



Exploring the links between neurodiversity and the revolving door of crisis and crime

Policy briefing

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- 🕒 This paper outlines Revolving Doors' position on how neurodivergence affects people who are in repeat contact with the criminal justice system for low-level offences, and how neurodivergence is a form of multiple disadvantage. It also outlines our recommendations for policymakers to address adverse outcomes experienced by people in contact with the criminal justice system with neurodiverse conditions and multiple disadvantage.
- 🕒 This paper has been developed with Revolving Doors' Neurodiversity Forum, which consists of 6 people who identify as neurodivergent and have recent, repeated contact with the criminal justice system driven by multiple disadvantage. It has also been informed by wider evidence sourced from the Ministry of Justice, the Criminal Justice Joint Inspection's review of evidence into neurodiversity in the criminal justice system, academics, and other sources.
- 🕒 Revolving Doors' neurodiversity forum have been working with the Ministry of Justice since October 2021 to develop their response to neurodiversity in the criminal justice system.



What is neurodiversity?

'Neurodiversity' refers to differences in the way that people's brains work and interpret information. Whilst 'neurotypical' people's brain's function and interpret information in a way that society expect it to, neurodivergent people learn and process information in a different way.ⁱ In the Criminal Justice Joint Inspection's report 'Neurodiversity in the Criminal Justice System: A review of evidence'ⁱⁱ neurodivergent conditions are outlined as including (but not limited to):

- Learning difficulties including learning disabilities, dyslexia, dyscalculia, and developmental coordination disorder
- Attention deficit hyperactivity disorder (ADHD), also known as attention deficit disorder (ADD)
- Autism spectrum
- Developmental language disorder including speech and language difficulties
- Tic disorders including Tourette's syndrome and chronic tic disorder
- Cognitive impairments due to acquired brain injury (ABI)

What is 'the revolving door'?

The 'revolving door' refers to repeat contact with the criminal justice system due to behaviours that are largely driven by unmet health and social needs. People who are 'in the revolving door' typically engage in repeat, low-level offences such as theft, drug possession and criminal damage – with the key driver of these offences being multiple disadvantage.

What is multiple disadvantage?

People caught in the revolving door of crisis and crime often experience multiple disadvantage. This can include poverty, homelessness, contact with the criminal justice system, mental ill health, trauma, domestic abuse and problematic substance use. The key to reducing reoffending for people caught in the revolving door is not simply imposing a punitive sanction, but rather addressing the root cause of the offence. For example, someone stealing to be able to afford drugs is less likely to reoffend in they receive drug treatment through a community sentence instead of spending a short time in prison.ⁱⁱⁱ

Neurodiversity is not currently considered to be a core tenet of multiple disadvantage, but it's interaction with criminal justice, mental health, and problematic substance use – amongst other things – means serious consideration should be given to expanding the definition of multiple disadvantage to include neurodiversity.

Why is neurodiversity relevant to criminal justice?

Evidence outlined in the Criminal Justice Joint Inspection review of evidence on neurodiversity in the criminal justice system^{iv} towards neurodiversity being far more prevalent amongst



people who are in contact with the criminal justice system. There is a consensus that approximately one third of people in prison self-identify as having a learning difficulty or disability. Other studies show that the prevalence of dyslexia in the prison estate could be over 50%. Speech and language therapists estimate that 80% of the prison population have some kind of speech, language or communication need.^v

Concerningly, as well as neurodiversity being prevalent amongst people in contact with the criminal justice system, evidence indicates that at all points of the criminal justice system, people are disadvantaged *because* of their neurodivergence.

Examples of disadvantages include:

- The police misrecognising neurodiverse conditions, and behaviours relating to these conditions, leading to the unnecessary escalation of force
- Difficulties dealing with the police custody environment – leading to people not being in the right headspace to make informed decisions
- Neurodiverse conditions not being considered as part of mitigating circumstances
- Lack of understanding of the courts process as a result of neurodivergence, limiting engagement with a case and the ability to make informed decisions
- Lack of understanding of license conditions due to neurodivergence, potentially leading to breach^{vi}

Though this policy briefing focuses specifically on neurodiversity amongst people in the *revolving door* group, there may be learning for other groups who are in contact with the criminal justice system.

