

Autism in court: Practical guidance for autism-informed courts

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Contents

Contents.....	1
Notes.....	3
Copyright notice	3
Executive summary	3
Top 10 key points for supporting autistic court users	3
Potential issues and recommendations	5
1. Introduction	6
1.1. Purpose of guidance and how it was created	6
1.2. Language used	7
1.3. Who the guidance is for	7
1.4 Outline of this guidance	7
2. Understanding autism in the courtroom	8
2.1 Understanding autism	8
3. Communication, court barriers and impacts	9
3.1. Communication	9
3.2. Court environment and practical barriers	10
3.3. Attitudes towards, and treatment of, autistic people	10
3.4. Trauma: stress, and dissociation	10
3.5. Intersectionality and additional vulnerabilities	10
3.6. The impact of the above challenges	11
4. Support pathways, measures, and additional vulnerabilities	11
4.1. Pathways for support	12
4.2. Reasonable adjustments and support measures	12
4.3. Additional vulnerabilities	13
5. Special measures	13
6. Practical communication adjustments.....	15

6.1. When the court user is listening in court.....	15
6.2. When the court user is giving evidence.....	16
7. Predictability, environment and stress	17
7.1. Environmental and sensory adjustments	18
7.2. Managing stress and trauma	19
8. Supporters, breaks and scheduling	19
8.1. Supporters	19
8.2. Breaks and scheduling adjustments.....	20
9. Avoiding misunderstanding, coordination and disclosure	21
9.1. Avoiding misunderstanding.....	21
9.2. Coordination and consistency	22
9.3. Disclosure of autism in court settings	23
10. Autism-informed plan for court professionals.....	23
10.1. Before the hearing: preparation and planning	23
10.2. On the day of the hearing: creating accessibility	24
10.3. During evidence: ensuring fairness.....	24
10.4. After the hearing: follow up and support	24
11. Autism-specific training	25
12. Further reading and resources	26
12.1 Resources mentioned in the guidance.....	26
12.2 Toolkits.....	27
12.3 Guidance	27
12.4 Autism support organisations	27
12.5 Other resources.....	28
13. How this guidance will be maintained.....	28
13.1 Contact us.....	28
14. References.....	28

Notes

This toolkit has been co-produced, drawing on the expertise of a range of court professionals, project stakeholders, and autistic court users.

Please note: This toolkit should not be taken as legal advice. It reflects our understanding at the time of writing; however, readers should consult the most up-to-date law, procedures, and research, using the links provided within.

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Executive summary

In this Executive Summary, we provide an overview to the material in this guidance. First, we present 10 overarching key points for supporting autistic court users. Second, structured around the chronological stages of court, we highlight key potential issues and provide recommendations for how to address these.

Top 10 key points for supporting autistic court users

1. Autistic people may communicate differently; don't rely on typical cues

Eye contact, tone, facial expression, or body language are not reliable indicators of honesty, credibility or comprehension.

Autistic people may also experience executive functioning differences, which can affect planning, processing speed or organising information during court.

2. Use short, clear, literal language

Avoid idioms, metaphors, figurative phrases, sarcasm, long preambles, and vague questions. Give extra processing time; don't rush responses.

3. Procedural clarity reduces anxiety

Provide information early, in writing and verbally, using plain language. Explain what will happen, where, when, and why.

4. Predictability helps

Use simple schedules (or "now and next" lists). Communicate changes quickly and clearly.

5. The court environment can be overwhelming

Lighting, noise, waiting areas, and unpredictability can trigger distress. Offer quiet spaces, sensory aids, and flexible seating where possible.

6. Trauma, stress and shutdowns may occur; don't misinterpret

Short answers, going silent, or seeming confused, or agreeing to leading questions can be signs of overload, not evasiveness.

7. Reasonable adjustments are a legal requirement

Under the Equality Act 2010, autistic people may be entitled to adjustments, whether or not they have a diagnosis.

8. Special measures may help witnesses and defendants give their best evidence

Measures such as screens, live links, intermediaries, and removal of wigs/gowns can reduce anxiety and improve participation. Defendants have fewer entitlements to special measures, but there are still options for assistance.

9. Supporters and intermediaries play a vital role

They can help assess communication needs, simplify questioning, manage sensory overload, and reduce distress for both witnesses and defendants.

10. Good coordination and sensitive handling of disclosure are essential

Adjustments only work when all professionals know about them.

Disclosure of autism is always the individual's choice and must be treated confidentially and respectfully.

