



Response to the Equality and Social Justice Committee's inquiry about experiences of the criminal justice system

November 2022



About National Autistic Society Cymru

The National Autistic Society (NAS) is Wales' leading charity for autistic people. Since 1962, we've been transforming lives, changing attitudes and helping to create a society that works for autistic adults and children.

We transform lives by providing support, guidance and practical advice for the 700,000 autistic adults and children in the UK, as well as their three million family members and carers. For sixty years, autistic people have turned to us at key moments 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.

About Autism

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. These can include not being able to speak, delays in processing information or difficulty holding conversations and making friends.

Autistic people also engage in repetitive (sometimes restrictive) behaviours, such as hand flapping, rocking or repeating sounds. They can experience intense anxiety and unease around unexpected change. Many autistic people have sensory issues with noise, smells and bright lights, which can be distressing. These challenges can make the world feel scary and hard to understand. They can also send an autistic person into debilitating physical and emotional 'meltdowns' or 'shutdowns'.

Like everyone, autistic people have their own individual strengths but life can become a huge struggle if the right support or understanding isn't provided. It is very important that autistic people get help from an early age and learn strategies to cope with the world. Attitudes in society also need to change.

Autism is a spectrum condition. This means autistic people have varying and complex needs, from 24-hour care to simply needing clearer communication and a little longer to do things at work and in school. In addition, around a third of autistic people have learning disabilities. An important thing to remember is that the autism spectrum is not a simple line that goes from one end to the other. Therefore, an autistic person may be able to do highly complicated tasks but struggle with things that others find easy such as crossing a road, tying shoelaces or cooking a meal.

Many autistic people go undiagnosed or are unable to get support. They can also become isolated and miss out on education, employment and social activities. Research shows that only 25% of autistic people in the UK have a full-time job, 79% of autistic people report feeling isolated, and autistic children are four times more likely to be excluded from mainstream schools.

Introduction

- 1.1 The National Autistic Society Cymru welcomes the opportunity to provide written evidence for the Equality and Social Justice Committee's inquiry about experiences of the criminal justice system in Wales.
- 1.2 Autistic people are no more likely to commit crime than the general public. The vast majority are law-abiding citizens who may come into contact with the criminal justice system as a victim, witness or defendant. However, some autistic people may be more vulnerable to criminal acts being committed against them or becoming unwitting accomplices to criminal activity. Autistic people's interactions with the criminal justice system are often unnecessarily distressing and unsuccessful. We firmly believe that making the justice system work better for autistic people should be a priority for the Sixth Senedd.

Understanding of Autism

- 2.1 Everyone has a right to be understood by the criminal justice system but our research has found a worrying lack of understanding among professionals¹. This absence of understanding can have deeply negative consequences, for example in misinterpreting signs of distress as suspicious behaviour. Many autistic people and their families tell us they got into more trouble after an initial encounter with a police officer who did not understand their autism. We want to see a more neurodiversity-informed approach developed, similar to the way that many services are now aspiring to be trauma-informed. We believe better understanding of autism, including speech, language and communication needs, is at the heart of improving outcomes.
- 2.2 While nearly everyone has heard of autism, too few people understand what it is actually like to be autistic and how hard life can be if you don't have the right support.

Autistic people want services to know they may: feel anxiety about changes or unexpected events; experience sensory sensitivity, which means being either under or oversensitive to sound, smells, light, taste and touch; need extra time to process information, such as questions or instructions; face high levels of anxiety in social situations; and/or have difficulties communicating or interacting with other people.



