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of Justice

Process evaluation of Intensive Supervision Courts pilot

Interim report

CFE Research and Revolving Doors

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Contents

List of tables

List of figures

1. Summary	1
1.1 What is working well	2
1.2 Challenges	3
1.3 Early outcomes	4
1.4 Next steps	4
2. Introduction	5
2.1 Policy background	5
2.2 About the Intensive Supervision Courts pilot	6
2.3 About the evaluation and this report	7
2.4 Method	10
3. Findings: Set-up and delivery	13
3.1 Understanding of and support for the model	13
3.2 Partnership working	17
3.3 Resourcing	25
4. Findings: Identifying pilot candidates	28
4.1 Eligibility criteria	28
4.2 Identification of candidates	32
4.3 Pilot cohort	34
5. Findings: The ISC order journey	40
5.1 Pre-sentence reports	40
5.2 Sentencing and review hearings	41
5.3 Engagement and compliance	45
5.4 Support to address needs	52
5.5 Early outcomes for individuals on the ISC	57
6. Conclusions and implications for the evaluation	61
Appendix 1	65
Theory of Change	65
Appendix 2	67
Evaluation framework	67

Appendix 3	79
Additional method detail	79

List of tables

Table 2.1: Qualitative interview participants	11
Table 3.1: Core partner organisations in each pilot site	18
Table 4.1: Summary of eligibility criteria for each pilot site	29
Table 4.2: Approaches to identifying potential ISC candidates	32
Table A3.1: Which of the following best describes the organisation you work for?	80
Table A3.2: How have you been involved in the ISC pilot?	81

List of figures

Figure 3.1: To what extent do you agree or disagree with the following statements...	14
Figure 3.2 To what extent do you agree or disagree with the following statements... communication and coordination	19
Figure 3.3: To what extent do you agree or disagree with the following statements... partnership working	20
Figure 3.4: To what extent do you agree or disagree with the following statements... partner involvement	22
Figure 3.5: To what extent do you agree or disagree with the following statements... roles and resourcing	25
Figure 4.1: To what extent do you agree or disagree with the following statements... eligibility	29
Figure 4.2: Criminogenic needs of individuals on the ISC and of people with a suspended sentence order who have been assessed	37
Figure 4.3: Accommodation type of individuals on the ISC	38
Figure 4.4: Employment status of individuals on the ISC	39
Figure 5.1: To what extent do you agree or disagree with the following statements... relationships with judges	43
Figure 5.2: Proportion of people with different sentence requirements	46
Figure 5.3: Outcome of RAR contacts	47
Figure 5.4: Average rate of drug test results for individuals on the ISC	47
Figure 5.5: Outcomes of ISC breaches	50
Figure 5.6: To what extent do you agree or disagree with the following statements... support for individuals on the ISC	53

List of acronyms and abbreviations

ATR	Alcohol Treatment Requirement
CFO	Changing Future Opportunities. Initiative funded by HMPPS that supports people on probation to gain skills and reintegrate into their local community.
CJI	Centre for Justice Innovation
CO	Community Order
CPS	Crown Prosecution Service
DRR	Drug Rehabilitation Requirement
EPF	Effective Proposal Framework
FDAC	Family Drug and Alcohol Courts
HMCTS	HM Courts and Tribunals Service
HMPPS	HM Prison and Probation Service
ISC	Intensive Supervision Court
L&D	Liaison and Diversion
MHTR	Mental Health Treatment Requirement
MoJ	Ministry of Justice
OASys	Offender Assessment System
PCC	Police and Crime Commissioner
PSC	Problem-solving court
PSR	Pre-sentence report
RAR	Rehabilitation Activity Requirement
SM	Substance misuse
SSO	Suspended Sentence Order

1. Summary

Intensive Supervision Courts (ISCs) are a problem-solving approach that diverts offenders with complex needs away from short custodial sentences and into enhanced community-based sentences which aim to address underlying issues linked to offending. The ISC pilot is testing a model of community sentence management between probation and the courts, for certain individuals who receive a high-end Community Order (CO), or Suspended Sentence Order (SSO).

Orders managed under the ISC comprise both rehabilitative and punitive measures, are delivered by a multi-agency team and are overseen by a single judge who can apply incentives to reward engagement and sanction those who are non-compliant. Key partners include the judiciary, court staff, probation, treatment providers, police, local authority, and women's services.

The Ministry of Justice (MoJ) fund the pilot; most of the funding is allocated to dedicated ISC probation resource, the addition of a court co-ordinator role, and a dedicated "privilege and enabler" fund to support and recognise compliance. Privileges are intended to be flexible and creative in order to be individualised to the person on the ISC.

The pilot currently comprises two substance misuse (SM) courts in Liverpool and Teesside Crown Courts, and a women's ISC in Birmingham Magistrates' Court, and is set to run between June 2023 and December 2024. A third SM court operating in Bristol Crown Court launched in June 2024 after this report was written.

This is the interim report of an independent process evaluation of the pilot. It covers the implementation period of the pilot covering elements of best practice, challenges and early findings. It draws on evidence gathered through a survey of pilot staff and stakeholders, in-depth interviews with staff, stakeholders, and individuals on the ISC, observations of ISCs and related activities, and analysis of monitoring data.

This report refers to 'ISC orders' and 'individuals on the ISC' for succinctness. These terms are used to describe those with COs or SSOs that are being managed through the ISC pilot model.

1.1 What is working well

There was good understanding of and **support for the ISC approach** amongst core partners. Staff and stakeholders welcomed the opportunity to try something new.

By the end of January 2024, 63 people had been sentenced under the ISC pilot and there was broad agreement across sites that **the pilot is reaching its intended target cohort**. Both stakeholders and individuals on the ISC viewed the model as **fair and appropriate**, recognising that the requirements are demanding – this was not seen as an easy option.