Potential issues and recommendations

Stage	Potential issues for autistic court users	Recommendations
Before court	Individual communication, sensory and support needs may not be identified.	• Identify what would support understanding and participation • Seek professional input if needed • Plan, communicate and document available adjustments early
Before court	Unfamiliar procedures and uncertainty about what will happen, where and when can increase stress.	• Provide clear, accessible information early, in writing and verbally • Share a simple schedule or 'now and next' checklist • Offer a familiarisation visit or video tour
Before court	Agreed adjustments can fail if information is not shared, or specialist input is sought too late.	• With consent, share agreed adjustments with all relevant professionals • Identify early whether an intermediary or other specialists are required
On arrival	Lighting, noise, crowds, smells and busy waiting areas can cause sensory overload.	• Check that agreed sensory and environmental adjustments are in place • Provide a quiet waiting area or private room, sensory aids and flexible seating where possible
On arrival	The person may not know where to go, who is involved or what will happen next.	• Explain the court environment, roles and what will happen next • Use clear, plain language
On arrival	Waiting and unexplained delays can increase stress and make participation more difficult.	• Minimise waiting where possible • Explain any delays • Communicate changes promptly and clearly
During proceedings, and when giving evidence	Participating in court proceedings and giving evidence can place heavy communication, emotional, and sensory loads on autistic people.	• Ensure that agreed adjustments and/or special measures are in place • Use clear, literal questions • Avoid figurative language and long preambles
During proceedings, and when giving evidence	Complex procedures, unfamiliar legal language, rapid speech and overlapping dialogue can make it hard to follow what is happening.	• Use clear, literal language and avoid jargon • Allow processing time • Explain what is happening in the moment, where needed

Stage	Potential issues for autistic court users	Recommendations
During proceedings, and when giving evidence	Outward presentation may not reflect understanding or emotional state; masking can hide confusion or distress.	• Check understanding • Do not rely on eye contact, tone or body language
During proceedings, and when giving evidence	Stress or sensory overload may lead to short answers, confusion, becoming non-verbal, shutdowns or dissociation.	• Recognise signs of overload • Offer a quiet space and breaks proactively rather than waiting for visible distress
During proceedings, and when giving evidence	Long proceedings and inflexible schedules can be mentally exhausting and lead to disengagement.	• Plan breaks and flexible scheduling; shorten sessions or split complex hearings over multiple days where needed
After the hearing	Decisions and next steps may be unclear after the hearing.	• Summarise decisions and next steps clearly, in writing and verbally where possible • Check understanding before the person leaves
After the hearing	Court-related stress can continue after the hearing.	• Provide information about relevant post-court wellbeing support services

1. Introduction

1.1. Purpose of guidance and how it was created

The Autism in Court project, led by the University of Bath and funded by the Economic and Social Research Council (ESRC), aims to improve access to justice for autistic court users, specifically defendants, witnesses and victims in the criminal justice system (CJS).

The team commissioned The National Council of Voluntary Organisations (NCVO) to support the development of the project outputs, including this guidance, through a highly collaborative process with autistic court users and professionals.

To support this, various outputs have been developed, including a project theory of change visual and accompanying materials (available on our website).

This guidance will help court professionals create more fair and accessible processes that assist autistic people to give their best evidence.

The guidance is informed by nine focus groups, 1-to-1 interviews and online surveys with autistic court users (including defendants, witnesses and victims) and

professionals working in the criminal justice system. We also referred to existing published research literature.

A **key message** of this guidance is that it is not solely the autistic person's responsibility to manage difficulties arising from court processes or environments. The court and relevant professionals should work with them to identify barriers and make reasonable adjustments to help them participate effectively.

1.2. Language used

Throughout this guidance we use identity-first language (for example, autistic people) as opposed to person-first language (i.e. people with autism) (see Bottema-Beutel et al., 2021). However, we acknowledge that there is diversity of language preferences within the autistic community (e.g., Robertson et al., 2025). Professionals should establish the individual autistic person's preferred language and terminology.

1.3. Who the guidance is for

This guidance is intended for everyone involved in the court process, including:

- Judges and magistrates
- Barristers and solicitors
- Clerks and court staff (e.g., Witness Services)
- Ushers and security staff
- Intermediaries and advocates
- Police
- Policy advisors and decision-makers

1.4 Outline of this guidance

This guidance is structured as follows:

1. Introduction
2. Understanding autism in the courtroom
3. Communication, court barriers and impacts
4. Support pathways, measures, and additional vulnerabilities
5. Special measures
6. Practical communication adjustments
7. Predictability, environment and stress
8. Supporters, breaks and scheduling
9. Avoiding misunderstanding, coordination, and disclosure
10. Autism-informed plan for court professionals

- 11. Autism-specific training
- 12. Further reading and resources
- 13. How this guidance will be maintained

2. Understanding autism in the courtroom

Autistic people can face systemic disadvantages within the Criminal Justice System (CJS) in England and Wales. They are more likely to come into contact with the police and other legal professionals, despite a lack of evidence of higher offending rates than the general population [1]. Autistic people – internationally - also report experiencing higher rates of victimisation compared to the general population [2, 3].

