

The Advocate's Gateway

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The Advocate's Gateway toolkits aim to support the early identification of vulnerability in witnesses and defendants and the making of reasonable adjustments so that the justice system is fair. Effective communication is essential in the legal process. The handling and questioning of vulnerable witnesses and defendants are specialist skills.

These toolkits draw on the expertise of a wide range of professionals and represent best practice guidance; they are not legal advice and should not be construed as such.

1. INTRODUCTION

1. This toolkit consolidates current policy, research and guidance on how autism may affect communication in court. It offers general recommendations for mitigating the participation (understanding, communication and interaction) challenges that individuals with autism may experience in legal contexts.
2. Toolkits are intended as broad reference documents and should not be regarded as substitutes for intermediary reports. An intermediary's recommendations are **based on their client-specific assessment, although may include some suggestions from the toolkits if applicable.**
3. No two people with autism will have exactly the same profile of characteristics.
4. A person with autism's needs may not be immediately obvious.
5. Many people with autism are capable of providing high quality evidence if tailored adaptations are made to meet their specific participation and communication needs; and capitalise on their strengths.
6. In order for people with autism to participate effectively, there must be:
 - early identification of their individual needs
 - effective use of comprehensive background information about the individual
 - careful consideration given to the environment in which communication will take place
 - appropriate preparation of the individual for what is expected during all parts of the trial/hearing, as well as during cross-examination
 - a planned and flexible approach taken during all parts of the trial, including during cross-examination.

7. Some question types carry a high risk of being misunderstood or producing unreliable answers (e.g., tag questions, questions asked as statements).
8. Consideration must be given not just to the types and linguistic structure of questions asked, but also to the manner of questioning. Timings of evidence-giving, changes to scheduling and environmental factors (such as busy court buildings) are all likely to affect the overall quality of a person's evidence.
9. It is possible to 'put your case' to a person with autism if it is done in a way that they can understand and respond to accurately.
10. Juries should be given information to help them understand why a person with autism may behave or communicate in ways that appear unusual, and how this may influence their perception of that individual in court.

2. WHAT IS AUTISM?

11. Autism is a lifelong neurodivergence and disability that affects how people experience and interact with the world (see NAS ['What is autism?'](#)).
12. More than one in 100 people are autistic, and each person with autism has a unique combination of characteristics, with different strengths and challenges. People with autism can have any level of intelligence. Some have average or above average intelligence, while others may have a learning disability.
13. Autism can be a 'hidden' condition where some individuals may consciously or unconsciously 'mask' their differences to conceal them or appear neurotypical. Advocates may therefore need to rely on disclosure of a diagnosis. It is also important to be aware that some individuals who display features suggestive of autism may not have received a formal diagnosis, and many people with autism may not wish to pursue one.

Diagnosing Autism

14. A diagnosis of autism requires an **assessment by appropriately qualified professionals** to determine whether an individual demonstrates the 'core characteristics' of autism. These typically include differences in communication and social interaction, alongside restricted and repetitive behaviours and interests, when compared with neurotypical people.
15. **Communication and social interaction differences:** people with autism may use and interpret spoken (e.g. questions, information etc) and non-verbal communication (such as tone of voice, gesture and facial expression) differently to non-people with autism and find social interaction challenging.
16. **Restricted and repetitive behaviours and interests, including sensory differences:** these may present in various ways such as: a need for predictability and routine (with distress at even minor changes); heightened (or reduced) sensitivity to sensory aspects of the environment (e.g. lighting, tapping on laptops etc); repetition of the same sounds/words or actions, (e.g., rocking, hand flapping, vocalising); an intense and highly focussed 'special interest' (e.g. holding a highly interesting personal object).

Autism as a spectrum

17. Autism is described as a **spectrum condition** because it can impact on people's lives in a wide variety of ways. This does not mean that individuals are 'more' or 'less' autistic; rather, that each individual has a unique combination of characteristics, strengths and challenges.
18. **People with autism may present with a 'spiky profile', meaning their skills and abilities are unevenly distributed.** For example, they may excel academically yet struggle with everyday tasks such as crossing the road safely. A person's capabilities can also fluctuate from day to day, influenced by factors such as the familiarity of their environment, sensory conditions, and levels of anxiety.