Partnership working is at the centre of the ISC model; multi-agency teams work together from the point at which someone is identified as potentially suitable for the pilot and then throughout the course of their ISC order. This is usually facilitated by regular ISC partnership meetings, where live information can be shared about those on the ISC.

Although the lack of involvement of housing services presented challenges (see the following section), research participants generally indicated that **the right partners were involved** in the pilot. **Positive relationships** between service providers and other stakeholders have helped to facilitate the delivery of the pilot in all sites. The court co-ordinator role has been key in facilitating ISC partnerships. Building relationships has taken time and resource, but collaboration has ensured issues have been tackled early. Enhanced partnership working has also had **beneficial effects on wider collaboration** locally.

The pilot sites have taken steps to make the **court hearings less intimidating** and **positive relationships have developed between the judges and individuals** on the ISC. People are receiving tailored support packages, and some have accessed mental health treatment for the first time. Overall, there appears to be **good engagement with order requirements** so far. Individuals on the ISC attended their rehabilitation requirements or had an acceptable reason for absence on 89 percent of occasions. The **flexible use of sanctions and incentives** is helping engagement, as are the regular

judge-led reviews. Individuals on the ISC are receiving **tailored support** to meet their needs.

1.2 Challenges

The **workload in some areas was greater than expected**. Individuals on the ISC generally have a high level of support needs, and core partners need to contribute to a variety of ISC processes, including the pre-sentence report and review hearings. The evaluation found that staff shortages/high turnover in probation exacerbates pressures on staff and can negatively affect continuity of care. Furthermore, **partner organisations providing support have not received additional funding** for the pilot and this has caused some tensions. There were concerns about managing caseloads as more people came onto the pilot.

It has **taken time to build relationships, understanding and support for the ISC approach amongst wider stakeholders** such as non-ISC court staff, police officers and the legal profession. The support of these stakeholders for ISCs is important to ensure potential candidates for an ISC order are swiftly identified and referred.

The **lack of housing representatives** in the core partnership in two sites was felt to be a missed opportunity given the expectation that people should be in stable accommodation in order to be suitable for the ISC. Lack of support from housing limited the pool of people who were eligible for an ISC sentence, as well as generating additional work for staff who spent time identifying accommodation and related funding.

Some core partner staff felt that the **eligibility criteria are too narrow** and that other people who could benefit are potentially being missed, such as those who have committed low level offences that are not heard in Crown Court or are not in stable accommodation. However, the pilot cohort was selected to divert those who may have received a custodial sentence to an intensive community sentence, it is important that the use of ISC orders does not inadvertently mean people receive a harsher sentence than they otherwise might.

It was suggested that **involving frontline staff in the set-up phase prior to launch** could have helped to smooth implementation; staff running the pilot day-to-day have valuable knowledge about what would work and what factors need to be considered.

1.3 Early outcomes

The pilot **enables diversion from custody**. Most people (41 out of 63) would have otherwise received a custodial sentence. At this stage, people being committed to custody through early terminations of their ISC order are low.

Some people have **reduced their drug and alcohol intake**. Other early outcomes include improved mental wellbeing and relationships with families.

The rigorous requirements of ISC orders have **helped give people a purpose and a routine**; this can have wider positive effects on their behaviour and wellbeing.

1.4 Next steps

The findings in this report are not intended to provide an overall assessment on the effectiveness of ISCs. This is an evaluation of the early implementation stage of ISCs, intended to highlight early successes and lessons learnt to inform ongoing delivery. The next stage of the evaluation will focus on capturing insights from more individuals on the ISC, in particular those who have breached their orders. The evaluation plans to conduct follow-up interviews to track longer-term progress and sustainability of outcomes. Fieldwork will also be carried out in Bristol. A final report is due in summer 2025.

2. Introduction

2.1 Policy background

Evidence indicates that community sentences are more effective in reducing reoffending than short-term custodial sentences.¹ 56.9 percent of adults released between July and September 2022 from custodial sentences of less than 12 months re-offended within a year.² There is therefore growing interest in community sentences as alternatives to custody.

The Ministry of Justice's (MoJ) 'A Smarter Approach to Sentencing' White Paper identified problem-solving courts (PSCs)³ as a key approach to addressing offenders' individual needs, with the aim of reducing reoffending and enhancing the effectiveness of rehabilitation within the UK criminal justice system.⁴ This paper outlined a commitment to pilot up to five PSCs in England and Wales for certain groups, such as prolific offenders with substance misuse needs and vulnerable female offenders.

A substantial proportion of people with short custodial sentences have a drug or alcohol problem.⁵ Yet, as Dame Carol Black's independent review of drugs highlighted, too many drug users cycle in and out of prison and rarely have a restorative experience.⁶ The review also emphasised a public health approach to substance misuse among offenders, recommending expanded treatment options, reduced stigma and support for long-term recovery. The review led to 'From harm to hope: a 10-year drugs plan' which secured funding to reduce the supply and demand for drugs and deliver a high-quality treatment and recovery system. This also reiterated the pledge to pilot PSCs.⁷

¹ Eaton G. and Mews, A. (2019) *The impact of short custodial sentences, community orders and suspended sentence orders on reoffending* Ministry of Justice

² Ministry of Justice (2024) *Proven reoffending statistics: July to September 2022*

³ Intensive Supervision Courts are a particular form of PSC.

⁴ Ministry of Justice (2020) *A Smarter Approach to Sentencing*

⁵ Revolving Doors (2018) *New data shows at least 3 in 5 short sentenced prisoners have an addiction* [online] Available at <https://revolving-doors.org.uk/new-data-shows-least-3-5-short-sentenced-prisoners-have-addiction/>

⁶ Black, C. (2021) *Review of drugs part two: prevention, treatment, and recovery* HM Government

⁷ HM Government (2021) *From harm to hope: a 10-year drugs plan to cut crime and save lives*.