Autistic people's experiences within the system as victims, witnesses and defendants are often negative, with many reporting inadequate support, limited access to justice, and challenges in giving their best evidence [4, 5]. Intersectionality, for example, where autism and learning disability or autism and race intersect, may lead to additional disadvantage [6].

A note on our choice of terminology: Throughout this guidance, the term witness includes third-party witnesses, victims, and complainants.

This guidance aims to address barriers and improve the experiences of autistic people who participate in Magistrates and Crown Court.

The following section draws on insights from our contributors – autistic court users and professionals – to describe the key barriers autistic people may encounter in court settings. These insights are synthesised with existing research findings. This section focuses on understanding these challenges; practical responses are addressed in later sections.

2.1 Understanding autism

Autism is a lifelong neurodevelopmental difference that affects social communication, interaction, and sensory processing, alongside restricted and repetitive differences in behaviours, interests and activities. It is a spectrum condition, meaning autistic people have varied strengths and challenges [7]. Globally, it is estimated that at least 1% of the population are autistic [8]. Autism is more commonly identified in males than females, with estimates often around 2:1 to 3:1 [9], though evidence suggests that this gap may be narrowing over time.

Autism is not a learning disability or a mental health condition, although many autistic people do have co-occurring conditions such as learning disability, anxiety, depression, Attention Deficit Hyperactivity Disorder (ADHD), or epilepsy [10, 11, 12, 13, 14].

In addition, many autistic people experience executive functioning differences [15], which can affect planning, organising documents, prioritising tasks, following long-winded questions or multi-step instructions, and remembering dates or procedural deadlines.

Characteristics present differently for each individual.

Many autistic individuals – especially women and adults more broadly – do not have a formal diagnosis [16,17]. As of November 2025, more than 227,000 people in England were waiting for an autism assessment, with average waiting times of 16 months [18]. Lack of diagnosis should not prevent consideration of eligibility for reasonable adjustments or special measures [19, 20, 21].

3. Communication, court barriers and impacts

Autistic focus group contributors – who had experience as witnesses and defendants – reported challenges that mirror those identified in previous research [22, 23, 24].

3.1. Communication

Autistic people may use or interpret communication differently to non-autistic people. These differences vary, but may include:

- Use of more direct, precise or technical language, sometimes misinterpreted as bluntness.
- Difficulty interpreting metaphors, idioms, sarcasm, irony, and figurative phrases, and taking things literally.
- Challenges recognising or interpreting body language, facial expressions, tone of voice, or shifts in conversational turn-taking.
- Pausing more frequently or using repeated phrases (known as echolalia). [25]

These differences can easily be misunderstood (particularly in high stakes contexts such as court) as evasive, uncooperative or challenging behaviour.

Complex procedures and unfamiliar legal language can also make it harder for autistic people to understand what is happening. Some autistic court users reported receiving little explanation of processes or expectations.

The pace of proceedings can cause overload. This may lead to very short answers or agreeing to leading questions to avoid conflict.

Outward presentation is not necessarily a reliable indicator of understanding or emotional state. Masking – the conscious or unconscious inhibition of autistic characteristics - may hide confusion or distress.

3.2. Court environment and practical barriers

Autistic people often describe court environments as overwhelming. This can be due to sensory stresses such as lighting, noise, crowds, and smells. The unpredictability of court can also be problematic, where sudden changes to schedules can increase stress.

Justice professional contributors described how quiet waiting spaces, pre-arranged rooms, or agreed adjustments were often unavailable, even when recommended.

Physical hearings were described by contributors as mentally exhausting, sometimes leading individuals to disengage.

These sensory and environmental stresses can impair concentration and memory, reducing the ability to participate effectively and increasing the risk of procedural unfairness.

3.3. Attitudes towards, and treatment of, autistic people

Autistic contributors reported experiences of stereotyping, unconscious and judicial bias, as well as inappropriate or confrontational questioning styles.

Some felt disbelieved when they disclosed autism. Administrative errors and breaches of confidentiality were also noted.

3.4. Trauma: stress, and dissociation

Going to court is stressful for everyone, but for many autistic people, the stress can be overwhelming. Some of the issues described above can trigger anxiety, shutdowns or dissociation. These are coping responses that affect memory, communication, and concentration. Without support, they may lead to misunderstandings, withdrawal from the process and unfair outcomes.

3.5. Intersectionality and additional vulnerabilities

Autistic people often experience co-occurring physical and mental health conditions, including epilepsy, anxiety, depression and ADHD, and some autistic people also have a learning disability [10, 12, 12, 13, 14].

Those with intersecting characteristics - such as autistic women - may in some contexts experience distinct disadvantages such as delays in diagnosis, stereotyping, and other additional barriers.

These factors may compound difficulties in court and increase the risk of unfair outcomes.