19. **Support needs vary considerably.** Some people with autism require a high level of assistance, whereas others live independently, sustain successful social relationships and may excel at study or work when appropriate support is in place. They may demonstrate exceptional talent in some areas (e.g. describe something they find highly interesting in great detail) while experiencing significant difficulties in others (e.g. listening to all words in a question).

Autism and Gender

20. Historically, autism was incorrectly assumed to be predominantly associated with males. In reality, many females and non-binary people with autism exist. However, outdated assumptions have meant that many females often face barriers to diagnosis and may be misdiagnosed e.g., with mental health conditions or receive a diagnosis much later in life ([Kentrou et al., 2024](#); [Loomes et al., 2017](#)).
21. **The presentation of autism in females may differ from that in males.** They may appear to show fewer social differences, but this can be because they are likely to observe and imitate others' social behaviour or language. Such strategies, often referred to as 'masking' or 'camouflaging', may conceal underlying differences ([Cook et al., 2021](#)).

Co-occurring conditions

22. **People with autism may have other co-occurring conditions** such as a learning disability (see Toolkit 4 - Planning to question someone with a learning disability); specific learning difficulties such as dyslexia, attention deficit hyperactivity disorder (ADHD) (see [Toolkit 5 - Planning to question someone with 'hidden' disabilities](#): developmental language disorder, dyslexia, dyspraxia, dyscalculia and AD(H)D); epilepsy, and mental health difficulties such as anxiety and depression, and post-traumatic stress disorder (PTSD) (see [Toolkit 12 - General principles when questioning witnesses and defendants with mental disorder](#)).

23. **The rates of post-traumatic stress disorder (PTSD) are higher in people with autism** (32-45%) than in the general population (4-4.5%). The risk of PTSD is higher for groups who are more likely to be exposed to traumatic events. Research indicates that people with autism may be more likely to experience traumatic life events, particularly interpersonal traumas such as bullying and physical and sexual abuse ([Rumball et al., 2020](#)).

3. HOW AUTISM CAN AFFECT PARTICIPATION IN COURT

Ability to give instructions and give evidence

24. It is important not to make assumptions about an individual's capabilities based on their 'label'. An articulate and intelligent presentation does not necessarily mean that a person does not require support. Equally, individuals with limited verbal communication and/or intellectual disabilities should not be presumed incapable of giving instructions or providing evidence.

Presentation and Behaviour

25. People with autism may display behaviours that reflect their specific interests, heightened anxiety, or challenges in recognising what is socially appropriate in specific situations. Such behaviours are at risk of being misconstrued in the courts ([Woodhouse et al., 2024](#)).
26. Examples include (but are not limited to):
- **Avoiding eye contact** because maintaining it feels uncomfortable or even painful. This should not be treated as an indication of inattention or guilt
 - **Prolonging eye-contact** beyond the expected length of time, which may feel uncomfortable and/or could be perceived as aggressive or confrontational

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- **Changing the topic of conversation** to a 'preferred topic', regardless of the other person's level of interest or the (lack of) relevance to the topic being discussed
- **Using facial expressions** that do not align with what is being said or head, or laughing at moments which appear inappropriate
- **Speaking in an unusual, monotone or pedantic manner**, which may be misinterpreted as rudeness or arrogance
- **Struggling to recognise the appropriate social context** when addressing others (e.g., calling the judge 'mate')
- **Having difficulty adopting another person's perspectives** which may give the impression of lacking empathy.

Anxiety and emotional regulation

27. Many people with autism experience **heightened anxiety** (e.g., [Hollocks et al., 2019](#)) which can significantly affect both their ability to understand what is said to them and to make themselves understood. Signs of anxiety may not be immediately obvious (for example, giggling, coughing, picking at skin, or yawning) and they may not themselves recognise that they are anxious if asked.
28. Anxiety may be increased by issues at court such as:
- being in unfamiliar rooms/buildings
 - being required to communicate with unfamiliar people
 - changes to usual routine
 - lack of clear information
 - listening to complex or unfamiliar language
 - not knowing what is going to happen
 - unexpected changes, for example, delays in trial scheduling or changes of location
 - previous negative experiences of attending court.