The Justice and Home Affairs committee recently noted their support for Intensive Supervision Courts in ‘Cutting crime: better community sentences’, highlighting the need for holistic, tailored approaches for the individual within sentencing.⁸ The report also states that ‘increasing the use of community orders is likely to result in a decline of reoffending, which would result in long-term savings.’ In its response, MoJ reaffirmed its commitment to pilot and deliver an evaluation of PSCs.

2.2 About the Intensive Supervision Courts pilot

Intensive Supervision Courts (ISCs) are a particular type of PSC that diverts offenders with complex needs away from short custodial sentences and into enhanced community-based sentences which address underlying causes of offending. ISCs provide intensive supervision from the Probation Service combined with wraparound support from a range of local services, overseen by a dedicated ISC judge.

The ISC pilot launched two substance misuse (SM) courts in Liverpool and Teesside Crown Courts, and a women’s ISC in Birmingham Magistrates’ Court in June 2023, with sentencing powers in place for an initial 18 months. A third SM court operating in Bristol Crown Court launched in June 2024. The SM courts have been designed for people whose offending behaviour is driven by problems with drugs and/or alcohol, who would have otherwise received a custodial sentence of up to two years or a high-end community sentence. The women’s ISC works with women with multiple complex needs, such as mental health issues and/or experience of domestic violence, and who would otherwise have received a short-term custodial sentence of up to six months. Further detail on eligibility criteria, including area-specific variations, is provided in section 4.1.

People on the ISC can be required to engage in treatment for SM, submit to regular drug testing, undertake unpaid work, get help with their mental health and take part in training courses. Bespoke support that addresses the specific factors that drive an individual’s offending, supervision and support are delivered by a multi-agency team throughout an individual’s order, which is overseen by a single judge. It is this dedicated support, co-ordinated across a range of service providers, that makes ISCs distinct from other community sentences. Compliance and progress against the sentence are monitored

⁸ Justice and Home Affairs Committee (2023) *Cutting crime: better community sentences* House of Lords

through regular judicial review hearings – this relationship is fundamental to the offender’s journey through the ISC. ISC judges can apply incentives to reward engagement and success, or sanction individuals who are not complying with the requirements of their sentence. In most cases, the sentence is a diversion from custody, and people can be sent to prison if they do not meet the requirements of their sentence.

The ISC pilot is the first in the UK to use a legislative framework to test elements of the PSC approach, such as short custodial sanctions and judges’ ability to initiate breach proceedings. New amendments to the Sentencing Act (2020), introduced by the Police, Crime, Sentencing and Courts Act (2022), have enabled courts selected as an ISC pilot site to introduce the necessary additional powers, including an expansion of the drug testing requirement.

2.3 About the evaluation and this report

An evidence review produced by the Centre for Justice Innovation found strong international evidence on the benefits of PSC approaches for adult drugs users.⁹ For example, research and evaluations from the United States have shown that PSCs for adult drug users reduce SM and reoffending, particularly amongst those who present a high risk of reoffending.¹⁰ Whilst studies from Australia and the United States have shown that this model generates cost-savings.¹¹

The literature also supports PSC approaches that focus on a specific group of offenders, such as women, and the emerging evidence on PSCs that work with women is promising.¹² For example, the rate of reoffending for women in a Greater Manchester PSC was lower than the national average, and this reduction has been interpreted as an indication of the positive impact of the women’s PSC there.¹³

⁹ Bowen P. and Whitehead S. (2015) *Problem-solving courts: An evidence review*, Centre for Justice Innovation

¹⁰ Rossman et al. (2011) *The Multi-site Adult Drug Court Evaluation*. Volumes 1-4 Washington D: Urban Institute.

¹¹ KPMG (2014) *Evaluation of the Drug Court of Victoria. FINAL REPORT*. Victoria: Magistrates’ Court of Victoria; Barnoski, R. & Aos, S. (2003). *Washington State’s Drug Courts for adult defendants: Outcome evaluation and cost benefit analysis*. Olympia, WA: Washington State Government. B

¹² Bowen and Whitehead (2015)

¹³ Mentzou, A. and Mutebi, N. (2023) *Problem-solving courts*, UK Parliament

PSC practice has been in existence in parts of the UK for some time. For example, the first Substance Misuse Courts pilot in England and Wales started in Leeds and London (the Dedicated Drugs Pilot) in 2005, followed by pilots in Barnsley, Bristol, Cardiff and Salford in 2009.¹⁴ Like the ISCs, these courts targeted offenders who committed low level crime related to substance misuse.

However, the full range of traditional PSC components successfully used in other jurisdictions to improve offender behaviour and reduce use of custody and reoffending (particularly within the US drugs court model) have never been fully established here. While some elements have been integrated into PSC pilots, evaluations were either limited in scope or did not take place. Demonstrating cost-effectiveness has also been challenging for some PSCs, as seen with Liverpool Community Court, which closed partly due to its low caseloads being considered insufficient to justify running costs.¹⁵

The principal aim of the pilot is to test and evaluate whether problem-solving approaches in England and Wales can achieve their desired effect of reducing reoffending and improving the health and wellbeing of the individuals involved. The need to build this evidence base is outlined in further detail in the Parliamentary Office of Science and Technology (POST) note on PSCs.¹⁶

CFE Research and Revolving Doors were commissioned by the MoJ to undertake an independent process evaluation of the ISC pilot. The aims of the evaluation are to:

- Provide an understanding of experiences of roll-out and early implementation in each pilot site, considering enablers and barriers of delivery across the different contexts.
- Share emerging findings across the different ISC sites to help improve delivery as the pilot progresses.
- Identify short-term outcomes and early successes to inform prospective designs and potential larger scale roll out of similar policies in the future.