3.6. The impact of the above challenges

Our research with autistic court users and court professionals showed:

- **Mental health deterioration**, including heightened anxiety, meltdowns, and suicidal thoughts.
- **Family and relationship strain**, with long-term impacts on wellbeing and stability.
- **Employment and life opportunities are often disrupted** by court-related stress and outcomes.
- **Financial hardship**, including associated costs such as travel expenses, childcare, accommodation costs etc.
- **Unjust legal outcomes**, such as guilty pleas, fines, or criminal records.
- **Reduced trust in the justice system**, affecting both autistic individuals and professionals.

4. Support pathways, measures, and additional vulnerabilities

This section provides practical tips and strategies to help courts become more accessible and fairer. Supporting autistic people can not only help to reduce harm and trauma, but also help them to give their best evidence - leading to improved justice outcomes.

Autism-informed practice means recognising the diverse challenges for some autistic people, including how autism can affect communication and behaviour in court, and proactively making adjustments to reduce barriers and prevent harm.

4.1. Pathways for support

Court professionals should know how to access specialist support such as intermediaries, autism specialists, advocates, and speech and language therapists. These professionals can assist with communication strategies, planning adjustments, and ensuring fairness.

Where local pathways exist, courts should maintain and share contact details.

4.2. Reasonable adjustments and support measures

Autistic people - whether formally diagnosed or self-identifying - may meet the legal definition of disability under the Equality Act 2010, and therefore may be entitled to reasonable adjustments in court. Whether reasonable adjustments are provided is determined on a case-by-case basis by the court.

Some people may not be aware that they are autistic, but would still benefit from reasonable adjustments. Professionals should therefore be proactive in identifying and responding to any difficulties a person may experience in court.

Similarly, special measures under the Youth Justice and Criminal Evidence Act 1999 (YJCEA) may also apply to autistic witnesses. A formal diagnosis should not be required, but it will depend on whether the court considers that the quality of the autistic person's evidence is likely to be diminished without special measures in place.

Defendants do not have access to the full suite of special measures but may receive some adjustments, including intermediaries. This is outlined in Section 5.

Plan and document adjustments early, and when consent is provided, share with all relevant professionals to ensure consistency.

Always ask the individual what they need.

Disclosure and coordination are covered in Section 9.



4.3. Additional vulnerabilities

Court professionals should consider co-occurring and intersecting vulnerabilities. Key considerations include:

- **Be alert to the likelihood of other physical and mental health conditions** and seek appropriate support where needed.
- **Avoid assumptions based on stereotypes**, and reflect on possible unconscious bias.
- **Tailor communication and adjustments to the individual**, not based on group identity.
- **Signpost to specialist support services** where appropriate (e.g., cultural liaison officers, LGBTQ+ advocacy, domestic abuse support, Independent Sexual Violence Advisers).
- **Apply trauma-informed and culturally competent approaches.**

5. Special measures

[Special measures](#) aim to enable vulnerable witnesses to give their best evidence.

Autistic witnesses may therefore qualify for these measures. Defendants do not have access to the full suite of special measures but may receive some adjustments, including intermediaries. Applications should ideally be considered early.

Table 1 (below) provides an overview of special measures and their availability for witnesses and defendants, based upon legislation, procedural rules, practice directions, and case law. The table is intended as guidance on possible eligibility only, as eligibility will necessarily be on a case-by-case basis.

Table 1. Special measures and comparable adjustments for witnesses and defendants

Special Measure	Definition/Purpose	Availability for witnesses	Availability for defendants
Screens	Physical screens placed around the witness box to prevent the witness from seeing the defendant (and the defendant from seeing the witness).	Yes, available to some witnesses. <i>See Section 23 YJCEA.</i>	Yes, available to some defendants. <i>See R v Waltham Forest Youth Court [2004] EWHC 715 (Admin) [31].</i>
Live link	Rather than the person giving evidence in the courtroom, they give evidence via a live video link from another room or building.	Yes, available to some witnesses. <i>See Section 24 YJCEA.</i>	Yes, available to some defendants. <i>See Section 33A (4) and (5) YJCEA</i>
Evidence given in private	Anyone who doesn't legally need to be present will leave the public gallery during testimony.	Yes, available to some witnesses. <i>See Section 25 YJCEA.</i>	Yes, available to some defendants. <i>See Criminal Practice Directions 2023, 6.4.5.</i>
Removal of wigs and gowns by judges and barristers	Changes to clothing to help make the environment feel less formal.	Yes, available to some witnesses. <i>See Section 26 YJCEA.</i>	Yes, available to some defendants. <i>See Criminal Practice Directions 2023 6.4.2(g).</i>
Video recorded interview	A video recording of a witness' police interview is played in court as their 'evidence in chief'.	Yes, available to some witnesses. <i>See Section 27 YJCEA.</i>	Not available to defendants.
Pre-trial recorded cross-examination	Cross-examination is done before the trial starts and is video recorded. The video recording is played during the trial so the witness	Yes, available to some witnesses. <i>See Section 28 YJCEA.</i>	Not available to defendants.