Only 6% of autistic adults and **5%** of families feel police officers have a good understanding of autism



Just 3% of autistic adults and **1%** of families feel that court and prison staff have a good autism understanding

¹ All Party Parliamentary Group on Autism (2019), *The Autism Act: 10 Years On*

Police

- 3.1 Autistic people make up about 1% of the population, so there is a high chance of police coming into contact with autistic people or their families. This initial contact often comes at a time of heightened anxiety – whether an autistic person is a victim, witness or suspect. It is important that police officers have a good understanding of autism so they are equipped with the skills required to support autistic people and prevent situations from escalating.
- 3.2 However, research has found particularly low understanding of autism among police officers². A survey found that only 42% of police officers were satisfied with how they worked with autistic people, while just 37% of respondents said they had autism training. Of those who had not received training, 92% of officers reported this would be useful, with many saying it would help with communication and minimising distress.
- 3.3 All police officers should receive appropriate training about autism. We want to see a commitment to making autism training mandatory 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. Currently, it is up to individual police forces to prioritise relevant training. However, without support from the centre, there is a lack of consistency of message and, more importantly, quality of that training. All forces have autism co-ordinators as part of the National Police Autism Association but their ability to affect change varies considerably depending on their rank.
- 3.4 Autistic people have reported overwhelmingly negative experiences of the criminal justice system, with 69% rating their treatment unsatisfactory. It is critical that police make adaptations to support autistic people and minimise distress. In interviews, for example, officers should avoid long-winded questions, allow extra time to process information, and provide breaks.

Liaison and Diversion Services

- 4.1 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 criminal justice system. The roll-out of liaison and diversion services to all parts of England is now complete. While these services can be beneficial, we are concerned that autistic people often still fall through the gaps and we need to ensure services are available in all parts of Wales too. Staff working in these services must also have a proper understanding of autism so they can refer people to the right support.

Intermediaries

- 5.1 Intermediaries (communication facilitators) can have a beneficial impact on people's experience in the courts system, but they are not widely available. They are currently only available for witnesses, not defendants. We think intermediaries should be available for defendants too, to ensure they understand questions and are able to fully convey their case.

² Crane, L et al. (2016). *Experiences of Autism Spectrum Disorder and Policing in England and Wales*

Lived experience

A mother describes her family's experience of how her autistic son was failed by the criminal justice system:

"My son was aged only 13 when the grooming began. As a teenager, he described his life as 'terminally lonely' – he was unable to make friends and particularly vulnerable. He has always been extremely interested in gaming. Unfortunately, through his passion for gaming, he was groomed over more than eight years, into committing crimes by English Defence League supporters. We've tried every avenue to get help and support for my son. However, in my experience, he has been failed by services every step of the way, particularly by health and education. By the age of 16, he was self-harming and there were several suicide attempts. He would disappear for days on end and the police just weren't interested. It was heart-breaking as a parent and it has had a catastrophic impact on my family, leading to his grandmother having a stroke due to the stress and worry about his health and well-being.

"He had no previous convictions but, aged 23, he was encouraged to commit hate crimes by right-wing extremists. He had never held such views previously and he was clearly led astray. In 2018, he was convicted and given a six-year prison sentence. At no point during our interactions with the criminal justice system, did we feel that police or court staff had sufficient knowledge and understanding of autism. His condition was dismissed by everyone in the criminal justice system – and he received no support or reasonable adjustments.

"His experience in prison has been truly traumatising. Fuelled by media coverage, which failed to include anything about how he had been groomed into the situation, he was attacked within weeks. After being attacked with a metal bar, he received no medical help for two days as he lay unconscious in his cell. He has now lost sight in one eye. In another attack, my son was stabbed and again received delayed medical assistance. Since moving to HMP Parc's dedicated wing, his experience has been much more positive. He's thriving and more confident due to the safeguarding; he's earned qualifications and is now teaching other inmates. Unfortunately, he is now frightened to leave the prison and lose that vital support. He worries that there will be no support in the community or other prisons if he is recalled.

"During sentencing, the judge showed little understanding of autism and next-to no compassion for my son's situation. As an example, he had autistic shutdown in court and this was mistaken for a lack of remorse. The judge described him as a 'danger to society': later my son said to me 'no, it's society that's a danger to me' and I couldn't agree more. Everyone has a right to fair and equal treatment by the justice system, so we must ensure nobody has a similar experience. We need to create a justice system that works for everyone, including autistic people."