29. People with autism may also experience low confidence and self-esteem, and may struggle to regulate their emotions ([Lim, 2020; Restoy et al., 2024](#)), especially in stressful and unfamiliar situations. This can lead to extreme responses that impair communication such as 'meltdowns' ([Lews & Stevens, 2023](#)) or 'shutdowns' ([Paris et al., 2025](#)).
30. These represent a temporary loss of behavioural control in response to overwhelming circumstances (see also NAS '[Meltdowns](#)' and '[Shutdowns](#)'). **Meltdowns** can be expressed verbally (e.g., screaming, shouting, crying), physically (e.g., biting, kicking, lashing out), or both. '**Shutdowns**' may involve social, emotional, internal, and/or physical withdrawal (e.g., communication stops entirely). Recovery from either response can take considerable time, and in some cases the individual may not be able to continue with questioning.
31. Stress can reduce their functional capacity, where they start to function at a lower level than expected, making it harder for them to recall information accurately or think clearly ([Bishop-Fitzpatrick et al., 2015](#)).
32. Signs of stress may include:
- appearing numb,
 - passive or falling silent,
 - agreeing or providing any answer simply to end questioning,
 - responding repeatedly with 'I don't know' and 'I don't remember' responses,
 - other behaviours such as tapping arms or legs, pulling at clothes or hair, inappropriate laughter.
33. As there is a higher prevalence of PTSD among people with autism, it is important to recognise the impact of trauma on communication. Trauma can impair a person's ability to participate in questioning, specifically their ability to communicate information and recall detail:

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- Questions relating to traumatic events may trigger responses that shut down language processing such as freeze, fight, flee or flop (see [Van der Kolk, 2013](#)).
- Highly stressed people with autism may unintentionally appear obstructive and antagonistic.

Attention and Listening

34. People with autism may experience both intense focus (or 'hyper focus') and inattention more than neurotypical people ([Dwyer et al., 2024](#)). Attention span may be limited, especially for topics that do not particularly motivate them. Therefore, attention can fluctuate, leading to missed sections of a particular question, misunderstanding key words or concepts, which may not be obvious to the speaker.
35. People with autism may also have difficulties processing everyday sensory information, such as sights (people in legal dress), sounds (typing on keyboards) and smells. Sensory input can be overwhelming; for example a buzzing light or a ticking clock that others barely notice can seem very loud or even painful to a person with autism. Such experiences can affect their ability to direct their attention appropriately.

Understanding of spoken language

36. A person with autism may present as articulate but this can conceal underlying difficulties language comprehension making them appear more able than they actually are. These may include:
 - **Interpreting language literally**, struggling with inference when meaning is ambiguous or unstated, and being unable to 'read between the lines'. For example, if asked 'Could you read this?', they may simply answer 'yes' because they do not realise it was an active request to read.

- **Difficulty understanding legal and court related vocabulary.**
- **Difficulty understanding non-literal language**, such as idioms and metaphors. For instance, when told 'You blow things up' to suggest exaggeration, the witness could become confused.
- **Difficulty processing complex sentence structures.** A passive construction such as "Was John hit by Paul?" will be more easily understood if asked using the active voice, "Did Paul hit John?"
- **Challenges with working memory**, such as holding a sentence in mind for long enough to process its meaning and respond.
- **Overload from lengthy spoken information.** Listening to lengthy introductions can be effortful and tiring, reducing memory capacity and comprehension.
- **Difficulty recognising meaning conveyed by tone of voice**; for example, sarcasm, not realising that rising intonation can turn a statement into a question.

Question types

37. The ease with which a person with autism can understand a question may affect the accuracy, detail and speed of their response. A vicious cycle can develop: awareness of failing to understand questions can increase anxiety and reduce confidence, which in turn further undermines communication.
38. **Some questions are challenging because of their content rather than their structure.** A person with autism may understand the form of a question and provide a clear verbal literal response, but struggle to answer accurately if the question relies on cognitive processes that are difficult for them.
39. For example, difficulties with perspective-taking (*theory of mind* or *mentalising*) can make it hard to answer questions about another person's intentions

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(e.g., “Why did he do that?”). This can be highly significant in legal contexts.

