



Action Plan Submitted: 30th June 2022

**A Response to the Criminal Justice Joint Inspection:
Neurodiversity in the Criminal Justice System, A Review of
Evidence**

Report Published: 15th July 2021

INTRODUCTION

Neurodivergence is an umbrella term used to describe an inclusive list of difficulties, differences, conditions and disorders including, but not exclusive to, learning disabilities, learning difficulties, Attention Deficit Hyperactivity Disorder (ADHD), Autism and Acquired Brain Injury.

Although neurodivergence is distinctly different from mental health needs, it is important to recognise that there is a high likelihood of co-occurrence between neurodivergence and mental health needs. However, people with neurodivergent traits/conditions can require very different and nuanced support compared to more clinical interventions often associated with mental health needs, which include socio-communicative, sensory and educational intervention.

The former Lord Chancellor Robert Buckland QC commissioned HM Inspectorate of Prisons and Probation, with support from HM Inspectorate of Constabulary and Fire & Rescue Services, to conduct an independent Call for Evidence (CfE) on adult neurodiversity in the criminal justice system, which was published on 15 July 2021.

HM Inspectorate of Prisons (HMIP), HM Inspectorate of Probation for England and Wales and HM Inspectorate of Constabulary and Fire & Rescue Services for England and Wales are independent inspectorates that provide scrutiny of the conditions for, and treatment of, prisoners and offenders. They report their findings for prisons, Young Offender Institutions, and effectiveness of the work of probation, and youth offending services across England and Wales to Ministry of Justice (MoJ) and Her Majesty's Prison and Probation Service (HMPPS). In response to the report HMPPS / MoJ are required to draft a robust and timely action plan to address the recommendations.

This action plan confirms whether those recommendations set out in the CfE are agreed to by all responsible departments and agencies, partly agreed to or not agreed to (see categorisations below). Where a recommendation is agreed to or partly agreed, the action plan provides specific steps and actions to address these. Actions are clear, measurable, achievable and relevant with the owner and timescale of each step clearly identified. Action plans are sent to HMIP and published on GOV.UK website. Progress made against the implementation and delivery of the action plans will also be monitored and reported on.



Term	Definition	Additional comment
Agreed	All of the recommendation is agreed with, can be achieved and is affordable.	The response should clearly explain how the recommendation will be achieved along with timescales. Actions should be as SMART (Specific, Measurable, Achievable, Realistic and Time-bound) as possible. Actions should be specific enough to be tracked for progress.
Partly Agreed	Only part of the recommendation is agreed with, is achievable, affordable and will be implemented. This might be because we cannot implement the whole recommendation due to commissioning, policy, operational or affordability reasons.	The response must state clearly which part of the recommendation will be implemented along with SMART actions and tracked for progress. There must be an explanation of why we cannot fully agree the recommendation - this must state clearly whether this is due to commissioning, policy, operational or affordability reasons.
Not Agreed	The recommendation is not agreed and will not be implemented. This might be because of commissioning, policy, operational or affordability reasons.	The response must clearly state the reasons why we have chosen this option. There must be an explanation of why we cannot agree the recommendation - this must state clearly whether this is due to commissioning, policy, operational or affordability reasons.



ACTION PLAN: Neurodiversity in the Criminal Justice System: A Review of the Evidence

