LETTER TO BARONESS ROCK – AUTISM ACT 2009 COMMITTEE

(Submission concerning systemic failures in implementation of the Autism Act 2009 and FPR Part 3A)

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Date: 24 October 2025

To:
Baroness Rock
Chair, Autism Act 2009 Committee
House of Lords
London SW1A 0PW

Subject: Systemic Failures in the Implementation of FPR Part 3A and the Autism Act 2009: Request for Inclusion in the Committee's Final Report

Dear Baroness Rock,

I write to submit evidence to the Autism Act 2009 Committee concerning systemic failures in the family-justice system's compliance with the **Autism Act 2009**, the **Equality Act 2010**, and the Family Procedure Rules Part 3A ("**FPR 3A**"). My case exemplifies how the courts' disregard for participation duties toward autistic and vulnerable parties results in unlawful discrimination and denial of a fair trial.

Although the Committee's deadline for evidence has passed, I respectfully request that this submission be accepted for inclusion in the final report, as it provides direct, material evidence of the enforcement gap acknowledged by Ministers.
The issues it raises go to the heart of the Committee's inquiry and demonstrate the urgent need for enforceable safeguards and independent oversight in the administration of justice for autistic people.
My experience shows how, in the absence of an actionable mechanism for enforcement, the protections envisaged by the Autism Act 2009 remain theoretical. The Family Court's failure to

uphold my participation rights under **FPR Part 3A** and the **Equality Act 2010** led to discriminatory findings, an unbalanced trial process, and irreversible harm.

I remain available to provide oral or written evidence at short notice.

1. Procedural Background

I was a litigant in person before the High Court (Family Division) and later the Court of Appeal. Both courts had confirmed that I have diagnosed Autism Spectrum Condition (ASC) and Post-Traumatic Stress Disorder (PTSD), supported by extensive medical evidence. Participation measures were granted at trial under **FPR 3A** and **PD 3AA**, including regular breaks, limits on cross-examination, and the presence of a support person.

After the final hearing in February 2024, however, all participation measures were revoked without notice or review, contrary to **FPR 3A.7 – 3A.9** and **PD 3AA §§ 4.1 – 4.4**. This unlawful withdrawal of adjustments rendered me unable to participate effectively in the post-trial and costs proceedings. The court ignored my repeated written requests for an intermediary, communication assistance, or clarification of procedural steps. I was left without legal representation after 6 March 2024, and my emails to the court and opposing counsel, explaining my inability to function due to relapse and distress, went unanswered. Despite clinical confirmation that my impairments continued to affect my daily functioning, I was left without communication support or intermediary assistance.

This failure resulted in my exclusion from critical procedural steps, including submissions on costs and the drafting of final orders.

The trial record of oral evidence contains more than 20 references to my autism and PTSD, yet the post-trial process and judgments omitted all mention of my disabilities. The only "adjustment" afforded was a seven-day extension for submissions — a measure wholly inadequate for someone who, without an intermediary, could not meaningfully participate or even manage basic correspondence.

The subsequent judgments of 18 April 2024, 24 May 2024, and 8 May 2025 omitted all reference to my disabilities, despite their repeated acknowledgment during the trial itself.

2. Systemic Breach of the Continuing Duty under FPR Part 3A

FPR Part 3A imposes a continuing duty on the court to identify, implement, and review participation measures for vulnerable parties throughout the proceedings—not only during trial. By treating its duty as ending when oral evidence concluded, the court misapplied the law. The revocation of measures post-trial denied me the ability to understand, communicate, or take part in the ongoing process.

The result was not simply administrative oversight but procedural discrimination, contrary to **sections 20 and 29 of the Equality Act 2010** and **Articles 6 and 14 ECHR**. The Equality and Human Rights Commission's 2019 guidance (Fairness in Court Proceedings for Litigants with Disabilities) explicitly recognises that failure to maintain appropriate adjustments amounts to unlawful discrimination.

3. Mischaracterisation and Discriminatory Reasoning

The judgment of 18 April 2024 includes findings that **misrepresent disability-related behaviour as moral or character failings.**

Paragraph 64 states:

"The wife's belief that the husband has vast hidden assets is so powerfully held, and such was her urgent need to impress that belief on the court, that at times everything she wished to say on the matter tried to emerge at once, causing her very obvious distress… I am satisfied she has become **obsessed** with demonstrating that in the context of this litigation."