¹⁴ Mentzou and Mutebi (2023)

¹⁵ Ministry of Justice and HM Courts and Tribunals Service (2013) *Response to the proposal on the future of North Liverpool Community Justice Centre*, London: Ministry of Justice

¹⁶ Mentzou and Mutebi (2023)

The ISC pilot is underpinned by a Theory of Change developed by the MoJ in the form of a logic model (See Appendix 1). This sets out the inputs, expected outputs and intermediate outcomes. The Theory of Change was used to develop an evaluation framework (see Appendix 2). This comprises the key research questions to be answered and how the inputs, outputs and outcomes of the Theory of Change will be evidenced. Many of the questions being addressed in the evaluation are about whether activities are delivered as intended, and whether these then produce the desired changes for core partners, wider stakeholders or individuals on the ISC.

The overall research questions are as follows:

1. Who is assigned an ISC order?
2. Are individuals complying with their order?
3. What are stakeholders' perspectives on the ISC?
4. How successfully have ISCs been implemented?
5. How successfully do ISCs operate in practice?
6. Are individuals successfully completing their ISC order?
7. How well do the post-order completion procedures operate within the ISCs?

The process evaluation is one strand of a larger evaluation strategy to be undertaken over a longer timescale and managed by the MoJ. Following the conclusion of the pilot, the MoJ will explore the possibility of undertaking a separate impact and economic evaluation.

This is the interim report from the process evaluation. It is intended to inform ongoing delivery through sharing learning based on experience to date. It explores how the pilot sites have been set up and developed, and considers what has worked well, how challenges have been overcome, and identifies where barriers remain. The fieldwork period ran from December 2023 to May 2024, with the ISCs going live June 2023. The report also provides some early indications of outcomes for individuals on the ISC.

Data and findings in this interim report only relate to the Birmingham, Liverpool, and Teesside pilot sites. A final report is due in Summer 2025 and will include all four pilot sites.

Note on terminology

This report refers to 'ISC orders' and 'individuals on the ISC' for succinctness. These terms are used to describe those with Community Orders or Suspended Sentence Orders that are being managed through the ISC pilot model.

The report also describes the views of 'core partners' and 'wider stakeholders'. 'Core partners' refers to dedicated staff working across different organisations to deliver the pilot activities and includes court staff, police and probation services, drug and alcohol treatment providers and other support providers such as activity hubs and women's centres. 'Wider stakeholders' is used to refer to other professionals whose role is relevant to the pilot but who are not directly involved in delivery, though they may support the referral process. These stakeholders include local authorities and members of the legal profession.

2.4 Method

The evaluation used a mixed methods approach, combining qualitative and quantitative data. This report draws on research activities completed between September 2023 and May 2024. These comprised:

- Analysis of pilot monitoring data supplied by the MoJ,
- A baseline survey with pilot staff and wider stakeholders,
- Observations of sentence hearings, review hearings and partnership meetings at each of the three pilot sites,
- Qualitative research with pilot staff, wider stakeholders, and individuals on the ISC.

Monitoring data was analysed in Excel, to produce descriptive statistics on the characteristics of the pilot cohort, their sentence, compliance with requirements, drug testing results and the outcome of breaches.

The baseline survey was live between 20th December 2023 and 28th February 2024. A 'snowball' sampling approach was used – a link to the survey was sent to contacts provided by the MoJ in each area and they were asked to forward this on to other staff involved in the pilot in their organisation/partner organisations. We received a total of 55

completed responses, equally balanced between the three sites (19 responses from Liverpool and 18 from each of Birmingham and Teesside). Responses were received from core partners organisations involved in each area. A full list of respondent organisations is provided in Appendix 3.

Respondents only saw survey questions that were relevant to their role in the pilot and not everyone answered all questions – as a result, total respondent numbers vary. Survey data was exported into analytical software (SPSS) and cleaned. Descriptive statistics were produced of the responses to closed questions. Separate thematic analysis was conducted on responses to open questions.

The evaluation team observed three different activities in each pilot site: sentence hearings, review hearings and partnership meetings.

Qualitative interviews were completed with 41 professionals involved in the pilot in some way and 9 people on the ISC. Table 1.1 below summarises the completed interviews by pilot site and respondent type.

Table 2.1: Qualitative interview participants

Participant type	Birmingham women's court	Liverpool SM court	Teesside SM court	Total
Judiciary and court staff	2	4	2	8
Police and probation staff	6	5	5	16
Support and treatment providers	4	6	5	15
Other stakeholders			2	2
Individuals on the ISC	2	6	1	9

Individuals on the ISC were mainly recruited following observations of sentencing and review hearings.

In addition, we interviewed three members of staff from the MoJ policy team to learn more about the rationale behind the pilot and to get a wider perspective on the set-up period.

Ethical approval for the evaluation was sought and granted by The University of Greenwich Research Ethics Board. Interviews were transcribed and uploaded to specialist qualitative data analysis software (NVivo) and analysed thematically.¹⁷

Limitations and caveats

This is an interim evaluation report. The findings are not intended to provide an overall assessment on the effectiveness of ISCs. Instead, the focus is on the early implementation of ISCs and highlighting early successes and lessons learnt to inform ongoing delivery.

The survey sampling method means survey results may not be representative of all stakeholders and may be biased toward those with strong views who responded. In particular, we were less successful in reaching staff and organisations outside core partnerships who nevertheless had a stake in the pilot.

To date, the evaluation has engaged with relatively few individuals on the ISC. This is in part due to the relatively small numbers of people on the ISC in one area at the time fieldwork was conducted, and a reliance on busy court and probation staff to obtain consent for the research team to contact individuals about the evaluation. Those suggested by areas and who agreed to take part may represent more positive cases. At the time of writing, plans are in place for additional fieldwork with individuals on the ISC and the final report will draw upon this.

Further detail on the evaluation method can be found in Appendix 3.

¹⁷ For more details on thematic analysis see: Braun, V, and Clarke, V. (2006) Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101.