	doesn't need to attend court.		
Intermediaries	A communication specialist who assesses communication needs and/or supports a witness or defendant to give evidence.	Yes, available to some witnesses. <i>See Section 29 YJCEA.</i>	Yes, available to some defendants. <i>See Criminal Procedure Rules 2025, r18.19.</i>
Aids to communication	For people who need a device to communicate, such as symbol boards or voice synthesisers.	Yes, available to some witnesses. <i>See Section 30 YJCEA.</i>	Yes, available to some defendants. <i>See Criminal Procedure Rules 2025 r3.8(9)(b)(vii).</i>

Note: Please note that the Criminal Procedure Rules and Criminal Practice Directions are updated over time. The above information is correct as of Summer 2026.

6. Practical communication adjustments

Autistic people may communicate differently. The following strategies promote clarity and fairness. Note that these, alongside reasonable adjustments and special measures, may also be determined during Ground Rules hearings.

6.1. When the court user is listening in court

(e.g., listening to legal argument, observing proceedings, or waiting to speak)

These adjustments help autistic people follow what is happening.

Before court:

- **Identify individual needs early**, before the hearing. Ask what helps the person and record this clearly. **Where available, seek advice from professionals with expertise in communication support** (e.g., intermediaries, autism specialists, or speech and language therapists). They can help assess communication needs and recommend strategies for questioning, simplifying language, and supporting comprehension.

During court:

- Speak clearly, with pauses allowing processing time

- Avoid rapid-fire speech or overlapping dialogue.
- Use plain language to explain what is happening in the moment.
 - “We are waiting for the next person to come into court.”*
 - “The judge is now reading the decision.”*
 - “The barrister is asking the witness questions now.”*
 - “You will be asked questions next.”*
- Replace figurative court phrases with literal alternatives.
 - Instead of:** *“The court will rise for 10 minutes”*
 - Say:** *“We’re taking a 10-minute break.”*
 - Instead of:** *“Court won’t be sitting tomorrow”*
 - Say:** *“You don’t need to come to court tomorrow.”*
- Check understanding, when appropriate, as some autistic people may mask confusion and say “yes” even when they haven’t understood.
- Provide written prompts, simple diagrams, or short summaries to support comprehension.

6.2. When the court user is giving evidence

(e.g., answering questions as a witness or defendant)

Giving evidence places a heavy communication and processing load on autistic people. These strategies can help individuals give their best and fairest evidence.

Use clear, literal questions

Avoid:

- Sarcasm
- Irony
- Figurative language
- Idioms and metaphors
- Unnecessarily leading questions
- Long preambles such as “Let me take you back to...” or “Picture it in your mind...”

Example of how autistic people may interpret questions literally

Literal interpretation differences:

- *“Were you in his house?” → “No.”*
- *“Were you in his flat?” → “Yes.”*

Example of overly general questions:

- “Were you wearing your clothes?” → “No.”
- “Were you wearing your pyjamas?” → “Yes.”

Clarifying context:

- Instead of “Did you see him?”, use “Did you see the man in the red jacket in the kitchen?”

These approaches reduce ambiguity and help the person understand what is being asked.

During questioning

It would help to:

- Allow sufficient processing time (the time will vary between individuals).
- Avoid repeating questions too quickly – it may feel like pressure and lead to emotional and communication challenges (e.g., shut downs and heightened anxiety).
- Check understanding regularly by asking the person to explain in their own words.
- Offer plain-language documents or coloured paper if needed.
- Use written prompts or visual aids (e.g., simple timelines, objects, diagrams).
- Avoid assumptions about capacity – offer adjustments even without a diagnosis.

7. Predictability, environment and stress

It is inevitable that courts involve a high degree of unpredictability. However, there are some steps you can take to prepare autistic individuals for proceedings. These steps can help to reduce uncertainty for the autistic person.

Before court:

- Share a simple schedule or ‘now and next’ checklist.
- Offer a pre-court familiarisation visit or video tour.
- Identify sensory issues and mitigations for these in advance.
- Minimise waiting and explain any delays.
- Involve the individual and their supporters in planning adjustments.

During court:

- Communicate any changes promptly and clearly.
- Use calm, clear language.
- Pause and check in often to ask whether the person can still follow what is happening. For example:

“Would it help if I summarise what is happening now?”

“Do you want me to explain that again?”

- Offer breaks proactively.
- Establish a clear way for the person to request a break if needed.