Appropriate Adults

- 6.1 The Police and Criminal Evidence Act Code of Practice states autistic people should have access to an Appropriate Adult – someone who ensures a suspect is treated fairly by police and is able to take part in interviews – due to their vulnerability. However, we were concerned to hear that this often does not always happen. There are incidents of autistic people making it all the way to prison without the support of an Appropriate Adult. We want to see Appropriate Adults made mandatory in all cases where autism is known or suspected for all police services in Wales. It is also vital that Appropriate Adults have a good understanding of autism.

Prisons

- 7.1 Autistic people can end up in prison, just like anyone else. We currently do not know how many autistic people are in prisons in Wales because this information is not routinely collected. We want to see this data recorded and reported on through the UK Prison Population Statistics.

- 7.2 Autistic prisoners can be particularly vulnerable due to their social and communication difficulties, which puts them at greater risk of being bullied or manipulated by fellow prisoners. Many prison buildings are noisy and brightly lit, which can be overwhelming for autistic inmates. Many autistic people have profoundly negative and damaging experiences in prison, which can impact their chances of being released and successfully re-joining the community.

- 7.3 One of the major problems is a lack of understanding among staff working in prisons, and professionals making decisions about autistic prisoners. This can lead to significant problems with the identification and wider support of autistic prisoners. Early identification and assessment of autistic prisoners' needs is crucial, but, unfortunately, the pathway for getting an autism diagnosis in prison can be unclear.

- 7.4 The National Autistic Society's Autism Accreditation scheme aims to improve autism practice. Many prisons and probation services are taking part, including HMP Parc in Bridgend, south Wales. Accreditation is aimed at improving their autism practice. Training is key to gaining accreditation, helping staff to understand the different ways autism can affect prisoners and how to support them. We believe this model could be beneficial to other prisons, such as HMP Berwyn, as well as probation services in Wales.

“Many go through the criminal justice system without knowing they are autistic or have additional learning needs. If these aren't identified and supported it can have a significant impact on their physical and psychological well-being, as well as their ability to complete their sentence and reintegrate back into society successfully.”

Learning disability nurse

Case study – HMP and YOI Parc

In January, HMP Parc became the first prison to achieve our advanced [Autism Accreditation](#) award after being recognised as a 'beacon of autism best practice' in the criminal justice system.

The category B men's prison and young offender institution in Bridgend has worked closely with our charity to achieve these high standards.

Since establishing Cynnwys – a dedicated unit for autistic people, those with learning disabilities or brain injuries – the prison has seen a significant reduction in violence, self-harm, rule breaking and substance misuse.

Parc takes a person-centred approach which sees offenders assessed during induction to identify any additional needs.

The prison then makes some simple changes to support neurodivergent people, including providing a sensory room; offering eye masks and ear plugs; painting wings and landings different colours to help offenders recognise their surroundings; allowing people to collect food or medication at the start or end of queues; and putting up signs reminding visitors not to slam doors.

The National Autistic Society believes similar support and adjustments should be made available to every autistic person in custody.

Courts

- 8.1 Once an autistic person is in the justice system, the nature of their difficulties may not be recognised or may be misunderstood, which puts them at increased risk of miscarriages of justice. It is vital that legal professionals are familiar with autism. Some steps have been taken to make courtrooms less intimidating for autistic people. For example, the [Equal Treatment Bench Book](#) now includes information about autism and reasonable adjustments that can be put in place for autistic people. In addition, the Crown Prosecution Service has developed a [guide for prosecutors on neurodevelopmental disorders](#). These are positive steps but more must be done to improve understanding across the courts system, so autistic people can be properly supported.
- 8.2 It is also important that professionals working in courts have a good understanding of autism and access to high quality, role-specific training. The behaviour of autistic people can be misinterpreted due to a lack of understanding. Individuals might admit things they have not done, for example, or enter a plea based on their neurodivergent, 'black and white' thinking, which could lead to inappropriate outcomes. Autistic people may also have difficulty understanding and being able to comply with licence conditions, causing them to be recalled to prison. Improving autism understanding among justice professionals other than the police would help to identify whether someone may be autistic and need adjustments.