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned	5. Responsible Owner	6. Target Date
1	<p>Main Recommendation:</p> <p>In order to improve outcomes for neurodivergent people within the criminal justice system a coordinated and cross-government approach is required. To give the leadership and direction needed, the Ministry of Justice should work with the Home Office, Department for Health and Social Care and the Department for Education and the Welsh Government to develop an overarching national strategy. This strategy should be developed together</p>	Partly Agreed	<p>We fully agree the first part of this recommendation. The Ministry of Justice (MoJ) has established a Cross Government Working Group (DHSC, HO, Welsh Gov, DfE) of Senior Officials and an Operational Group (MoJ, HMPPS, HMCTS, CPS, HO, NHS, NPCC) of the relevant agencies in recognition of the need for a cross system effort to improve provision for neurodivergent people at all stages of the Criminal Justice System (CJS).</p> <p>To ensure we are able to develop and implement system wide improvements, the Cross Government Working Group and the Operational Group will consider each of the key stages of the CJS including an individual's first contact with Police, Liaison and Diversion services, courts and sentencing, probation supervision, prison and, lastly, resettlement back into the community.</p> <p>We have already made considerable progress on supporting a neurodivergent person throughout their journey through the CJS. At sentencing we now have guidelines for magistrates and judges to take neurodivergence into account. For community sentences, we are trialling neurodiversity specialists as part of our Community Sentence Treatment Requirements. In prisons we have trialled Neurodiversity Support Manager roles in four prisons and are now looking to roll this out further. HMPPS</p>	<p>Deputy Director, Female Offenders and Health Policy, MoJ</p> <p>Counterpart Deputy Directors responsible for Neurodiversity Policy at DHSC, HO, MoJ and their agencies.</p>	<p>Completed January 2022</p> <p>November 2022</p>

	<p>with people with personal experience of neurodivergence.</p>		<p>have developed an Adult Health, Care and Wellbeing Core Capabilities Framework for Prison and Probation Staff, which is inclusive of considering the needs of neurodivergent people. In terms of resettlement back into the community after a stay in prison, we are developing a resettlement passport which will adopt a personalised approach to resettlement including taking into account prisoners with learning difficulties/ disabilities/ differences, autism or ADHD.</p> <p>However, this recommendation is partly agreed because relevant government departments and agencies need to work together to map out current workstreams and then assess if a neurodiversity strategy is the best way forward. The Cross Government Working Group will map out current policies, strategies and workstreams related to neurodiversity that are applicable to the Criminal Justice System. This work will also be supported by the Operational Group which will bring together the operational level agencies from all relevant departments to ensure each stage the CJS is taking neurodivergence into account.</p> <p>An exploration phase will take place over six months from publication and this time will be used to establish whether a neurodiversity strategy specifically for the CJS is needed or whether existing policies and/or strategies in place for neurodivergent people can be expanded to cover any gaps relating to the CJS.</p> <p>Specific actions for the exploratory phase include:</p> <ul style="list-style-type: none"> - HMCTS and MoJ will develop interventions to better support the needs of neurodivergent people coming through court and will provide an update on progress at the six-month review of the action plan. 	<p>Counterpart Deputy Directors responsible for Neurodiversity Policy at DHSC, HO, MoJ and their agencies.</p> <p>Acting Head of User Accessibility and Operational Support</p>	<p>November 2022</p> <p>November 2022</p>
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			<ul style="list-style-type: none"> - HMPPS and MoJ will map out and evaluate current screening processes, data sharing procedures and the trialling of Neurodiversity Support Managers and will provide an update on progress at the six-month review of the action plan. - The National Police Chief's Council (NPCC) will explore examples of what current adjustments are being made for neurodivergent people who come into contact with the police and provide an update by the six-month review of this action plan. - The Department for Health and Social Care will explore the health and care related gaps beyond the current Autism Strategy in relation to neurodiversity in the Criminal Justice System. DHSC will scope related work across the Department and NHS England and provide an update by the six-month review of this action plan. - Departments will work in partnership with the Welsh Government during the exploration phase to identify synergies between government departments and best practice examples. 	<p>Deputy Director, Strategic Development Group in the Strategy, Planning and Performance Directorate and Deputy Director, Reducing Reoffending, HMPPS</p> <p>Assistant Chief Officer with Devon and Cornwall Police and the neurodiversity lead for the National Police Chiefs' Council</p> <p>Deputy Director, Neurodiversity, disability and Learning Disability, DHSC</p> <p>Counterpart Deputy Directors responsible for Neurodiversity Policy at DHSC, HO, MoJ and their agencies.</p> <p>Deputy Director, Female Offenders and Offender Health Policy, MoJ</p>	<p>November 2022</p> <p>November 2022</p> <p>November 2022</p> <p>(Complete) November 2021</p>
			<p>MoJ officials have worked in partnership with Revolving Doors to launch a lived experience forum in October 2021 to ensure individuals' lived experience is embedding within policy and operational decision making. We are committed to using forum members' lived experience to inform the ongoing development</p>		