40. Examples of questions that are complex in their structure and recommendations for simplifying them are outlined in other toolkits (see: [Toolkit 2 - General principles from research, policy and guidance](#), and [Toolkit 4 - Planning to question someone with a learning disability](#)). However, in summary, questions that are more likely to be misunderstood and risk leading to inaccurate answers include those with:

- **multiple parts** (e.g., ‘*On the night of June 12th were you in the park, and on the following morning did you see John?*’)
 - **negatives and double negatives** (e.g., ‘*Is it not the case that he did not go outside?*’)
 - **‘tags’** (e.g., ‘*You saw him enter the house, didn’t you?*’)
- questions phrased as statements** (e.g., ‘*So you saw him enter the house?*’) may not be recognised as something that can be disagreed with. The latter should be re-phrased as a clear question (e.g. ‘*Did you see him enter the house?*’)

41. **Open questions can be problematic** as a person with autism may struggle to recognise what information is being requested or when to begin their answer to broad prompts such as “Tell me what happened.” More specific, closed questions are often necessary to elicit relevant information and sufficient details ([Maras, 2021; Norris et al., 2020](#)).
42. People with autism (unless they also have accompanying intellectual impairment) are **not more suggestible** than their neurotypical peers ([McCrory et al., 2007; North et al., 2008; Maras & Bowler, 2011; 2012](#)). They are no more likely than neurotypical individuals to accept messages communicated during questioning or to treat them as true reflections of their own memory.
43. However, under certain circumstances, people with autism may be more compliant—agreeing with a questioner’s suggestions or statements that are untrue—and may not fully understand the

consequences of doing so ([Chandler et al., 2019](#)). This presents a clear risk when an advocate seeks to put their client’s case.

Use of spoken language

44. Many people with autism have different communication styles, skills and preferences to neurotypical people. They may use and interpret words, tone of voice and body language (e.g., gestures and facial expressions) differently.
45. Some people with autism have limited or no speech. They may communicate using other methods; for example, writing, sign language, through gesture or sounds, or by using Augmentative and Alternative Communication (AAC) such as symbols or high-tech devices.
46. Verbal individuals may still find it difficult to explain what happened because of issues with:
- providing a clearly sequenced narrative of events (with events described in the correct order and with no omissions)
 - ‘finding the right words’ to explain what happened (often called ‘word-finding difficulties’) – this might be indicated by pauses, saying ‘Um’ or more explicitly ‘I can’t explain it’
 - using complex words or phrases they do not fully understand – they may ‘echo’ words or phrases they have heard in other contexts without full understanding of what is meant (sometimes called ‘echolalia’)
 - recognising what information is relevant. They may digress off topic and their narrative may become less coherent as they continue to talk.
47. A person with autism may have difficulty understanding facial expressions ([Yeung, 2022](#)).;For example, they may mistakenly think that the questioner has an ‘angry’ facial expression, and this may affect their responses.

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Reading ability

48. Many people with autism do not have any difficulties with reading, however, it is important to be aware that some individuals can read text without fully understanding what it means (this is referred to as 'hyperlexia').

4. REASONABLE ADJUSTMENTS AND GOOD PRACTICES

49. Consider applying for **an intermediary to assist in taking instructions** with the solicitors and/or barristers.
50. At least one **court familiarisation visit** should take place before the trial, as this is likely to reduce anxiety on the day. During the visit, the individual should practise answering non-trial related questions either from the witness box or via the live link, with or without screens in place, as applicable. This enables them to express an informed preference about how they wish to give evidence. They may also need to see the actual rooms they will use; if these change, an additional visit may be required. Such practice is equally important for witnesses, defendants, and parties.

GOOD PRACTICE EXAMPLE

During a pre-trial visit, a witness with autism was allowed to practice answering non-trial related questions both from the witness box and over the live link facility. A slight delay occurred over the live link facility which the person with autism found very difficult to manage, so they opted to give their evidence from the witness box with a screen, as this felt less overwhelming than they had initially thought.

51. The pre-trial visit can also help identify **factors that may affect the person's ability to concentrate** during

questioning. For example, testing of the live link facilities may reveal that a person struggles to attend to questioning via a screen but responds more effectively when communication is 'face-to-face'.

52. Consider whether **photographs of courtrooms/live link rooms** could be shown to assist with trial preparation because the person with autism can later be reminded of what they saw on the familiarisation visit.

GOOD PRACTICE EXAMPLE

The intermediary provided photographs of the judge and counsel, along with photographs of the court building, to help a person with autism prepare for cross-examination.

53. An intermediary might recommend **the use of visual aids** to help a person understand what will happen at court, for example, the use of 'visual timetables' or drawings (see [Toolkit 14 - Using communication aids in the criminal justice system](#)). An intermediary can prepare appropriate visuals specific to the person and case.