3. Findings: Set-up and delivery

This Chapter presents findings on how the ISC pilot has been established and run locally. It covers understanding and support for the ISC model, how well different partners have worked together and resourcing, including staff skills and time. It draws on evidence from the survey of core team staff members and stakeholders, qualitative interviews, and observations of the pilot in operation.

3.1 Understanding of and support for the model

What is working well

There was good understanding of the ISC model among core partners. Almost all respondents to the survey said they understood the rationale for the ISC approach (50 out of 51¹⁸) and the aims of the pilot (50 out of 51) – see Figure 3.1.

Support for the ISC model among core partners was also evident. Interviewees from the core ISC partnership across all three sites described being supportive of and believing in the ISC approach from the very beginning. Partners recognised the need for this type of programme in their area, acknowledged that short-term prison sentences are often ineffective for the target cohort, and/or had prior involvement in similar initiatives and so understood the potential benefits.

The opportunity to try something new and to shape implementation of the pilot to local circumstances was welcomed by partners. Since going live in June 2023, changes to processes and activities have been made across the pilot sites. Observations of team meetings and different elements of the ISC process has shown partners constantly reflecting and discussing how pilot processes could be improved to make things work more efficiently and to effectively support individuals on the ISC.

Core partners see the ISC model as fair and appropriate for the target cohort. There were high levels of agreement amongst respondents to the survey that ISC orders are fair,

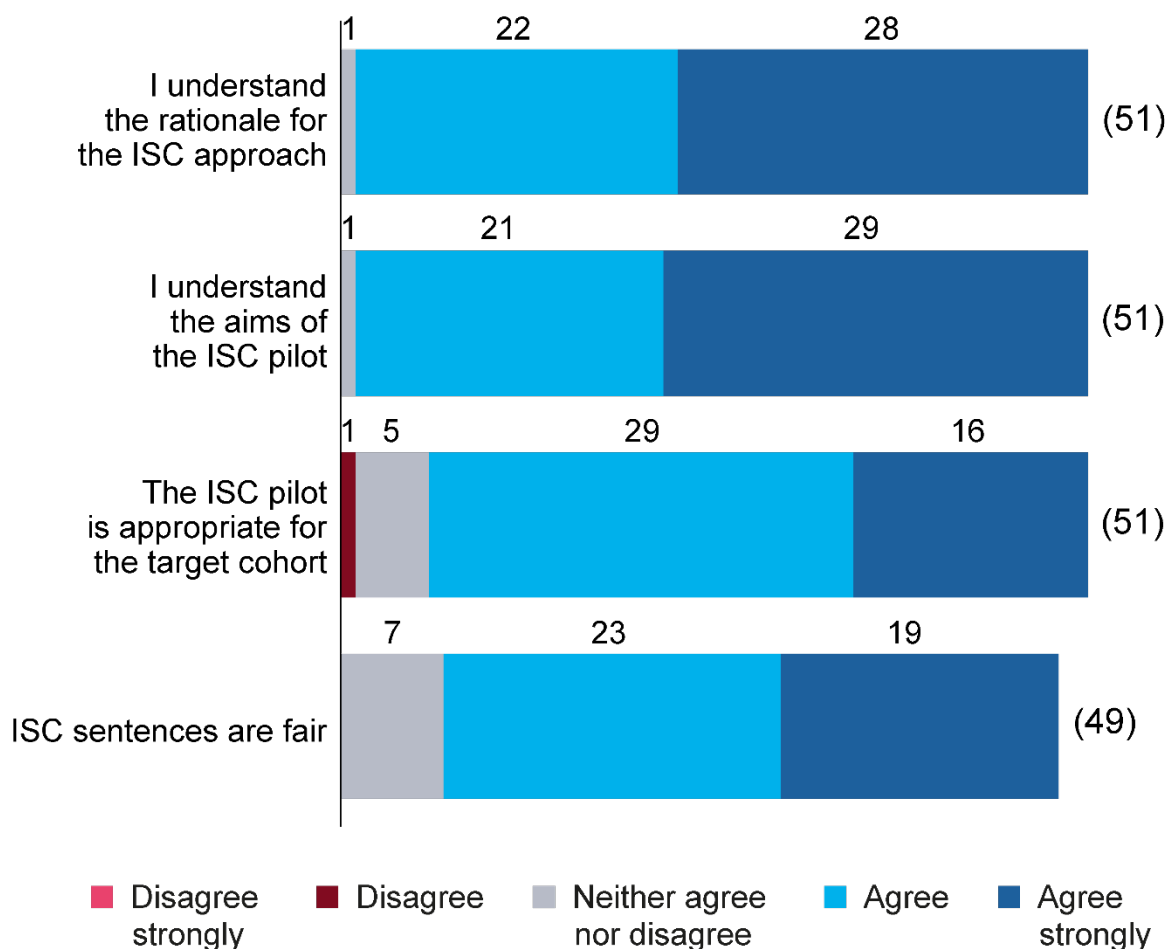
¹⁸ Note that because not all survey respondents answered all questions, total number of respondents varies throughout.

with 42 out of 49 respondents agreeing with this. Respondents were also largely in agreement that the ISC pilot is appropriate for the target cohort (45 out of 51) – see Figure 3.1. Core partners recognised that ISC orders were demanding; for some prison was seen as the easier option. Interviewees also understood that an intense programme of support may help people to form new habits.

Figure 3.1: To what extent do you agree or disagree with the following statements...

Total respondents = 51. Source: ISC core staff and stakeholder survey.

Almost all stakeholders understand and are positive about the appropriateness of ISCs.