7.1. Environmental and sensory adjustments

Court environments can be overstimulating and can cause sensory overload. The following are some practical strategies to reduce this:

Before court:

- **Ask early about sensory sensitivities** (lighting, noise, smells, touch) and record preferences clearly.
- **Assess the courtroom environment** for potential triggers (e.g., fluorescent lighting, air-conditioning noise, echoing spaces).
- **Explain unchangeable aspects** (e.g., automatic lighting) and discuss preferred coping strategies (e.g., sensory aids) and offer reassurance.

During court:

- **Lighting:** Avoid harsh lighting; request rooms with natural light where possible.

Example (lighting):

One autistic court user reported that flickering fluorescent lights made it impossible to focus, causing headaches and confusion until the hearing moved to a room with natural light.

- **Noise:** Allow noise-cancelling headphones when appropriate.
- **Comfort items:** Permit fidget tools, tinted glasses, weighted lap pads, or other self-regulation aids.



- **Quiet spaces:** Provide access to a quiet waiting area or reserve a private room to reduce sensory overload.
- **Temperature and seating:** Adjust where possible to minimise discomfort.
- **Breaks:** Proactively plan and offer breaks for emotional and sensory regulation.

- **Remote testimony and/or screens** where appropriate to reduce distress.

7.2. Managing stress and trauma

Court processes can trigger extreme anxiety and stress responses, including shutdowns or dissociation for autistic individuals. Dissociation can mean feeling detached or disconnected from what is happening around the person. Some key tips to reduce this include:

- **Recognise signs of overload:** This includes very short answers, appearing confused, becoming non-verbal, or shutdowns.

An example of shutdown:

During questioning, an autistic witness stopped speaking and stared at the table. This was initially viewed as refusal to engage, but it was a shutdown caused by overload and where the person needed a short break.

- **Avoid misinterpretation:** These behaviours can be stress responses, not necessarily evasiveness or guilt.
- **Collaborate early:** Involve the individual and supporters in planning strategies for regulation and recovery.
- **Provide safe spaces:** Quiet rooms (during breaks) and sensory aids can help prevent escalation.
- **Offer post-court wellbeing signposting** (e.g., mental health services, autism charities).

Practical strategies, as in other sections, include sharing information early, offering familiarisation visits, agreeing on breaks, and minimising waiting.

8. Supporters, breaks and scheduling

8.1. Supporters

The presence of supporters and advocates can help to reduce autistic court users' stress and therefore improve their participation.

- **Advocates:** Provide emotional support and help the individual understand proceedings.
- **Family, carers, or professionals:** Can be involved in planning adjustments and offering reassurance.



- **Post-court support:** Mental health services, autism charities, [Victim Support](#), and [Witness Service](#).

Practical strategies for supporters:

- Consider requesting an intermediary for autistic witnesses, victims or defendants.
- Explain the role of intermediaries clearly to the individual.
- Involve family, carers, or professionals in planning adjustments.
- Document all decisions about support roles and communicate them to relevant parties.

8.2. Breaks and scheduling adjustments

Court proceedings can be exhausting. Planned breaks and flexible scheduling can help reduce this. Practical strategies for court professionals include:

Before court:

- **Plan for breaks in advance** and include them in the hearing schedule where possible.
- **Discuss preferences early:** Ask the individual what helps them regulate stress (e.g., short breaks, quiet space).
- **Provide predictability:** Share a clear timetable and explain when breaks will occur.

During court:

- **Offer breaks proactively**, not only when distress is visible – shutdowns and dissociation can be subtle.
- **Use quiet spaces** for breaks to reduce sensory overload.
- **Allow movement or self-regulation aids** during breaks (e.g., fidget tools, weighted lap pads).
- **Monitor stress indicators:** Short answers, confusion, or agreeing to leading questions may signal overload.

- **Adapt timing if needed:** Shorten sessions or split hearings over multiple days for complex cases.

9. Avoiding misunderstanding, coordination and disclosure

This section should be read alongside section 6. Practical communication adjustments.

9.1. Avoiding misunderstanding

There are a range of ways in which autistic people may be misinterpreted by non-autistic people. For example, autistic traits - such as difficulty with eye contact or direct, “blunt” speech - may be misread as dishonesty, rudeness, or defiance. Furthermore, an autistic person may be feeling overwhelmed but not appear distressed because they are masking.

Common signs of distress might include:

- **Withdrawal or appearing to “shut down”.**
- **Becoming non-verbal or speaking very little.**
- **Giving very short answers.**
- **Agreeing to leading questions simply to end the interaction.**
- **Appearing confused or disoriented during questioning.**

The following are practical strategies for court professionals to avoid misunderstanding:

Before court:

- **Brief all relevant participants** (e.g., judges, advocates, clerks) on common autistic communication and stress responses. Please also see training and resources at the end of this guidance.
- **Avoid assumptions:** Outward calm does not mean comprehension; agitation should not be interpreted as guilt.
- **Plan neutral questioning styles:** Avoid adversarial tone or implying blame for behaviours.