Criminal Justice Joint Inspection Review

9.1 In July 2021, HM Inspectorate of Prisons and HM Inspectorate of Probation published a joint independent review of neurodiversity in the justice system³. The report raised concerns about the patchiness of data, inconsistency in assessments, and levels of knowledge and understanding among staff. The chief inspectors concluded that more effective assessment of need, adaptation of services, and better training would improve support. The report's main recommendation was that the Ministry of Justice should work with Welsh Government to develop an overarching national strategy. We also support the report's other five recommendations:

“Patchy, inconsistent provision represents a serious failing in a system which aspires to dispense justice fairly to all. One of the MoJ’s own equality, diversity and inclusion objectives is ‘Fair treatment, fair outcomes and equal access for all our service users’. This is manifestly not being achieved for all neurodivergent people.”

HM Chief Inspectors of Prisons and Probation

- Developing a common screening tool for the justice system
- Gathering screening data to inform needs and service planning
- Providing specialist training for staff in the criminal justice system
- Making adjustments to meet autistic people's needs
- And improving collaboration between justice system agencies

Social Care

10.1 Social care has an important role to play but we are told autistic people can go through the justice system without being offered a needs assessment. We believe initial contact with the justice system, as a suspect or victim, should be considered an indication that an autistic person may have social care needs and they should be offered an assessment. Those carrying out assessments must also have appropriate training to ensure they have appropriate knowledge and understanding of autism.

Neurodiversity Blueprint

11.1 The National Autistic Society welcomes Welsh Government's introduction of blueprints for female and youth offending. We would like to see a similar vision developed centred on neurodiversity in the justice system, with a clear focus on early identification and prevention. With some powers reserved and others devolved, we believe strong partnership working will be required between the Welsh and UK governments, HM Prison and Probation Service, the Youth Justice Board, and Police and Crime Commissioners. Such a blueprint could progress implementation of the recommendations of the joint inspection review and improve the lives of some of the most vulnerable people in Wales.

³ Criminal Justice Joint Inspection (2021), *Neurodiversity in the Criminal Justice System*

Lived experience

The parents of an autistic young person describe how their daughter was groomed by a gang in north Wales:

“Our experience is of just how easily an autistic child can be quickly dragged into an underground world they have no understanding of. The very nature of autism means one of the biggest impacts on a youngster is social isolation, an inability to fit in. Being rejected by, or unable to access social groups makes an autistic child incredibly vulnerable to those who seek to involve them in criminal activity. Our daughter refused school in year 10 then moved school due to complete isolation in her old school. She desperately hoped she would find friends and it made her extremely vulnerable as she trusted anyone.

“She was ‘befriended’ by a girl. Our daughter started to lie about her whereabouts and the people she was with, becoming angry, violent and verbally aggressive at home. They took money from her (we are unsure how much), she stole money and knives from home to take to them. They brought her into an organised shoplifting set-up, and she was phoning home distressed as she realised it was wrong, we think she was carrying the stolen goods. At the time they weren’t caught and we involved the police. She said they were dealing drugs with older men and some in prison and she had bruises which she later said was from being kicked. She was, for a while, completely controlled by these other youths, speaking with a totally different voice, becoming violent and very unpleasant at home and missing most of her lessons in school.

“One night she was missing aged 15, and we eventually found her totally inebriated and out of control. Someone had bought her a bottle of vodka and possibly drugs. We took her to A&E which needed security to manage her and mum lay on the floor of the nurse’s office all night. She began to open up when she was very frightened and put phone calls on voice mail, so we heard the grooming, trying to get to go to Blackpool, not tell anyone for a few days and they would get her the train ticket. We believe there was a concerted effort to influence our daughter against us by this group as they saw her as a ‘useful idiot’. They seemed to lose interest once police and others became involved and, presumably, they feared our daughter disclosing info about them.”

Victims

- 12.1 We have heard serious concerns about a perceived increase in the number of autistic people who are victims of hate crime. Recorded disability hate crime increased by 9% in 2020-21 in Wales and England⁴. Police forces are only required to record crimes against autistic people as ‘disability hate crime’ by the Home Office, but we would like to see crimes against autistic people recorded separately to aid understanding.