Almost three-quarters of survey respondents agreed that they had received appropriate training to undertake their role on the pilot (26 out of 36). In advance of the pilot being launched, an initial two-day training course was provided for all core partners by the Centre for Justice Innovation (CJI). As well as explaining ISC processes to team members, the training included sessions on the theoretical and evidence base for this way of working, trauma-informed practice and motivational interviewing. 30 of the 55 people who

completed the online survey said they attended at least one of the two training days. **Core partners were generally positive about the quality and usefulness of the training.** A few indicated they would have welcomed more involvement in the design of the training to ensure it was pitched at the right level, with some feeling the content was too basic for experienced staff.

Importantly, **the training sessions provided the opportunity for partners to build relationships.** It gave staff from different services the chance to develop trust and gain a better understanding of the processes for working together. One interviewee suggested that staff would be more confident in approaching colleagues for help after they had attended training together, and where staff joined the pilot later on, they felt it was a “shame” to have missed this opportunity.

Learning from other initiatives using the problem-solving courts approach was helpful in setting up the pilot. Some members of the core partnership had previous experience of this way of working and brought useful insights and knowledge. Some team members visited other problem-solving courts and/or heard from staff working in this space and found this useful. For example, in one site judges travelled to see a well-established problem-solving court to help them think about how they wanted to deliver their review hearings. This helped to familiarise them with the review process and gave them ideas of practices they wanted to follow, and others which they wanted to do differently.

“[We] went up to [location] to look at the drugs court that’s been running for several years up there to see how they did it. To give us an idea of the practicalities of how we would have our court and where we would sit, whether we’d be robed, where the participants would sit, and we got some ideas of what might work and what might not from there.” Court professional

The visit also helped the judges to think about what the pilot was hoping to achieve and adjust their expectations about outcomes for individuals on the ISC.

“You start this, don’t you, thinking, ‘I want to cure everybody’s drug and alcohol problems and I want to make them better.’ But actually, just getting somebody to attend appointments or just getting somebody to reduce their drug use is a massive improvement.” Court professional

Challenges

Further work is needed to continue to build understanding and support among some stakeholders outside of core partnerships. Just over a fifth of respondents to the survey (10 out of 46) did not agree that all relevant organisations were aware of the pilot in their area (see Figure 3.4). Core partners interviewed explained that their enthusiasm was not always shared by other sectors and professionals, such as wider court staff, police officers and the legal profession. One wider stakeholder described supporting the pilot aims, but their understanding was not sufficient to enable them to identify ways that they could assist the pilot, despite involvement with initiatives that are targeted at vulnerable, repeat offenders. In particular, more work may be needed to develop the understanding of defence practitioners on the potential benefits of ISCs. The evaluation team heard of at least one instance where an advocate was unaware of the ISC pilot. The extent to which solicitors, barristers and the police understood and were supportive of the ISC pilot was said by core partners to affect the identification and consent process. Examples were provided of potential candidates being advised against this sentencing option or not being put forward for it.

Building wider support for ISCs takes time. Initial scepticism from some was often due to a lack of detail on what the pilot would entail. Intensive work, in the form of information packs, training and in-person meetings, helped to build the necessary understanding and support for the pilot. Dedicated time for explaining the rationale for the pilot was seen as time well spent and provided the opportunity to tackle any misconceptions.

“... if you think the courts are a tough audience, wait until you see loads of police officers that get told that somebody they’ve just arrested on a 2-year sentence is now going to be given to a court order within a community. It goes down like a lead balloon. [...] [ISC pilot partners] worked really well together right at the beginning to get [the message] across.” Drug and alcohol treatment provider

“Her solicitor said no [to the possibility of an ISC order], so what we did after that is we got in touch with the solicitors and sent them an information pack and that seemed to help. And most solicitors were on board.” Probation staff member

Continuing to build understanding and support for the pilot amongst wider stakeholders will be important in ensuring that people who could benefit from the ISC are being put forward.

3.2 Partnership working

Partnership working is at the centre of the ISC model, with a multi-agency team working together from the point at which someone is identified as potentially suitable for the pilot. For example, assessment interviews are conducted jointly, and pre-sentence reports (PSRs – see section 5.1 for further information) are completed by probation with the input of other relevant agencies such as treatment providers, in order for probation to make a recommendation for the ISC order.

The ISC partnership continues to work with the individual throughout the course of their order. This joint working is facilitated by ISC partnership meetings, where live information can be shared about individuals on the ISC to build greater understanding of their circumstances to aid ongoing support. Review hearings are often attended by agencies in the partnership to support the individual as well as actively participate in review discussions. The wider partners work continuously together up until the point of someone's order completion, but there is an expectation that some partners may be more involved than others throughout the course of a full order.

What is working well

Generally, research participants believed that the right partners are involved in pilot delivery. Table 3.1 lists the organisations represented in core partnerships in each area that are actively and regularly involved in pilot delivery. Other organisations may be partnership members but, for various reasons, are less heavily involved. For example, while a women's organisation is part of the partnership in one of the SM courts, very few women have been given an ISC order through the SM courts.

Table 3.1: Core partner organisations in each pilot site

Birmingham women’s court	Liverpool SM court	Teesside SM court
HMCTS	HMCTS	HMCTS
Probation Service	Probation Service	Probation Service
Women’s centres	Drug & alcohol treatment providers	Police
Drug & alcohol treatment providers	CFO (Creating Future Opportunities)	Drug & alcohol treatment providers
Police	Activities Hub	
Mental health treatment provider		

Collaboration between core partners appears to be working well. The support from core partners described in the previous chapter has helped to facilitate strong working relationships and overcome challenges as they have occurred.