During court:

- **Do not judge credibility** solely on eye contact, tone, or body language.
- **Recognise coping mechanisms:** Fidgeting, repetitive movements, or avoiding gaze can be self-regulation strategies, not signs of disrespect.

Example (fidgeting):

A defendant repeatedly tapped their leg during questioning. This was viewed as nervousness or evasion, but it was actually a self-regulation strategy to stay calm and focused.

- **Watch for signs of overload:** Short answers, agreeing to leading questions, or appearing “shut down” may indicate distress. Action should be taken, for example if in the legal team, interject and recommend to the judge that a break is needed.
- **Check understanding regularly:** Ask the person to explain in their own words rather than assuming agreement means comprehension.

9.2. Coordination and consistency

Creating an autism-informed court space requires consistency across information, people and relationships supporting the autistic court user. Breakdowns in any of these areas can undermine adjustments and increase stress.

1) Some practical **data coordination strategies** for court professionals include:

- **Document all agreed adjustments clearly** in case notes or a dedicated adjustments record.
- **Share this information across all relevant professionals** (judges, clerks, ushers, advocates, intermediaries) as soon as possible.
- **Ensure confidentiality and GDPR compliance** while enabling effective coordination.

2) Some practical person-centred coordination strategies include:

- Where possible, **keep the same professionals working with the autistic court user throughout the process**. Consistency helps build trust, reduces anxiety, and supports clearer communication.
- **Allow rapport to develop** – this can significantly reduce overload on the day.
- **Share a simple overview of everyone’s roles so the person knows who will speak and when**.
- **Avoid unnecessary changes to personnel** mid-proceeding unless essential.
- **Ensure that intermediaries – if involved - receive proposed questions in advance** so they can advise on communication needs and support the autistic court user effectively.

9.3. Disclosure of autism in court settings

Disclosing an autism diagnosis can help to enable court-relevant adjustments and also explain traits that might otherwise be misinterpreted. However, some autistic people choose not to disclose due to concerns about stigma, stereotyping, or uncertainty about whether adjustments will be made [2].

It is always the autistic court user's choice whether to disclose, and professionals should respect this decision.

Where disclosure does occur, it should be handled sensitively and confidentially. For example, by thanking the autistic person for disclosing and opening a conversation about what support may be available, what the person might find helpful, and if the person wants others involved in their case to know they are autistic.

10. Autism-informed plan for court professionals

10.1. Before the hearing: preparation and planning

a. Identify needs early

Ask what would support understanding and participation, and offer adjustments based on need

See: 2.1 *Understanding autism*; 4.2 *Reasonable adjustments and support measures*; 4.3 *Additional vulnerabilities*

b. Gather and share information

Document agreed adjustments clearly, and ensure that relevant professionals are informed in advance.

See: 9.2 *Coordination and consistency*; 9.3 *Disclosure of autism in court settings*

c. Make the process predictable

Provide clear accessible information about what will happen, where, and when, and reduce avoidable uncertainty.

See: 3.2 *Court environment and practical barriers*; 7. *Predictability, environment and stress*

d. Seek specialist input

Identify early whether intermediary or specialist communication support is required.

See: 4.1 *Pathways for support*; 5. *Special measures*; 8.1 *Supporters*

10.2. On the day of the hearing: creating accessibility

a. Manage the environment

Check that agreed sensory and environmental adjustments are in place.

See: 3.2 *Court environment and practical barriers*; 7.1 *Environmental and sensory adjustments*

b. Communicate clearly

Use clear, literal language and minimise ambiguity during proceedings.

See: 3.1 *Communication*; 6. *Practical communication adjustments*

c. Allow sufficient processing time

Provide adequate time for responses and check understanding.

See: 6. *Practical communication adjustments*.

d. Support emotional regulation

Monitor for signs of overload and offer breaks proactively if needed.

See: 3.4 *Trauma: stress and dissociation*; 7.2 *Managing stress and trauma*; 8.2 *Breaks and scheduling adjustments*; 9.1 *Avoiding misunderstanding*

10.3. During evidence: ensuring fairness

a. Apply legal adjustments

Ensure reasonable adjustments and any special measures are implemented as planned.

See: 4.2 *Reasonable adjustments and support measures*; 5. *Special measures*

b. Avoid misinterpretation

Don't rely on eye contact, tone, or body language when assessing credibility or comprehension.

See: 3.1 *Communication*; 3.4 *Trauma: stress and dissociation*; 9.1 *Avoiding misunderstanding*

c. Keep language accessible

Replace court-specific phrases with plain English and provide written or visual supports where needed.

See: 6. *Practical communication adjustments*

10.4. After the hearing: follow up and support

a. Communication and closure

Summarise decisions and next steps clearly and check understanding before the individual leaves.

See: 6. *Practical communication adjustments*

b. Signposting

Provide information about relevant post-court wellbeing support services.