The Court was fully aware of my autism profile and of the reasonable adjustments required to support my participation. The attendance notes and oral record show that the Court was aware

that I exhibit autistic traits of communication and information processing style: narrow and intense focus, heightened emotional expression under stress, rule-based reasoning, and repetitive verbal emphasis when attempting to clarify complex factual issues.

Despite this knowledge, paragraph 64 makes a finding that is uncorroborated by the oral evidence. There is no evidence that my belief regarding hidden assets was obsessive or irrational. Rather, my presentation was consistent with my diagnosed Autism Spectrum Condition and PTSD under adversarial pressure. The Court had all the evidence necessary to attribute my presentation in the witness box to my autism and PTSD, yet instead it misattributed my behaviour to **bad character** and **emotional instability** and made **adverse findings**.

This constitutes a fundamental mischaracterisation of disability-related behaviour, inconsistent with the medical record, the transcript, and the participation measures the Court itself had ordered. The suppression of all reference to my disabilities in the final judgments—despite more than twenty references to them during oral evidence—creates an evidential vacuum upon which unfounded and discriminatory findings were constructed. The deliberate omission of my diagnosed Autism and PTSD from the judgment created an artificial narrative of misconduct where none existed, reversing the meaning of my vulnerabilities into evidence of fault.

The resulting reasoning is inconsistent with the principles of fairness established in Re S (Vulnerable Party: Fairness of Proceedings) [2022] EWFC 30 and English v Emery Reimbold & Strick Ltd [2002] EWCA Civ 605, and represents a breach of **FPR Part 3A**, the **Equality Act 2010** (ss 20 and 29), and **Articles 6 and 14 ECHR**.

4. Ministerial Confirmation of the Enforcement Gap

This systemic gap was expressly confirmed by **Minister of State for Care Stephen Kinnock MP** in his August 2025 statement to your Committee:

“There are no statutory powers of intervention… a failure could only be considered by the courts using judicial review.”

This acknowledgement by the Minister demonstrates that the current statutory framework lacks both enforcement and remedy, leaving autistic litigants without recourse when the justice system itself fails.
This statement captures the very problem my case exposes — that autistic and disabled individuals have no practical route of redress when the courts themselves fail to meet their duties. Judicial review is neither accessible nor timely for vulnerable parties already facing procedural exclusion.

5. Core Insight and Takeaway

The law on paper does not translate into protection in practice. The **Autism Act 2009** and **FPR Part 3A** provide a framework, but no mechanism of enforcement. My case demonstrates that once participation measures are revoked or ignored, there is no rapid mechanism for relief — no independent body to intervene, no accountability framework, and no sanction for non-compliance.

Without an actionable mechanism, the law's safeguards remain theoretical, and justice for vulnerable and neurodivergent individuals remains contingent on judicial discretion rather than enforceable right.

6. Request for Action

In light of the above, I respectfully request that the Committee:

1. Include this evidence in the Committee's final report as an example of systemic failure under the **Autism Act 2009** and **FPR Part 3A**;

2. Acknowledge the enforcement gap and recommend creation of a formal mechanism enabling vulnerable parties to request, review, and challenge non-compliance with **FPR Part 3A;**

3. Recommend independent oversight—separate from HMCTS—to audit compliance and monitor reasonable adjustments;

4. Advise the Ministry of Justice to issue clear guidance recognising that judicial discretion does not override equality obligations; and

5. Recognise the public interest in ensuring that the courts themselves are subject to the same equality standards they are bound to apply.

7. Attachments

1. Pre-Action Protocol Letter (20 October 2025)
2. Follow-Up Letter (21 October 2025)
3. Application and Evidence Bundle (CA-2024-001342)
4. Relevant Judgments (18 April 2024; 24 May 2024; 8 May 2025) in the bundle.
5. Letter from the Minister of State for Care dated 5 August 2025 to the Chair of the Committee

Thank you for your attention to this matter. I remain available to provide oral or written evidence on short notice.

Yours sincerely,

(signed)

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