

Independent Monitoring Boards and Lay Observers – Written Evidence (AAC0120)

About Independent Monitoring Boards (IMBs) and Lay Observers (LOs)

IMBs monitor the treatment and conditions of people detained in prisons across England and Wales, immigration detention facilities across the UK and charter flight removals. LOs carry out similar monitoring in court custody and during transfers. Both are statutory bodies within the UK's National Preventive Mechanism set up under the UN's Optional Protocol to the Convention against Torture (OPCAT). Members are unpaid public appointees, with 132 IMBs making over 35,500 visits in 2024, and LOs conducting over 900 court custody inspections during their most recent reporting year.

Scope and methodology

This submission draws on IMB and LO reports containing references to autism or neurodiversity. While some reports specifically addressed autism, others referred more broadly to neurodivergence. Both categories of findings are included where relevant to the inquiry's remit.

IMB prison findings

1. IMBs observed that at many prisons, a significant proportion of the prisoner population were neurodiverse. At some prisons, such as HMP Coldingley and HMP Erlestoke, over 50% of the total population had neurodiverse needs. Many arrived at prison with a diagnosis, either from another establishment or from the community, and Boards found that some prisons have introduced new screening processes which aided the identification of neurodiverse people on arrival. However, at some establishments, such as HMP Send, information on the needs of new arrivals was not always communicated from the sending prison. IMBs found that for those without a diagnosis there were often long waiting lists for prisoners to access neurodiversity or autism assessments.

2. At HMP Oakwood the IMB conducted a survey of neurodiverse prisoners. Of the total respondents (20 prisoners), 45% self-identified as autistic. 90% of respondents reported that they either did not have a support plan, or did not know if they did, and 60% said they had not had any neurodiverse-specific support while in prison. The qualitative data acquired from the survey illustrates the difficulties autistic and neurodiverse prisoners face. Respondents stated that they struggled with the physical environment of the prison, including loud noises on wings and being amongst large groups of people. They also reported finding the prison regime challenging as they struggled with forgetfulness and confusion and found workshops loud and overwhelming.

3. In 2024 neurodiversity support managers were appointed at prisons across the country. Many IMBs reported on the positive impact of a dedicated staff resource to support neurodiverse and autistic prisoners on a one-to-one basis,

as well as leading on staff training and neurodiverse inclusivity within prisons. At many prisons, the introduction of neurodiversity support managers led to an increased awareness of the specific needs of prisoners. At Erlestoke, the neurodiversity support manager produced one-page information sheets for staff on how to engage on a one-to-one basis with prisoners, emphasising the individuality of anyone autistic or neurodiverse. Similarly, at Bullingdon the neurodiversity support manager had a positive impact by producing a useful guide to help staff understand and support neurodiverse individuals. An autism experience bus attended HMP Haverigg in May 2024. Additional examples of positive practice include the neurodiversity support manager at Erlestoke briefing the national tactical response group¹ before they intervened in a serious incident to assist with de-escalation when a prisoner climbed at height.

4. As well as supporting staff with guidance and training, neurodiversity support managers also provided additional and tailored support to the prison population. At Springhill, a neurodiversity hub was created with drop-in sessions delivered as part of an action plan on increasing neurodiversity support at the prison. At Lincoln, awareness posters were displayed on the wings and noticeboards were provided throughout the prison, as well as dedicated workshops for prisoners. Many IMBs have observed an increase in the introduction of neurodiverse-friendly practices. At both Spring Hill and Thorn Cross, gym sessions for neurodiverse prisoners have been introduced in the regime which are quieter and designed to make them feel more comfortable. At Buckley Hall and Hindley, separate visits and family days have been instated for those with an autistic or neurodiverse family member, which are designed to be calmer and quieter experiences. HMP Haverigg has three retired racehorses which are used for training courses and so the prison's neurodiverse population can provide equine care, which has had a reported positive impact.

5. Some IMBs found that prisoners have also been recruited to either raise awareness of the needs of neurodiverse and autistic individuals, or to directly provide support to these cohorts. At Coldingley, there are neurodiverse prisoner champions on each wing, as well as neurodiverse orderlies (paid prisoner roles) who are present during the induction process. Similarly, at Channings Wood five prisoner orderlies support induction, provide support on the wing and help create a more neuro-inclusive environment, including signposting prisoners to relevant services on release.

6. At many prisons, autistic or neurodiverse prisoners are segregated in care and separation units (CSUs) due to the lack of alternative provision. IMBs across the prison estate have raised concerns about CSUs, previously known as segregation units, being inappropriate environments for prisoners with complex needs and have observed cases where, despite the compassionate approach of staff, the mental health of these prisoners has deteriorated. However, some prisons, such as Lancaster Farms, have created specific 'complex care units' (CCUs) for

¹ The national tactical response group (NTRG) are a central resource within HM Prison and Probation service which is deployed to resolve particularly challenging serious incidents. NTRG staff receive advanced training, have access to specialist equipment and can deploy more advanced tactics.

neurodiverse prisoners. The Lancaster Farms unit can accommodate 18 prisoners and the IMB reported positively on its impact, with the inclusion of a new garden and sensory room. However, given that over the half the population at Lancaster Farms identified as experiencing mental health issues or having neurodiverse needs, this still leaves over 250 prisoners on the normal residential wings who are without this extra support.