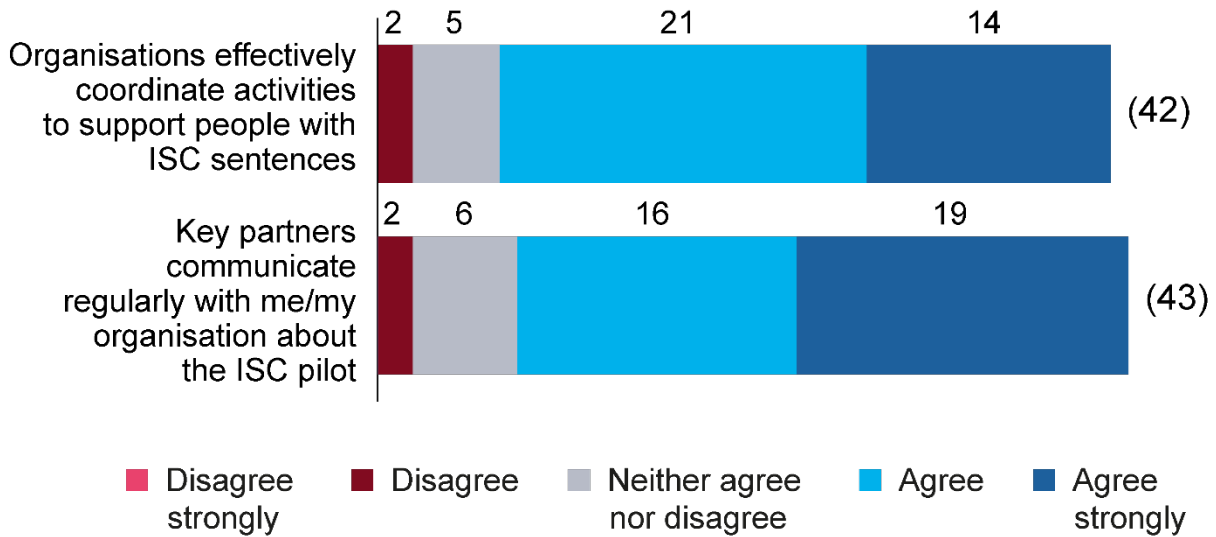
“All of the agencies we engaged with were already motivated to try and make this a success, so it felt a bit like whatever we asked for, people were going to be prepared to give it because they saw an opportunity to do something different that might have a positive impact.” Court professional

Most survey respondents agreed that organisations involved in the pilot effectively co-ordinate activities and communicate regularly with others (see Figure 3.2).

Figure 3.2 To what extent do you agree or disagree with the following statements... communication and coordination

Total respondents for each statement provided in parentheses. Source: Core staff and stakeholder survey.

Stakeholders are generally positive about how partners are working together.

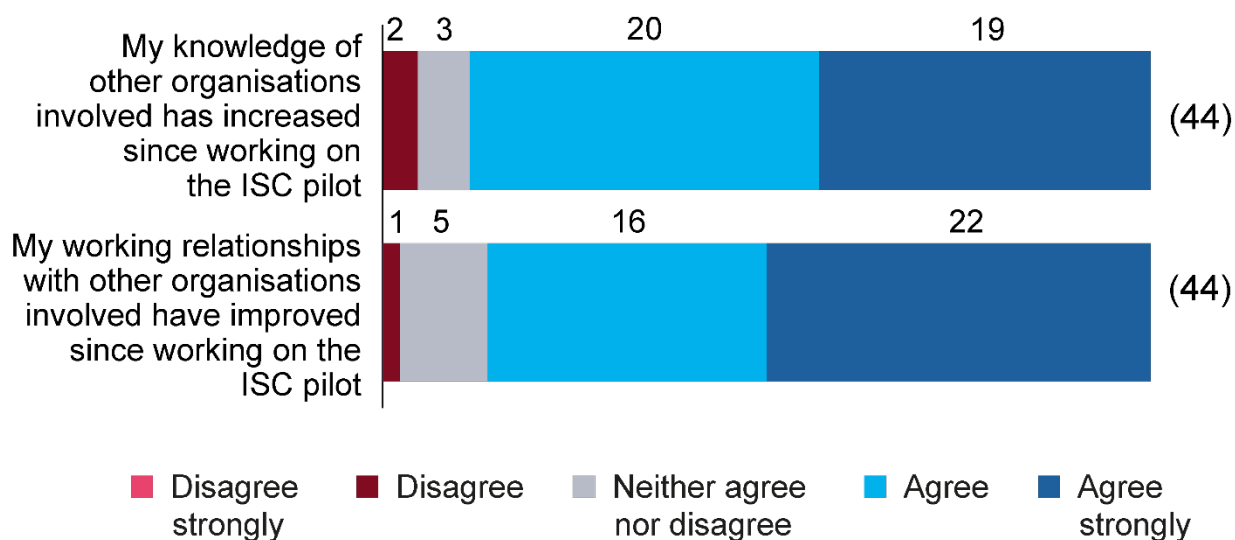


Indeed, **the ISC pilot has had a positive impact on understanding and collaboration between partners.** Almost all respondents to the survey (39 out of 44) agreed that their knowledge of other organisations has increased since working on the pilot. A similar number (38 out of 44) also agreed that their working relationships with other organisations had improved since the start of the pilot – see Figure 3.3.

Figure 3.3: To what extent do you agree or disagree with the following statements... partnership working

Total respondents for each statement provided in parentheses. Source: Core staff and stakeholder survey.

Knowledge of and relationships with partners appear to have improved since the start of the pilot.



Core partners described how they had greater understanding of the work of other partners as a result of working together on the pilot. For example, non-probation staff explained that they now had greater appreciation of the work that goes into a PSR, and both judges and staff delivering support discussed being more aware of local services that provide support to people in contact with the criminal justice system. Examples were provided of how collaboration and exchange of information outside the pilot had also improved as a result of enhanced relationships.

“At the weekly meeting it’s really interesting to find out what’s going on within your community, what’s been commissioned, what you can link in from a service point of view or link your participants in with.” Support provider

Working with partners prior to the ISC pilot has enabled strong working relationships to flourish and meant that a range of support was in place for people from the start. An established understanding of each other’s work has no doubt helped in some instances.

