it is all pinned on diagnosis. In my own diagnostic system for young people and adults, the waiting list is years.

Lord Addington: Can you answer without that?

Dr Alexandra Lewis: As I mentioned, it is about making sure that the CSTRs are accessible to people who have autism or neurodiversity and who are moving out. One of the problems with diversion interventions is that they are often four or six sessions; if you are autistic or have additional needs, that is often not long enough and one size does not fit

all. You might need extra time. Sometimes the interpretation is that somebody is not engaging when, actually, it might be that they have social anxiety or that it takes them time to read the person and form a rapport. That is not intentionally not engaging; it is a capacity issue about struggling to engage. It is only once you have formed that rapport and got used to the room where the work is taking place that you can start the work, but you may not get the chance if you are labelled as “not engaging”. That is one thing that can be difficult.

Another thing is being aware that a lot of people with autism also have additional conditions. We know that 20% to 21% have ADHD and, if you do not treat the ADHD, it is really hard to get people to engage in diversion pathways. There is no national ADHD taskforce at the moment, because services are just totally overwhelmed—both children’s and adult services—so it is really difficult.

There is quite a lot of really good-quality research to show that people with autism who are medicated offend less during the periods when they are medicated. We are setting people up to fail if we cannot get them diagnosed, treated and moved on. Roughly one in five of the people who has autism also has ADHD, so it is important that we think more broadly about what their needs might be.

John Nelson: I want to pick up on the point that Martin raised about the difference in the way that adults and children are treated in the criminal justice system. For children, we have Youth Offending Teams which, in my experience, will try very hard to keep young people out of the court system. One way of achieving that is through use of out-of-court disposals—for instance, community resolution, youth caution or informal triage—to work with the young person, to look at the causes of their offending and to try to address them at source to avoid criminalising the young person. That of course all stops as soon as the young person turns 18.

I am thinking that many of those initiatives that are put in place for children could also be applied to autistic adults. I would like to see the criminal justice system more tailored towards the needs of the individual. Just thinking out of the box for a moment, we have Youth Offending Teams; we could almost argue that they should be replaced by Vulnerable Persons Offending Teams, so that safeguarding and diversion principles are not just applied to children up to their 18th birthday but to anyone who is vulnerable for any reason. Then we can look at using those out-of-court disposals and triage and so on to help autistic adults where they need it.

Lord Addington: Thank you; that is quite interesting, the fact that it is a little like the education, health and care plan up to the age of 25—you would think that would be very helpful here. Sergeant Nelson, do you agree with that?

John Nelson: Yes, I do. It is frustrating. We refer to it as a system and it very much is. It is very set in stone. We have procedures for dealing with

different categories of people, and we need to be more flexible,. I know it is a lot easier said than done, but that is my perception of where we are getting it wrong at the moment.

Lord Addington: That is very helpful.

Dr Katie Maras: As Dr Lewis said, it is around not overlooking the co-occurring diagnoses or conditions that are likely to be going on as well. More likely than not, there is going to be other stuff going on as well as the autism. Either the co-occurring issues are overshadowed by the autism or, vice versa, the autism gets overlooked because of the more obvious co-occurring conditions.

On a more systemic level—as you have been looking at in other sessions—autistic people have high rates of unemployment. If you have a high number of unemployed autistic people who are unsupported, they then become more vulnerable to offending, victimisation and exploitation. I suppose just thinking more broadly about the system would be helpful in that sense.

Martin Jones: Could I just add an observation to agree with the point that John makes? Generally speaking, the system is much more understanding of children having needs and vulnerabilities. As that person becomes an adult, it is more about their risk and their problematic behaviour, which then crosses other thresholds. That is an area which maybe the system needs to look at a little more. Particularly when you reach the age of 18, you do not change your underpinning needs, but certainly the system can change its approach at that point, which may lead to other problems.

Lord Addington: So we have a degree of agreement that the EHCP—that much unloved bit of legislation—might have got it right in saying that there should be support to the age of 25.

Dr Alexandra Lewis: The thing with the EHCP is that it continues to 25 if you are in education and training, but if you get a job it stops. I have certainly had one young person who, at 21, got in trouble with the police, and he had a job—he had been so successful—and the EHCP had worked really well because he had got work experience. The EHCP carried on with lots of support, reviewing how things were going, but he got a job, did not get any reasonable adjustments after he started the job to help him cope with all the customer-facing issues and the EHCP pulled away because he was a permanent employee. Then things just spiralled out of control, really, because he could not cope with the stress of working. He had appeared to be doing so well, but—he was a victim of his own success—only because of the EHCP. When people are just first into work, they still need quite a lot of support, and employers are not perhaps the people to give it. Maybe keeping the EHCP going to an age rather than to getting the first job might be good.

Lord Addington: Thank you—and I think I have taken you far enough away from the question there.

Q140 Lord Hope of Craighead: My question is against the background of what this committee is going to have to do at the end of our inquiry, and that is make recommendations as to what is to be done. The question is this: following the end of the autism strategy for 2021 to 2026, what should the Government prioritise to improve support for autistic people in the criminal and youth justice systems? Sergeant Nelson, can I begin with you and ask you what you would recommend as a priority for dealing with this problem?

John Nelson: Yes. I go back to a few of the points I have made previously. The first thing is to improve training for police officers in autism, which is something that our network has long been in favour of, and separating that from a wider input on mental illness. Autism should be trained as a subject in its own right along with other neurodivergent conditions that officers are likely to come across, such as ADHD.