7. Similarly, HMP Wakefield (which has autism accreditation from the National Autistic Society) contains the Mulberry unit, a dedicated unit for autistic individuals or those considered extremely likely to be autistic. The unit has 14 cells and seeks to maintain a 3:1 ratio of prisoners to staff, which is higher than normal residential wings. A clinical psychologist leads the unit, and all staff have specific training. The unit aims to support individuals to re-integrate into normal wings through developing better social skills and coping strategies. The IMB regularly comments on the success of the unit and case studies are included in their 2023-2024 annual report².

8. However, as well as many examples of positive initiatives to support neurodiverse or autistic prisoners, IMBs have also reported concerns about the treatment of and conditions for these cohorts. Some IMBs have raised concerns about the safety of neurodiverse prisoners. For example, analysis completed at HMP Channings Wood found that two-thirds of neurodiverse prisoners had been subjected to use of force by staff. Respondents to a survey of neurodiverse prisoners conducted by the IMB at HMP Oakwood, to understand the experiences of the neurodiverse prisoner population and how they felt about the provision of support, said they struggled with sharing a cell and did not feel safe.

IMB immigration detention findings

9. IMBs reported that there was poor information sharing between prisons and the immigration detention estate, with increasing numbers of people arriving from prisons with complex needs and no handover documentation or prior notice of the individual's specific needs.

10. IMBs found that staff in detention are often reliant on self-declaration of autism or neurodiversity. Many autistic individuals in detention may go unsupported, due to language and cultural barriers, preventing staff from appropriately identifying their specific needs. IMBs have also found systematic failures in the safeguards for identifying people who may be particularly vulnerable in detention, so that the appropriateness of their detention is reviewed. Across the immigration detention estate, ineffective processes were observed during reception interviews, the first opportunity to identify vulnerable people and record safeguarding needs.

² IMB Wakefield 2023-2024 annual report (pages 20-21), available at: <https://imb.org.uk/document/wakefield-2023-24-annual-report/>

11. The Home Office's adult at risk in immigration detention policy, which outlines the expectations on staff for supporting vulnerable people in detention, does not make any explicit reference to the specific needs of detained people with autism or neurodiversity. However, those that self-declare or for whom there is medical or professional evidence that an individual is suffering from any medical or mental health condition are included within the scope of the policy, which would include autistic people where this is declared/evidenced. However, the guidance is more concerned with managing vulnerabilities and conditions (e.g. through medication etc.) than providing instructions for reasonable adjustments that may support an autistic person.

12. IMBs have raised serious concerns about the appropriateness of detention for vulnerable people, including those with neurodiverse and complex needs. It is common for IMBs to observe the detention of vulnerable people in settings in which staff do not have the resources or training to provide the care and support they require. IMBs have reported that some people with complex needs are held in care and separation units (CSUs) for prolonged periods due to the lack of alternative, appropriate means to care for them. Many vulnerable people in this position experience significant distress as a result, telling IMB members that the difficulties coping with life in these centres is also compounded by the indefinite nature of immigration detention.

Lay Observer court custody findings

13. Lay Observers have often found instances in which the needs of autistic people have not been prioritised. Several reports from LOs stated that casework documents for those arriving in detention failed to provide staff with adequate information on their neurodiversity status. In some instances, those brought into custody self-declared as autistic but without this listed on their paperwork, this was treated as unverified. In other cases, neurodiverse individuals who required medication to manage their condition, arrived in court custody from prison without it, potentially impacting their wellbeing due to the limited and often complex routes to accessing medication within court custody.

14. Often, not enough is done to prioritise moving individuals out of custody as quickly as possible. Many autistic and neurodiverse people were observed to have been held in court custody for excessive periods, at times up to five hours, creating anxiety and distress due to the generally poor conditions of court custody cells. In one example, an autistic woman who required a wheelchair for transportation was made to spend four hours waiting in police custody until one was available.

15. Lay Observers found that the custodial environment was especially difficult for autistic and neurodiverse people. Being detained alongside disruptive individuals who banged repeatedly on cell doors caused some autistic individuals' distress, as did the experience of being confined in small cells. Lay Observers monitoring at Winchester Crown Court found that autistic individuals were locked in their cells for long periods and were visibly distressed.

16. Lay Observers also observed instances of autistic individuals who had difficulties processing information and significant communication difficulties, being dealt with by staff who, despite their best efforts, had not received appropriate training to meet their specific needs. Six of the nine men detained in one visit had autism or ADHD and Lay Observers reported that none of the staff present had received training on how best to manage their needs. One of these men had brought distraction items with him but these were deemed unsafe and removed, adversely impacting his wellbeing. While the lack of training for staff on appropriately supporting neurodiverse people is a common issue throughout the courts system, Lay Observers did observe some staff responding with empathy and reassurance to autistic people that were overwhelmed while in detention.

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