⁴ Home Office (2021), *Official Statistics: Hate crime, England and Wales, 2020-21*

Prevent

- 13.1 Research has found there is no evidence to suggest that autistic people are significantly more susceptible to terrorism⁵. Yet, according to Jonathan Hall QC, the independent reviewer of terrorism laws, a 'staggeringly high' number of autistic people are referred to the anti-radicalisation Prevent programme⁶. Mr Hall has questioned whether a criminal justice outcome is appropriate in many cases. Pointing out that autism is characterised by intense interests, he raised the example of autistic people who develop a special interest in material likely to be useful to a terrorist, stressing that it does not mean they are going to do something with it. We are also concerned that the press portrayal of some cases often fails to properly examine the reasons why autistic people are disproportionately reported to the Prevent scheme.

Autism Code

- 14.1 Under the [Code of Practice on the Delivery of Autism Services](#), detained individuals must have access to diagnostic services, post-diagnostic support, and health practitioners with appropriate knowledge. Health boards and councils are also under a duty to develop strategies and make reasonable adjustments for the safe custody of autistic people. We welcome the code and the new training framework. However, we want to see robust monitoring to ensure diagnostic pathways and good quality training are put in place.

Autism Cards

- 15.1 The National Autistic Society offers an ['I am autistic card'](#) which could help improve interactions between autistic people and police. The card is a great way for officers to identify autistic people's needs and support them properly by, for example, giving them extra time to process information. We would welcome greater recognition of such cards by Wales' four police forces.

'Mate crime'

- 16.1 We are deeply concerned by increasing reports of 'mate crime', which sees autistic people befriended so someone can take advantage of them. Autistic people can find it difficult to make friends, so may feel unable to say 'no'. A survey by Autism Together found 80% of autistic people aged over 16 felt bullied or taken advantage of by someone they thought was a friend⁷. Of the 141 respondents, 100% of 16-25-year-olds had difficulty distinguishing friends from those who bully or abuse. We are also alarmed by a growing trend of autistic people being groomed via their interest in online games and forums.

Inclusive Justice

- 17.1 We support the recommendations of the Equality and Human Rights Commission's report on inclusive justice, which found the justice system is not designed around the needs and abilities of disabled people⁸. In Wales, the EHRC recommended health boards should be required to provide universal screening within the justice system. The report also called for information sharing and action to tackle a lack of Welsh-speaking intermediaries.

⁵ Bhui, K et al. (2019) *Extremism and common mental illness: cross-sectional community survey*

⁶ Grierson, J, The Guardian (2021), 'Staggeringly high' number of autistic people on UK Prevent scheme

⁷ Autism Together (2015), *Mate crime survey*

⁸ Equality and Human Rights Commission (2020), *Inclusive justice: a system designed for all*

Speech and Language Therapy

- 18.1 At least 60% of young people in the youth justice system have speech, language and communication needs that are largely unmet⁹. We remain concerned about the availability of speech and language therapists within youth offending teams in Wales. The Royal College of Speech and Language Therapy has described provision as 'extremely patchy', with no specific services commissioned in large swathes of the country. Early identification is essential, so NAS Cymru wants to see speech and language therapy made available within every youth offending team in Wales.

Youth Justice Report

- 19.1 In October 2022, the National Autistic Society published a report on experiences of the youth justice system¹⁰. Our new report illustrates how a lack of support for young autistic people – both before entering and within the system – can have profoundly negative consequences on future life chances.
- 19.2 Findings show the majority of autistic young people are aged 13-15 when 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, damaging property and being excluded from school.
- 19.3 For many, this behaviour is a result of being unable to get a timely diagnosis as well 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.
- 19.4 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.
- 19.5 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.

⁹ Bryan et al. (2007), *Language difficulties and criminal justice: the need for earlier identification*

¹⁰ National Autistic Society (2022), [Experiences of autistic young people in the youth justice system](#)