As just said previously, I would like to see that the needs of the individual are taken into account throughout the system. Going back to this cut-off between adults and children, it is important that anyone who is vulnerable is given the right support at this stage, and that we do what we can to keep them out of the court system. That finishes as soon as the person turns 18. I do not think that is right for autistic individuals. With the right support, we could keep them out of court and potentially out of prison as well. Those are the two main changes that I would like to see.

Lord Hope of Craighead: You make the point about training, and I understand the importance of that. At what stage would that training be brought in, and is it training that needs to be kept up to date?

John Nelson: Yes, absolutely. It is a very good point actually. When I speak about training, it is mainly for new officers coming in, but it does need to be kept up to date throughout the officer's career. It is no good just giving one input, say a day or half a day's training, that is then never repeated. It needs to be updated, I would say yearly, along with the other things that officers are expected to be kept up to date in, such as first aid.

Dr Alexandra Lewis: There is a need for a more sophisticated understanding about the interplay between how and why people with autism become involved in the criminal justice system. A lot of the narrative, when you think of the pathway leading in, is that they are kind of drawn into offending, and it is related to social communication deficits and difficulties—the conflation, perhaps, of people with autism and learning disability.

I do not think there is quite enough understanding about normal or high IQ and that people with autism are not a homogenous group, and that the factors that might draw that group into offending are different. Looking at some autistic strengths and recognising that they are strengths up to a point and that they might actually become vulnerabilities, and just having a more nuanced understanding and

formulation of risk, would then be helpful in both protecting people and preventing them becoming drawn into offending, but also in how you draw people away from offending. A lot of the narrative and discussion that I see in courts and in thinking about formulating why autistic people might have contact with the criminal justice system as perpetrators is not really perhaps capturing some of the true kind of factors causing that.

Lord Hope of Craighead: Is there a shortage of data on that issue?

Dr Alexandra Lewis: There is a shortage of data. Data is emerging that actual social communication deficits and perhaps being gullible are not major drivers for people becoming involved in the criminal justice system. It will be true for some, but for quite a substantial amount it is not. That is an area that needs to be looked into. Particularly with online offending, that seems to be a particular problem and there is a little bit more data coming out about that. Certainly there needs to be more research in that area.

Dr Katie Maras: An individualised, needs-based approach is fairly key. Autism is a wide spectrum, and one individual might need a lot of support in particular areas, and that will not be necessary for another autistic individual. As Dr Lewis said, having a more nuanced approach is really important. This is right from the police stages in interviewing and custody, through to court as well. When we are thinking about things like special measures, for example, we should be trying to equip legal professionals with the amount of knowledge and understanding that they need to be able to make individualised decisions and a tailored approach rather than, "Well, that person is autistic. Therefore, let's apply X, Y and Z". Related to that, role-specific training is absolutely crucial. Obviously, general awareness of what autism is is important, but so is "How does that impact an autistic person in this specific CJS context?", whether it is police interviewing, in prison or wherever.

Martin Jones: I certainly concur with the comments that were already made. A lot of the national strategies appear to be the right ones, but the other thing that I would be looking for is better joined-up delivery on the ground. There is something in relation to requiring local areas to do much better working because, of course, if there are lots of hand-offs in the system, I always think that hand-offs create opportunities to lose information—to lose understanding of somebody's needs. A better join-up between the police, probation, prisons and other agencies would ensure that everybody has the potential to keep people out of the system—but also, where they are caught in the system, it would ensure that their needs are met by all the other agencies, which are driving up awareness. Certainly, if you have pockets of best practice in one agency, you should be able to spread that among other agencies, and maybe do some joint training. I would certainly be highlighting that.

One final area I would pick up on is that the probation inspectorate is at the moment undergoing some inspection around safeguarding vulnerable adults. When we reach the conclusion of that report, I suspect that it may look at some of these issues that touch upon autism as well. Obviously, I

will send you a copy of the report should it come up with anything interesting.

Q141 **The Chair:** John, could I come back and raise one question? You mentioned stop and search and the Met Police autism guidance. I think there is an autism alert card; is that something just in the Met Police, or is it in other police areas? Is it just Met Police-focused?

John Nelson: As far as I know, it is just the Met Police. I became aware of it and I thought it was a fantastic piece of work that deserved a wider audience. As part of our remit, we have done our best to publicise that but, as far as I know, it is not included as standard training in any other forces.

The Chair: This is the Anna Kennedy piece, I believe. If you could be incredibly kind and send any relevant link to the committee, we would be very grateful because this is very interesting if it is particularly relevant to the Met Police but perhaps has not been scaled out on a national level. That would be something that we would be quite interested in.

John Nelson: Yes, absolutely. Just to answer your question, yes, it was developed with Anna Kennedy Online, a barrister and a Met Detective Chief Inspector.

Dr Alexandra Lewis: I believe that Hampshire police have quite a long-standing autism alert process as well. They have cards, and they have stickers that somebody can have on their car. If the car gets stopped by the police, it alerts the police that there is somebody with autism in the car, so they can modulate their impact.

The Chair: That is incredibly helpful, but what I think I am hearing is that it is not a sort of a national programme; it is very much related to the individual areas.

Thank you so much. That has been a really insightful session. I think we have taken a lot, as members of the committee, out of that. You have also highlighted quite a lot of areas that need more thought around some of the things that we are looking at. Thank you hugely for all the insight and input. We will send you a transcript for accuracy. I will draw the discussion to a close.

We will take a short break in our public session now. We are going to start our second evidence session at around 5.30 pm. In the meantime, this first evidence session is concluded and the public meeting is suspended.