How does neurodiversity impact on people in the revolving door of crisis and crime?

The key themes relating to neurodiversity and the revolving door that form the basis for this position paper came from collaborative discussions with our lived experience forum, who have experience of the criminal justice system as well as neurodivergent conditions including autism, ADHD, dyslexia, speech and language difficulties, and ABI. The key themes were:

1. Neurodiversity is misunderstood and misinterpreted
2. Neurodiversity intersecting with problematic substance use
3. Navigating the criminal justice system when neurodivergent
4. Neurodivergent conditions exacerbating trauma

Following a breakdown of these themes, we explore where further research is needed to explore these issues.

The recommendations that have arisen from this paper are below. These recommendations were developed through consultation with our neurodiversity forum, who have lived experience of both neurodiversity and the criminal justice system. Our neurodiversity forum



have been working with the Ministry of Justice since October 2021 to inform their action plan response to the Criminal Justice Joint Inspection review of evidence on neurodiversity in the criminal justice system. As such, many of the recommendations coincide with commitments that were made in the Ministry of Justice's Neurodiversity Action Plan^{vii}. In the appendix of this document, we have included a table linking our recommendations to commitments made in the action plan. We will continue to work with the Ministry of Justice to ensure that these commitments are delivered in a timely and effective way.

Recommendations

- 🕒 Training must be improved to support frontline workers to respond most effectively to neurodiverse people's needs
- 🕒 Sentencers must receive neurodiversity awareness training and ensure that sentencing decisions take neurodivergence into account
- 🕒 Timely, thorough pre-sentence reports should be mandatory for all people who are on the cusp of either a custodial or community sentence
- 🕒 Probation practitioners should be supported to ask appropriate and sensitive questions about neurodiverse conditions, and should endeavour to work with people with lived experience to do so
- 🕒 For services to be trauma-informed, they must also be neurodiversity-informed
- 🕒 Treatment and services relating to drugs and alcohol and mental health must be neurodiversity-informed and not work in siloes or consider neurodiversity to be a 'separate issue', i.e. services must be co-commissioned and co-delivered
- 🕒 Services should work with people with lived experience to develop strategies for addressing any inequalities
- 🕒 Neurodiversity should be considered as core to multiple disadvantage, rather than as a peripheral issue
- 🕒 More data across the system needs to be collected and analysed on the co-occurrence of neurodiversity and other forms of multiple disadvantage such as problematic substance use and poor mental health



1. Neurodiversity is misunderstood and misinterpreted

For people in the revolving door, a lack of identification of their neurodivergence and understanding on how to adapt services appropriately to address potential inequalities can lead to their behaviours being misunderstood and misinterpreted by criminal justice agencies and wider services.

“ For me, it was more being misunderstood, being dealt with by unaware officers, solicitors, judges, magistrates, probation staff, prison officers in reception... it really was the unawareness of it all. The way I come across can be seen as rather intimidating but the intention behind it is not.

Our lived experience members reflected that it is often upon first contact with the criminal justice system, through the police, that their neurodivergence can be interpreted as aggression, indifference, or intoxication. This is reflected in the Criminal Justice Joint Inspection review of neurodiversity in the criminal justice system, that found ‘at arrest, the behaviour of neurodivergent people may not be recognised as a manifestation of their condition, or may be misinterpreted, which could make them more likely to be arrested, and diversion away from custody and the criminal justice system (CJS) may not be considered.’^{viii}

“ The amount of time I’ve been accused of being an alcoholic, being addicted to drugs and I’m not – this is my neurodiversity.

“ When I was committing acquisitive crimes, usually by the time the police was called I’d be ready to get in a fight. A simple theft would become a crime against the person – all because of the way I behaved, because of neurodiversity and trauma.