			and implementation of the action plan before the six and twelve-month review points.		
2	A common screening tool for universal use within the criminal justice system should be introduced, supported by an information sharing protocol specifying how information should be appropriately shared within and between agencies, to make sure that necessary adjustments and extra support are provided for individuals as they progress through the criminal justice system.	Partly Agreed	<p>We fully agree to reviewing our current screening tool use across the CJS. The MoJ led Cross Government Working Group will consider the need and feasibility of rolling out a common screening tool, what is appropriate for each individual CJS setting, including practicality, use, affordability and value for money. This includes consideration of current screening practices by partner agencies, information security, the purposes of information sharing and GDPR compliance, other legal duties on data sharing, Welsh Government devolved policy responsibilities, as well as establishing whether the current IT and information systems used across the CJS are compatible and can share this type of information.</p> <p>HMPPS is currently mapping out and considering several different screening approaches to indicate likelihood of neurodivergent traits, which will be updated at the six-month review of the action plan. So far, this mapping out exercise has identified key activities to be carried out in partnership with other organisations (including NHS England/ Improvement and the Third Sector where relevant) that will support the implementation of appropriate screening tool use across the estate.</p> <p>However, this recommendation is partly agreed as, using a common screening tool across the Criminal Justice System (CJS) may not be the most appropriate in all settings. Further scoping will be undertaken to determine the level of through line and separation of screening tools that are fit for purpose</p>	<p>Counterpart Deputy Directors responsible for Neurodiversity Policy at MoJ, DHSC, NPCC, DfE and their agencies.</p> <p>Deputy Director, Strategic Development Group in the Strategy, Planning and Performance Directorate</p>	<p>November 2022</p> <p>November 2022</p>

			across a plethora of settings (e.g., police custody suite versus prison induction).		
3	Screening data should be systematically collected and aggregated to provide a more accurate assessment of the prevalence of neurodivergence to inform needs analysis and service planning at all levels of the criminal justice system.	Partly Agreed	<p>We agree with the principle of this recommendation. However, it is partly agreed as it is dependent on the outcome from action two.</p> <p>The Cross Government Working Group and relevant sub-groups will determine to what extent this information is recorded on relevant IT systems, what is the purpose for the collation of data and what can it bring in terms of benefits. We must also identify how to extract current data to provide a more accurate assessment of the prevalence of neurodivergence. As part of the Operational Group all the agencies will work with digital teams to understand whether data can be shared across the inter-departmental IT systems.</p> <p>Considerable progress has already been made on improving the sharing of information regarding neurodivergence. As part of the accelerator prisons project, HMPPS logs neurodivergence within the prisoner's primary record on its management system in four pilot sites. This neurodivergence information, along with other education, skills and work data is presented in one system for the first time - giving clear and easy access to a whole picture of the prisoner, so that appropriate support mechanisms can be put into place.</p> <p>In the Prisons Strategy White Paper, we reiterated the government's commitment to help individuals turn their backs on crime by developing a resettlement passport. The passport will bring together the key information and services to support prison leavers to</p>	<p>Counterpart Deputy Directors responsible for Neurodiversity Policy at MoJ, DSHC, NPCC, CoP, and Welsh Government</p> <p>Deputy Director, Reducing Reoffending, HMPPS</p> <p>Deputy Director, Reducing Reoffending, HMPPS</p>	<p>November 2022</p> <p>November 2022</p> <p>November 2022</p>

