

PRESS RELEASE — FOR IMMEDIATE DISTRIBUTION

1 December 2025

Landmark Judicial Review Filed Against HMCTS and MoJ for Breaches of the Autism Act 2009 and the Public Sector Equality Duty

A Judicial Review claim has been formally sealed in the High Court (Administrative Court) under **case reference AC-2025-LON-004293**, challenging HM Courts & Tribunals Service (HMCTS) and the Ministry of Justice (MoJ) over their handling of an autistic court user's participation rights.

This appears to be the first Judicial Review in the UK to test the Autism Act 2009 statutory guidance through litigation — a gap repeatedly highlighted to Parliament during the 2024–25 Autism Act Committee inquiry.

Scope of the Challenge

The claim alleges that HMCTS and the MoJ:

- failed to comply with the Autism Act 2009 statutory guidance,
- acted in breach of the Equality Act 2010, including the duty to make reasonable adjustments,
- breached the Public Sector Equality Duty (PSED) under s.149, and
- created systemic barriers to participation for an autistic court user through administrative actions and omissions.

The challenge concerns the administrative management of the claimant's access needs — including failures to record, apply or protect participation measures; failures in communication and escalation; and actions taken without notice, reasons, or safeguarding assessment.

Why This Case Is Significant

In oral evidence to the Autism Act Committee earlier this year, experts noted that:

- “we have not seen a single legal challenge brought under the autism statutory guidance”, and
- the absence of enforceability remains a major structural weakness in the Act’s implementation.

This case directly tests that gap through public law for the first time.

It also raises broader issues about how statutory disability duties apply when autistic people interact with court services — including the administrative responsibilities of HMCTS as a public body. The outcome could therefore have system-wide implications for accessibility, equality compliance and the treatment of autistic people within the justice sector.

Claimant Statement

“The Autism Act 2009 was meant to ensure that autistic people are treated fairly by public authorities. My experience showed the opposite. This Judicial Review asks the High Court to determine whether those duties were ignored, and whether autistic people can expect meaningful protection when they engage with the justice system.”

Case Status

- Judicial Review claim sealed on 1 December 2025
- Service on the Defendants completed
- Claimant awaits urgent listing under the N463 procedure

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