This lack of understanding and misinterpretation continues throughout the courts process, where neurodiverse people can be unfairly disadvantaged due to their behaviour being perceived a certain way. The neurodiversity in the criminal justice review found that ‘at court, neurodivergent people may be more likely to be held on remand before trial. At trial they may plead guilty inappropriately (based on their neurodivergent thinking or compliant behaviour, for example), and their neurodivergence may not be considered in sentencing decisions.’^{ix}

“ My behaviours have been misunderstood. My last stint, my barrister told me that the jury thought I was guilty because I didn’t come across “properly”, and because I didn’t show emotions they thought I was guilty. When actually, it’s just my Aspergers, and I don’t have conventional responses to things.

“ They don’t understand the anxiety of going to courts, they don’t realise how difficult it is. I had to walk out because of how overwhelming it was, and they thought I was being disrespectful to the judge.



People in the revolving door of crisis and crime often struggle with engaging with the courts process, and our lived experience forums have documented that they often do not receive the right level of access to pre-sentence reports (PSRs) which are vital to outlining the mitigating circumstances surrounding their offence. This is particularly important for people with children and/or caring responsibilities who are on the cusp of a custodial or community decision. A PSR could enable the judge to understand how someone's neurodivergence may have impacted on their behaviour at the time of the offence or indeed in court, but they remain woefully underused.

“ I wasn't behaving the way I was expected but that's just the way I was coping. The courts experience was so daunting, there was so much for me to take on, it was sensory overload. If I had more support and had known what I know now, it would have helped me massively [...] I didn't have any PSR.

“ When I was going through the courts, they didn't know what it was. They would ask if you had mental health issues, but not write it down. Even autism awareness is recent. It didn't matter if you were neurodiverse, you go to the same places, get sentenced the same.

2. Neurodiversity intersecting with problematic substance use

People in the revolving door of crisis and crime often use drugs and/or alcohol to cope with long-standing trauma, as well as poverty, homelessness, and poor mental health. This is particularly the case where there are delays in accessing support services or these services are inaccessible, leading to people self-medicate by using drugs and alcohol. As recognised by Dame Carol Black's review of drugs, there is already a long-standing issue of people with co-occurring mental health and problematic substance use needs not meeting thresholds for siloed services, leading to them not being able to access support from both services, and these barriers to accessing support can be further compounded by neurodivergence.

“ Offer me help with my trauma and perhaps with my addiction alongside, and then we can talk. What I'm really addicted to is masking my pain.

Furthermore, neurodivergent people may use alcohol and drugs to 'mask' their behaviour when amongst neurotypical people. The National Autistic Society note that 'social situations and sensory differences can make autistic people feel stressed and anxious. Some autistic people might also use, or even become reliant on, alcohol or drugs to mask their autistic characteristics, to "fit in".'^x Reflections from our lived experience forum were in keeping with this sentiment.

“ If I was off my face on something, I could blame the drugs and alcohol on my 'weird' behaviours, and it helped me be socially more confident.

“ Drugs are not the pathway into crime, trauma and neurodiversity are the pathway into drugs and therefore the pathway to crime.



With problematic drug and alcohol use already being a key contributing factor to the revolving door of crisis and crime, it is clear to see how using drugs and alcohol to mask neurodivergence and cope with a neurotypical world may render it more likely for someone who is neurodivergent to find themselves in contact with the criminal justice system.

3. Navigating the criminal justice system when neurodivergent

As outlined earlier, neurodivergent people can struggle to navigate the criminal justice system both upon arrest and throughout the courts process. This continues into the prison system, with the neurodiversity in the criminal justice system evidence review stating ‘there are many elements of the prison environment that can cause neurodivergent people distress, including busy and noisy wings, cell sharing and changes to the daily routine. Responses to the environment can lead to neurodivergent people exhibiting challenging behaviour that could result in them being disciplined or sanctioned’.^{xi} Our lived experience forum members spoke of the difficulties they experienced in prison in account of being neurodivergent.

“ As soon as you enter prison, you’re swimming against the current because you’re neurodivergent. The lack of understanding between the churn in the criminal justice system and those who work there, it really does have an impact on your progression through prison.

This issue is particularly pertinent as the revolving door group already struggle in prison due to typically serving short sentences, during which time they cannot familiarise themselves with the regime, are unable to access support and treatment, but still have their lives turned upside down by the sentence.