			<p>address their drivers of repeat offending and ensure a smooth transition into the community. We will take a personalised approach to guiding the development of the passport to ensure it adapts to challenges faced by certain groups, such as those prisoners with learning difficulties/disabilities/differences, autism or ADHD. This will move away from a one-size-fits-all approach and towards a more personalised and integrated approach based on the individual needs of the offender.</p> <p>HMPPS will continue to feed into the Operational Group and Cross Government Working Group discussions and will provide an update in the revised action plan after six-months.</p> <p>As mentioned above, to improve the join up of data sharing across the lifespan of a neurodivergent persons journey through the CJS, the operational group will explore at each stage of the CJS, starting with the Police, right through to resettlement back into the community. This information will then be used to update the action plan at the six-month phase.</p>	<p>Deputy Director, Reducing Reoffending, HMPPS</p> <p>Counterpart Deputy Directors responsible for Neurodiversity Policy at MoJ, DSHC, NPCC, CoP, and Welsh Government</p>	<p>November 2022</p> <p>November 2022</p>
4	<p>A programme of awareness-raising and specialist training should be developed and delivered to staff working within criminal justice services. For frontline staff this learning should be broad-based, mandatory, raise awareness of</p>	<p>Partly Agreed</p>	<p>We fully agree to raising awareness, improving training and encouraging all departments and health, justice and policing agencies to raise awareness amongst their own staff.</p> <p>However, this recommendation is partly agreed, because although all government departments, agencies and the Welsh Government are committed to raising awareness of neurodiversity in the Criminal Justice System, more mapping is required and will be carried out through the Cross Government Working Group. All departments are to identify what neurodiversity training, if any, they currently promote, what, if any plans they have to deliver training, and</p>	<p>Counterpart Deputy Directors responsible for Neurodiversity Policy at MoJ, DSHC, NPCC, CoP, and Welsh Government</p>	<p>November 2022</p>

<p>neurodivergent conditions and how they impact on communication and be supported by practical strategies for working with neurodivergent people. More specialised training should be provided for staff whose roles require it. The programme should be developed and delivered in consultation with people who have personal experience of neurodivergence.</p>		<p>establish what opportunities exist to deliver current training packages deploying an inter-departmental approach where appropriate.</p> <p>The MoJ and HMPPS have already started a programme of awareness raising. For example, through the joint HMPPS and NHS England 'What Good Looks Like' Conference held on 1st October 2021. The MoJ will work with HMPPS and NHS England to continue to run subsequent events around this topic. MoJ have already begun running a series of training sessions with policy teams, to ensure consideration of neurodivergent conditions is fully embedded into policy development.</p> <p>In January 2022 Skills for Justice was commissioned by HMPPS to develop an Adult Health, Care and Wellbeing Core Capabilities Framework for Prison and Probation Staff. The framework will comprise core capabilities which describe the knowledge, skills and behaviours required for those who work with vulnerable individuals in custody or detention environments. The framework adopts a person-centred approach to care, which recognises, values and builds upon this individuality, whether that be neurodivergent or neurotypical. The framework is in the process of being developed with a scheduled end date of October 2022.</p> <p>The MoJ has also committed to a 'National Neurodiversity Training Toolkit' to be rolled out by the end of 2022 to ensure that we comply with the Public Sector Equality Duty. Some base level neurodiversity training has already been implemented as standard for staff within prison and probation. MoJ will encourage other government departments and statutory agencies to increase specialist training for individuals, for example those working in health and</p>	<p>Head of Rehabilitation Services Group, HMPPS</p> <p>Deputy Director, Female Offenders and Health Policy, MoJ</p>	<p>October 2022</p> <p>By end of 2022</p>
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			education. More in-depth training will be subject to need, suitable resources, and individual agencies to implement.		
5	Adjustments to meet the needs of those with neurodivergent conditions should be made throughout the criminal justice system. Relevant departments and bodies should work together to anticipate needs and make adjustments in anticipation of needs. Simple and largely low-cost changes to create neurodiversity-friendly environments, communications and staff culture are likely to benefit those coming into contact with the criminal justice system, regardless of neurodivergent conditions, and should be made as soon as possible	Partly Agreed	<p>We are fully committed to meeting the needs of neurodivergent people and we aim to ensure the adoption of reasonable and behavioural adjustments through training and awareness raising. However, this recommendation is partly agreed because we are limited in some cases by the physical environments within criminal justice settings.</p> <p>MoJ and its agencies have, and will continue to, develop support for neurodivergent people. With regards to prisons, all prisoners receive a comprehensive health screening within their first week to identify health needs (including a tailored approach to drug treatment). We already have specialist wings, including HMP Parc and HMP Wakefield, which are designed to cater for the needs of neurodivergent individuals. The future prison build programme will be informed by available evidence on design principles. Prisons can also work with the National Autistic Society to achieve Autism Accreditation, which includes providing sensory rooms or separate wings for autistic prisoners and the MoJ are committed to promoting autism accreditation across the estate. Welsh prisons may seek accreditation through the ASD (Autism Spectrum Disorder) Aware scheme, promoted through the National Autism Team.</p> <p>As set out in the Prison Strategy White Paper we committed to introduce Neurodiversity Support Managers into prisons; so far we have done this in four prisons. They have put in place improved processes to identify and support prisoners with neurodivergent needs and have shown that much more can be done in this space. For example, tailored provision in prison receptions to help those who are</p>	<p>Counterpart Deputy Directors responsible for Neurodiversity Policy at MoJ, DSHC, NPCC and Welsh Government</p> <p>Deputy Director, Reducing Reoffending, HMPPS</p>	<p>November 2022</p> <p>November 2022</p>