At trial

54. Consider whether an **intermediary could assist throughout the trial in addition to cross examination** for defendants and other parties.
55. Consider whether the judge and the advocates should **meet the individual** in advance of questioning if the person with autism wishes to reduce anxiety.
56. The use of **remote live link** may be suggested if the court building or presence of specific individuals is likely to be overwhelming (see [Toolkit 9 - Planning to question someone using a remote link](#)). However, it is important to recognise that a defendant with autism may prefer to give evidence in the courtroom itself. By the time they give their evidence, the courtroom may have become a

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familiar environment, whereas the live link room could remain unfamiliar and therefore more challenging. Decisions must be made on an individual, case-by-case basis.

- 57. Advocates should be aware of the person with autism's **potential 'triggers' for certain behaviours**, including early signs of heightened anxiety. These will be outlined in the intermediary report and should be discussed during the ground rules hearing, with plans agreed for both prevention and management. For example, allowing the individual to hold a calming object (such as a plastic tangle chain or stress ball) may help reduce anxiety escalation. If anxiety does increase, strategies such as providing time alone in a quiet space or using breathing exercises may support a return to a manageable level.

GOOD PRACTICE EXAMPLE

The seating layout of a live link room was altered to ensure that a woman with autism (who had in a previous trial destroyed furniture in a live link room when distressed) could exit the room with ease if required.

To assist attention and focus

- 58. **Ensure adaptations are made to the environment** to ensure that it is quiet, calm and free of sensory distractions. If instructed, an intermediary may recommend e.g. replacing a bright strip light with a moveable lamp or removing unnecessary clutter from a live link room. Seating a child at a 'school-style' desk and chair in a live link room rather than on a soft chair can be an effective way to support their attention because it echoes what occurs at school.

GOOD PRACTICE EXAMPLE

A judge ordered the removal of a computer from a live link room that was also used as an office because the intermediary advised that the computer would be distracting for a teenage witness with autism whose 'special interest' was playing computer games.

GOOD PRACTICE EXAMPLE

For a mother in a family case, the Judge permitted covering the 'screen in screen' (showing the image of the mother and intermediary seen by the court) as the mother did not like seeing herself on screen and found it very distracting.

- 59. **Allow frequent breaks as required in response to the person's needs.** Rather than always sticking to regular scheduled breaks, use an approximate length of time as a guide but be flexible in how this is applied.
- 60. **Use the person's name at the start of a question** rather than at the end. This provides a clear cue that they are being addressed.
- 61. **Short breaks** during cross-examination of 5 minutes or less, where a person with autism is allowed to move around, or engage with a comfort object, can assist with their focus of attention. Allowing a person with autism to take short breaks in the live link room while the jury remain in court (with the camera and sound turned off) can be time saving as it avoids the need to send the jury out and allows the court to continue without a long pause.

GOOD PRACTICE EXAMPLE

A young child with autism was told the number of expected cross examination questions and put a bead in a jar after each question.

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GOOD PRACTICE EXAMPLE

An adult with autism found it helpful to use tally marks to count down the number of questions.

GOOD PRACTICE EXAMPLE

A young adult with autism found it helpful to have the list of topics written on Post-it notes, so that he could track the progression of questions and estimate how much longer he would be required to give evidence.

Assisting with spoken language

- 62. When addressing the person with autism, use simple vocabulary and direct unambiguous everyday phrasing.
 - 63. **Avoid non-literal language. Be clear and precise, using plain English, stating exactly what you mean.** Do not expect the person to infer meaning or understand what you are implying—they may not know what you know or need to know unless you say so explicitly. Always check your question for alternative meanings before using it.
 - 64. **In relation to questioning, consider in advance the linguistic structure of questions that will be asked.**
 - 65. **If an intermediary has been appointed, consider whether they have recommended using some form of visual support**, to ensure the witness, defendant or party fully understands what is being asked. The intermediary will ensure visual aids are tailored to the needs of the individual. Visual support may include the use of timelines or topic cards representing separate events (in the case of multiple events). See [Toolkit 14 - Using communication aids in the criminal justice system](#) for more information.
 - 66. **Plan questions by topic** – introduce each topic clearly and signal when a topic has ended and a new one has begun (e.g., *'I've finished asking questions about....'* *'Now we are going to talk about ...'*)
 - 67. **Follow a logical, chronological order in questioning.**
- GOOD PRACTICE EXAMPLE
- When putting their case the advocate, rather than asking "is that right?", which may be interpreted as 'is that accurate?' or 'is that morally right?', asked "are you sure?" or "is that true?" in order to avoid misinterpretation.