“ Not understanding all the acronyms, lots of new processes – when you add neurodiversity on top of that, it’s very overwhelming. Your experience often comes down to luck, finding the right person to help you.

“ In prison, you’re struggling with the light, with the noise, with not being alone and being in a cell. For someone who comes in prison the first time, you’re your own priority. But for the officer in front of you, you’re one amongst 50 others.

Prison officers possess varying levels of knowledge regarding neurodiversity, and we welcome the commitment outlined in the neurodiversity action plan to ‘raising awareness, improving training and encouraging all departments and health, justice and policing agencies to raise awareness amongst their own staff’^{xii}, and particularly welcome the creation of the ‘neurodiversity support manager role’ within prisons. Our lived experience forum were clear that there is a current lack of awareness and training on neurodiversity amongst prison officers, and where there was a level of awareness, there was a lack of follow-up support.

“ I did have a few prisons officers ask me if I was ADHD. I had never been diagnosed with it back then so at first, I didn’t care. But after a few people raised that, I asked what do



they do about that. All of them just answered ‘nothing’. They recognise what it is, yet their solution to deal with it is punishment.



I also got asked by prison officers if I had ADHD. Sometimes you’ll find some officers have children with ADHD, hence their knowledge. However, they have no training in neurodiverse conditions so they’re twisting up the people they don’t understand.

Evidence demonstrates that needs of people in the revolving doors group are better met in the community, and sending them to prison on short sentences simply fuels the revolving door and hinders people from getting their lives back on track in the community.

For neurodivergent people in the revolving door, this is even more pronounced, as the prison environment can be even more distressing for them, and their needs and behaviour can be punished rather than constructively addressed due to a lack of understanding of neurodivergence. This can be dangerous for people who are neurodivergent – as one lived experience member told us, he was given antipsychotic medication for his autism, and was threatened with punishment if he didn’t take it, despite informing officers and healthcare that he did not need antipsychotic medication and just needed reasonable adjustments. For both neurodivergent and in fact neurotypical people in prison, what is needed is a person-centred approach, that focuses on rehabilitation and channelling strengths, rather than punishment.



You are expected to fit the system. But it can’t work like that, you need to see the individual.

4. Neurodiversity exacerbating trauma

Revolving Doors are not experts on neurodiversity and as such, cannot take a position as to whether there is a definitive link between trauma and neurodiversity, in the sense of trauma manifesting as neurodivergence, or neurodivergence increasing the likelihood of experiencing trauma. More research is needed to explore this topic, however, the expertise from our lived experience members suggests that there are cases where neurodiversity and trauma do correlate.



Trauma is a neurodiversity of its own, it can be misdiagnosed as other things. You are expected to respond in a certain way, when you don’t you are thought of as a liar.

What we can say is that a trauma-informed approach taken by statutory agencies and services can only be beneficial for everyone, including people who are neurodivergent. Trauma-informed approaches – shifting the onus from the individuals’ behaviour and issues and instead onto what has *happened* to them by providing a healing and person-centred environment can be tailored to also respond well to people’s neurodivergent conditions.



A neurodiversity aware approach links in with trauma-informed approach.



Trauma is a form of multiple disadvantage that many people in the revolving door of crisis and crime have experienced. It is often this trauma that can lead to problematic substance use, mental ill health, homelessness – and cycling in and out of the criminal justice system. For this reason, to respond effectively to people in the revolving door who are neurodivergent, the issue of trauma must be considered. Our position is that a service cannot be trauma-informed unless it is neurodiversity-informed.

Further research and exploration that is needed

Neurodivergence, education and the school to prison pipeline

Evidence shows that people with neurodiverse conditions are overrepresented in both school exclusion figures and within the criminal justice system.^{xiii} We also know that 91% of people who have committed repeat offences have been excluded from school for a fixed period.^{xiv} Considering this, it may be the case that being neurodiverse and struggling in a school setting, combined with issues such as poverty, abuse, and dysfunctional family settings, may make it more likely for someone to be excluded from school and enter the revolving door of crisis and crime. This is something that we want to explore further with our lived experience members to address this evidence gap, and we will look to partner with organisations who work with young adults or work on school exclusions.