			<p>neurodivergent to engage in services at the start of their sentence; introduced neurodiversity awareness raising sessions to upskill staff; and wing champions have been introduced to improve access to education, skills and work and other services. We intend to expand this role further across the prison estate and will provide an update on progress at the six-month review stage.</p> <p>In October 2021, the Community Sentence Treatment Requirements (CSTR's) Programme introduced a Neurodiversity Specialist who can offer clinical expertise of neurodivergent populations for one year funded by the MoJ. A delivery plan is guiding this work which will result in a framework of recommendations, to be implemented during 2022/23 providing consistency of approach across England and Wales. An update of the delivery plan will be provided at the six-month point of this action plan.</p> <p>While independent of Government, it should be noted that the Sentencing Council published a new definitive <u>guideline</u> in 2020 for sentencing offenders with mental disorders, developmental disorders and neurological impairments. For the first time, this has provided judges and magistrates with guidelines to assist them in sentencing in this complex area, providing clarity and transparency around the sentencing process for this group of offenders.</p>	Deputy Director, Female Offenders and Health Policy, MoJ	November 2022
6	Criminal justice system agencies should work together and with other statutory and third sector organisations in a coordinated way, to understand and meet the needs of neurodivergent	Agreed	<p>We fully agree to this recommendation. A Cross Government Working Group of senior officials has been established, which will meet quarterly and an Operational Group has been established, which will initially meet monthly during the six-month scoping phase.</p> <p>As mentioned in action four, HMPPS and NHS England jointly hosted a conference entitled 'What</p>	<p>Counterpart Deputy Directors responsible for Neurodiversity Policy at MoJ, DHSC, NPCC and Welsh Government</p> <p>Deputy Director, Diversity and Inclusion Team, HMPPS</p>	<p>November 2022</p> <p>Completed October 2021</p>

individuals in the community, prevent offending and support rehabilitation.		<p>Good Looks Like, Supporting Neurodiversity in Prisons' on 1st October 2021.</p> <p>MoJ has, and will continue to, work with third sector agencies such as CLINKS and Revolving Doors Agency to engage practitioners and people with lived experience in the process of developing this action plan and the related workstreams.</p>	Deputy Director, Female Offenders and Health Policy, MoJ	Completed November 2021
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Recommendations	
Agreed	1
Partly Agreed	5
Not Agreed	0
Total	6