- 68. **Check the person's understanding of information and questions if there are signs they may not have understood.** Simply asking "Do you understand?" is unlikely to yield a reliable answer, as they may respond "yes" even when they do not fully comprehend, or may be reluctant to admit confusion. Instead, use careful follow-up questions based on the content of the explanation, such as "What will happen next?" to identify areas of misunderstanding.
- 69. **Allow extra time for the person to respond**, as some individuals process language more slowly than expected. They must be given uninterrupted time to think. Speaking while they are processing a question can break their chain of thought, and they may need to hear the question again.
- 70. Some individuals benefit from hearing the original question repeated; others may need the question simplified. Although waiting for a response may feel uncomfortable, patience is essential. An intermediary report can advise on the approximate length of time the individual is likely to need.
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GOOD PRACTICE EXAMPLE

An adult with autism needed extra time to process each question; however, she occasionally forgot the question but did not know how to tell the advocate. It was agreed that she would be allowed time to think. Then she would be asked if she was still thinking, if she needed to hear the question again or if she needed it to be re-phrased or simplified.

- 71. **Seek clarification when a person with autism uses complex or evidentially significant words,** particularly if they appear out of context. Individuals with autism may repeat words or phrases they have heard previously without fully understanding their meaning (*echolalia*).
- 72. **Be aware that people with autism often struggle to interpret facial expressions.** Using a more neutral facial expression when asking questions reduces the risk of misinterpretation

To put your case

- 73. The rule in *Browne v Dunn (1893) 6 R 67 (HL)* stipulates that if counsel intend to challenge a witness's account, the challenge should be made directly to them. The **Criminal Procedure Rules 2025** do not create an express exception to this rule. However, the court can limit or adjust the requirement through its case-management powers.
- 74. Under **CrimPR 3.9(7)(b)(i)**, the court may give directions about the issues and the evidence needed to resolve them, and the overriding objective requires questioning to be fair, efficient, and proportionate. In practice, this allows the court to direct that certain points do not need to be put, particularly where they are not genuinely in dispute or where putting them would be unnecessary or inappropriate.
- 75. **Where the case is to be put, it must be presented in a manner that the witness can understand and**

respond to (Cooper & Allely, 2016). As Lord Hughes observed in *Director of Public Prosecutions v Nelson (Antigua and Barbuda) [2015] UKPC 7*, at [23]–[24]: “*The gravamen of it is fairness.*”

- 76. **Methods of putting the case will be dependent on the individual and the circumstances of the trial.** This should be discussed at a ground rules hearing and with advice sought from an intermediary where one is appointed (**CrimPR 3.9(7)**).
- 77. People with autism often have relative strengths in following clear rules and guidance about what is expected. Many (but not all) will be able to refute inaccurate suggestions if they are given clear instructions and **appropriate safeguards** are in place.
- 78. Examples include::
 - Use of **visual rules** reminding them to ‘say if someone gets something wrong’, ideally having been practised during the pre-trial visit on a neutral topic
 - **Strategies to sustain attention**
 - Presenting **one ‘idea’ at a time**
 - **Using short, simply phrased and unambiguous language**
- 79. **Questions that ideally be avoided** because they are more likely to be misunderstood and risk leading to inaccurate answers include those with:
 - **multiple parts** (e.g. ‘*On the night of June 12th were you in the park, and on the following morning did you see John?*’);
 - **negatives and double negatives** (e.g. ‘*Is it not the case that he did not go outside?*’);
 - **questions phrased as statements** (e.g. ‘*So you saw him enter the house?*’). This should be re-phrased as a clear question (e.g. ‘*Did you see him enter the house?*’).

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- **tag questions** (e.g., ‘You wanted this to happen, didn’t you?’). While tag questions have traditionally been used to put a case, alternatives are possible such as: ‘You said John did X. John said he didn’t do X. Did John do X?’ or ‘I am going to tell you some things. I want you to tell me if these are true or not true, or whether you don’t know ...’