Our next steps

We are keen to progress these recommendations and will be exploring their implementation further with our lived experience members and with policy makers across Government departments. Our neurodiversity lived experience forum have been regularly meeting with the Ministry of Justice and were consulted in the development of the Neurodiversity Action Plan^{xv}, and will be attending further meetings to inform the next iteration of the plan, which will outline more detailed steps to meeting commitments made.

To continue to develop our thinking and ensure that neurodivergent people who are in the revolving door are considered in policy and practice, we would like to partner with organisations that specialise neurodiversity and criminal justice, as well as organisations that exclusively work with young adults and organisations that focus on school exclusions.

This policy position does not represent finality in our thinking, rather, it is a first step in beginning to embed neurodiversity into our understanding of and response to the revolving door of crisis and crime.



Appendix

Revolving Doors' recommendations	Commitments from the Ministry of Justice Neurodiversity Action Plan
Training must be improved to support frontline workers to respond most effectively to neurodiverse people's needs	<ul style="list-style-type: none"> • Agree to raising awareness, improving training and encouraging all departments and health, justice and policing agencies to raise awareness amongst their own staff. • All departments are to identify what neurodiversity training, if any, they currently promote, what, if any plans they have to deliver training, and establish what opportunities exist to deliver current training packages deploying an inter-departmental approach where appropriate. • The MoJ and HMPPS have 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. • The MoJ has also committed to a 'National Neurodiversity Training Toolkit' to be rolled out by the end of 2022 to ensure that they comply with the Public Sector Equality Duty. • 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.
Sentencers must receive neurodiversity awareness training and ensure that sentencing decisions take neurodivergence into account	<ul style="list-style-type: none"> • At sentencing, MoJ now have guidelines for magistrates and judges to take neurodivergence into account. For community sentences, MoJ are trialling neurodiversity specialists as part of Community Sentence Treatment Requirements. • The Sentencing Council published a new definitive guideline in 2020 for sentencing people with mental disorders, developmental disorders and neurological impairments. 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.
Timely, thorough pre-sentence reports should be mandatory for all people	Same as above.



<p>who are on the cusp of either a custodial or community sentence</p>	
<p>Probation practitioners should be supported to ask appropriate and sensitive questions about neurodiverse conditions, and should endeavour to work with people with lived experience to do so</p>	<ul style="list-style-type: none"> • MoJ fully agree to raising awareness, improving training and encouraging all departments and health, justice and policing agencies to raise awareness amongst their own staff. • HMPPS have developed an Adult Health, Care and Wellbeing Core Capabilities Framework for Prison and Probation Staff, which is inclusive of the needs of neurodivergent people. In terms of resettlement back into the community after a stay in prison, MoJ 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. • 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>For services to be trauma-informed, they must also be neurodiversity-informed.</p>	<p>No explicit mention of trauma-informed practice.</p>
<p>Treatment and services relating to drugs and alcohol and mental health must be neurodiversity-informed and not work in siloes or consider neurodiversity to be a 'separate issue', i.e. services must be co-commissioned and co-delivered</p>	<ul style="list-style-type: none"> • For community sentences, MoJ are trialling neurodiversity specialists as part of our Community Sentence Treatment Requirements. • 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). • 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>Services should work with people with lived experience to develop strategies for addressing any inequalities</p>	<ul style="list-style-type: none"> • 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. MoJ 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.</p> <ul style="list-style-type: none">• MoJ has, and will continue to, work with third sector agencies such as Clinks and Revolving Doors to engage practitioners and people with lived experience in the process of developing this action plan and the related workstreams.
Neurodiversity should be considered as core to multiple disadvantage, rather than as a peripheral issue.	No explicit mention of multiple disadvantage
More data across the system needs to be collected and analysed on the co-occurrence of neurodiversity and other forms of multiple disadvantage such as problematic substance use and poor mental health	<ul style="list-style-type: none">• 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.• 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.

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^{vi} Ibid.

^{vii} Ibid.

^{viii} Ibid.

^{ix} Ibid.

^x National Autistic Society (2022) Addiction, available online at <https://www.autism.org.uk/advice-and-guidance/topics/mental-health/addiction>, accessed 8th August 2022.

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