See: 7.2 *Managing stress and trauma*; 12. *Further reading and resources*

c. Feedback and learning

Record what worked well and identify improvements for future cases.

See: 9.2 *Coordination and consistency*; 11. *Autism-specific training*

11. Autism-specific training

Training is essential for systemic change and for ensuring autistic people can participate fully and fairly in court processes.

Contributors to our research, both autistic court users and court professionals, consistently highlighted the lack of autism awareness as a major barrier to justice. They stressed that training should go beyond basic awareness and cover more encompassing aspects of autism as a communication difference, sensory sensitivities, trauma-informed practice, and the impact of stress and dissociation on memory and communication.

Mandatory training should be introduced for all court professionals and embedded into legal education and continuing professional development (CPD). Contributors recommended models, such as the Oliver McGowan model training used in health services, as a benchmark.

Training should include practical strategies for:

- Recognising and responding to autistic traits (e.g., masking, shutdowns, dissociation).
- Adjusting communication styles (clear, literal language, avoiding idioms, checking understanding).
- Planning and implementing reasonable adjustments.
- Collaborating across the justice system, including pre and in-court stages, and improving data sharing and cross-team communication.
- Where autism is suspected but not stated or diagnosed, professionals should still apply inclusive practices and seek specialist input.

12. Further reading and resources

All resources referenced in this document are listed below for easy access.

12.1 Resources mentioned in the guidance

What is autism?	• National Autistic Society – What is autism? <i>Overview of autism, core characteristics, and sensory differences. [autism.org.uk]</i> • National Autistic Society – Criteria and tools used in an autism assessment <i>Explains DSM-5 and ICD-11 criteria, NICE guidance, and assessment tools used in the UK.</i>
Pathways for support	• University of Bath – Improving Access to Justice for Autistic People Research-led recommendations for adapting court processes to meet autistic individuals’ needs. Read more • CPS Guidance on Special Measures Defines the legal framework and practical steps for supporting vulnerable witnesses and defendants. Read CPS guidance • National Autistic Society – Communication Adaptations for Justice Settings Strategies for adapting language and interaction to improve understanding and participation. Read guidance • Ministry of Justice Witness Intermediary Scheme Registered Intermediaries who assess and facilitate communication for vulnerable witnesses and complainants. Read more • HMCTS Intermediary Services HMCTS-approved intermediaries who assess and facilitate communication for vulnerable defendants. Read more • Beyond Autism’s guidance on alternative communication tools. Read more

Sensory adjustments	• Guidance on managing sensory differences and creating autism-friendly environments: National Autistic Society – Sensory Differences • SPACE framework (Sensory needs, Predictability, Acceptance, Communication and Empathy) to promote accessibility. Read more. • The British Standards Institute provides detailed guidance on neurodiversity and the built environment. Read more.
Managing stress and anxiety	• National Autistic Society – Anxiety and Autism • Autism and Family Court Guide – includes advice on recognising distress and supporting participation

12.2 Toolkits

- **Advocate’s Gateway Toolkits**

Practical guides for questioning autistic witnesses and defendants:

- Toolkit 3: Planning to question someone with autism spectrum disorder
- Toolkit 15: Memory and sensory issues

12.3 Guidance

- **Equal Treatment Bench Book**
- A judiciary reference manual outlining fair treatment of vulnerable and neurodivergent court users. Includes clear guidance for judges on communication, environment, questioning strategies, and accommodations. [\[judiciary.uk\]](#)
- **CPS Guidance on Special Measures**
Legal framework for supporting vulnerable witnesses and defendants. [Read CPS guidance](#)
- **National Autistic Society guidance**
Guidance for police officers and professionals working with autistic people in the criminal justice system. [Read more](#)

12.4 Autism support organisations

- **National Autistic Society** – Training and resources for professionals
[Visit NAS](#)

- **Ambitious about Autism** – Advocacy and policy guidance
[Visit Ambitious about Autism](#)
- **Autistica** – Research and evidence-based practice
Visit [Autistica](#)
- **Autism Central** – Signposting to local support
[Visit Autism Central](#)

12.5 Other resources

- **House of Commons Library – Autism Policies and Services**
In-depth research on UK autism strategies and legal protections.
[Read more](#)
- **UCL Faculty of Laws – Autism & the Family Court**
Best practice guidance co-produced with autistic individuals and practitioners.
[Explore guidance](#)
- **Autistica – Measuring Special Measures Project**
Research into adapting court processes for autistic people.
[Learn more](#)

13. How this guidance will be maintained

This best practice guidance is intended to be a living document, evolving in response to feedback, emerging evidence, and changes in court practice. To ensure it remains relevant and effective, the University of Bath will periodically review the material.

13.1 Contact us

For further information, suggestions, or to share feedback, please contact:

autismincourt@bath.ac.uk

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