Enabling a person with autism to give their account

- 80. **If necessary, seek intermediary guidance about the use of communication aids** that help an individual to explain what happened, for example, visual timelines to support them in accurately sequencing events (see [Toolkit 14 - Using communication aids in the criminal justice system](#)).
- 81. **Offer the individual alternative means to explain** (e.g., the use of drawing).
- 82. **Pay attention to the person’s natural use of gesture**, when this is being used to help them explain something that they may not have the words to do. The intermediary will bring to the attention of the court any gestures used as they are easily missed by Judge and counsel (e.g., if they are looking at or making notes).
- 83. **Where speech clarity is poor, consider asking the intermediary (if instructed) to repeat the person’s words verbatim** to ensure the court hears them accurately and the response is properly recorded. This applies whether the individual is giving evidence in the live link room or in court.

To assist emotional regulation

- 84. Consider a **neutral, trusted supporter** being present during the person’s evidence as a special measure, to help reduce anxiety.

85. Allow an individual to bring a ‘**comfort item**’ if they have one they use regularly. The object may aid concentration and support emotion regulation.

86. **Do not try to stop or suppress repetitive behaviours**, which are a common feature of autism for many people), such as hand-flapping, rocking or using a comfort object. These behaviours often serve as coping or soothing mechanisms for the individual.

GOOD PRACTICE EXAMPLE

An intermediary provided a child witness with autism with photographs of the advocates and judge in advance of the child meeting them. Then, the judge agreed to the witness meeting them one at a time to prevent him from becoming overwhelmed. The advocates then questioned him separately inside the live link room whilst the remaining advocates watched from the courtroom.

GOOD PRACTICE EXAMPLE

A judge, finding that a trial had been moved to another court at the last minute, ordered that, for the day of the witness’s evidence the trial should be relocated to the other court where the young man had done his pre-trial visit and was expecting to give evidence and then returned to the listed court to complete the rest of the trial.

GOOD PRACTICE EXAMPLE

A defendant with autism was provided with a written plan of the stages in the case so that he knew what was coming next – this helped to reduce his anxiety.

GOOD PRACTICE EXAMPLE

A neutral supporter sat alongside the defendant in the witness box and helped him manage the documents and follow instructions on how to find pages in the bundles.

To assist sensory regulation

87. Allow a person with autism to take **sensory breaks** as needed.
88. Allow them to hold a **tactile sensory object** if that enables them to regulate their senses
89. Allow them to use **weighted clothing** if assessment demonstrates that it is necessary

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Further resources

- [*Conducting an investigative interview with an person with autism*](#). University of Bath.
- [*Autism: A Guide for Criminal Justice Professionals*](#). National Autistic Society
- [*How to talk and write about autism*](#). National Autistic Society.

FURTHER WORK FROM THE ADVOCATE'S GATEWAY

Visit <https://www.theadvocatesgateway.org/> for further resources published and shared by The Advocate's Gateway, including our internationally recognised Toolkits, case law updates and guidance on intermediaries.

TOOLKIT 1: Ground Rules Hearings

TOOLKIT 1A: Case Management in Criminal Cases

TOOLKIT 2: General Principles from Research, Policy, and Guidance

TOOLKIT 3: Planning to Question Someone with Autism

TOOLKIT 4: Planning to Question Someone with a Learning Disability

TOOLKIT 5: Planning to Question Someone with 'Hidden Disabilities'

TOOLKIT 6: Planning to Question a Child or Young Person

TOOLKIT 7: Additional Factors Concerning Children under Seven

TOOLKIT 8: Effective Participation of Young Defendants

TOOLKIT 9: Planning to Question Someone using a Remote Link

TOOLKIT 10: Identifying Vulnerability in Witnesses

TOOLKIT 11: Planning to Question Someone who is Deaf

TOOLKIT 12: Planning to Question Someone with a Suspected (or Diagnosed) Mental health Disorder

TOOLKIT 13: Vulnerable Witnesses in the Family Courts

TOOLKIT 13A: Family Court Cribsheet

TOOLKIT 14: Using Communication Aids

TOOLKIT 15: Witnesses and defendants with autism

TOOLKIT 16: Intermediaries: Step by Step

TOOLKIT 17: Vulnerable Witnesses in the Civil Courts

TOOLKIT 18: Working with traumatised witnesses, defendants and parties

TOOLKIT 19: Supporting Participation in Courts and Tribunals

TOOLKIT 20: Court of Protection