“The relationship that we had with probation was really well established through the integrated offender management approach [...] So, when we came together for the Intensive Supervision Court, we weren’t strangers, we already had a really good understanding of the work each other does, and good relationships in terms of sharing information.” Police or PCC staff member

Having the operational team in place early on helps. Bringing all partners around the table in the set-up phase was crucial to gain their support and build effective processes. Early conversations between the judge, probation, police, and other partners allowed for greater understanding of the model and how it would be carried out. It would also have been helpful to involve frontline staff in developing the practical detail of the ISC model. The staff running the pilot day-to-day had valuable knowledge about what would work and what factors needed to be considered when developing the detail of how ISCs would work in practice.

The court co-ordinator role was seen as a particularly crucial one by core partners across all three sites. The court co-ordinator provides a vital link between the courts and other key partners, “keeping the contact and communication going, and keeping everything running”. Getting this role in place as early as possible helped with set-up.

“One of the big challenges in [pilot area] is that we didn’t have a court coordinator in place until very late on. [...] that’s a real crucial role because they’re the conduit between the court and the partnership. So, that again, with hindsight would be integral personnel that we’d need in place early on.” Probation staff member

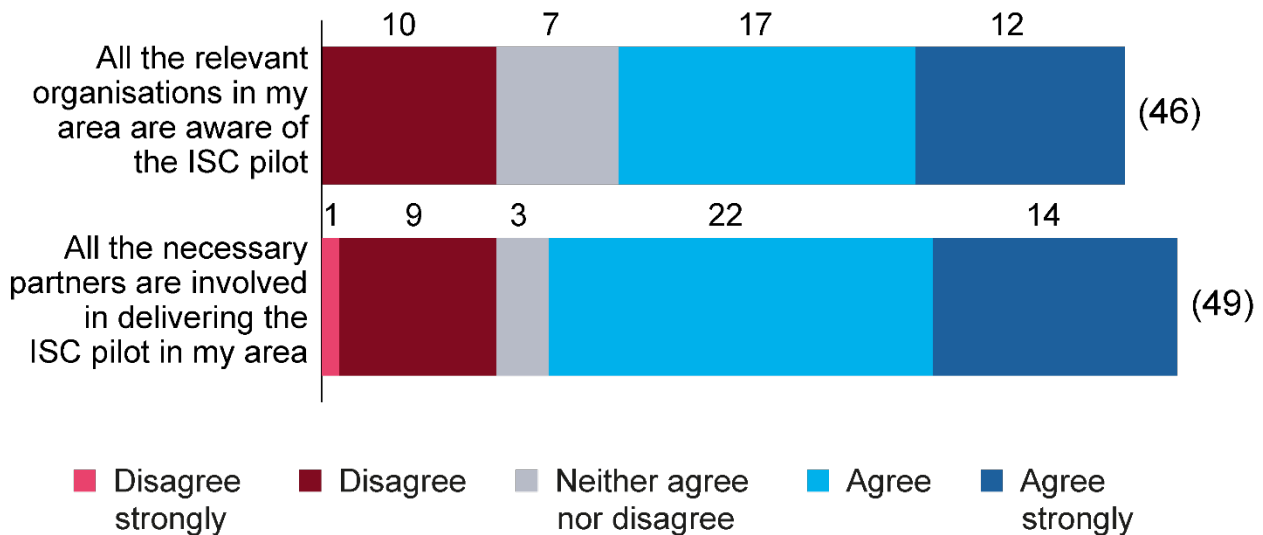
Challenges

Core partners across sites often highlighted the lack of involvement of local authority housing services and/or housing providers in the pilot as a problem. As Figure 3.4 shows, some respondents to the survey did not agree that all necessary partners in their area were involved in delivering the ISC pilot (10 out of 49). All the respondents who did not agree that the necessary partners were involved and who provided further detail mentioned housing as a missing partner.

Figure 3.4: To what extent do you agree or disagree with the following statements... partner involvement

Source: Core staff and stakeholder survey. Total respondents for each statement provided in parentheses.

Some stakeholders feel not all relevant organisations are aware of or involved in the ISC pilots.



Where there is a lack of formal housing partners this has had negative impacts on the delivery of the pilot, particularly in relation to the eligibility of potential pilot candidates. A requirement is for people to have stable accommodation for the duration of their ISC order. Many people experiencing problems with drugs and/or alcohol are often in unstable accommodation or homeless. Core partners saw the lack of support from housing providers as a missed opportunity to engage people on probation who would otherwise be suitable candidates.

“I think there’s been a really missed opportunity from the centre, that accommodation providers have not been on board. [...] quite frequently, the cases that we’re looking at are on remand with no accommodation.”

Probation staff member

Where candidates were accommodated but in low-quality or unsafe housing, this was argued to adversely affect their ability to engage and address their mental health and substance use.

“Housing, it’s the biggest missing piece, definitely and I think it’s had a profound impact on what we’re able to achieve with the project [...] that leads to a feeling of powerlessness for everybody because when you have a woman that doesn’t have a safe place to be, how can you work with her?” Support provider

One of the pilot sites highlighted how the lack of involvement of housing services created additional work for staff who spent time identifying accommodation and related funding for people on probation. Resolving the challenge of appropriate accommodation is not an easy task, especially in the context of national shortages of affordable housing.¹⁹ It can be harder to find accommodation for many of those who are the target cohort of the ISC pilot – people with drugs and/or alcohol problems who often also have chaotic lives. It was argued that having the specialist expertise and knowledge of housing teams on board would make this process much more efficient. At the time of writing, a representative from the local authority housing team had joined the women’s court strategic board, so the impact of this is something the next stage of the evaluation could explore.

Other services that were said to be missing from core partnerships in some areas included wider health services, notably GPs and mental health services, the police and adult and children’s social care. The lack of involvement from these organisations made it harder to gather a full picture about potential candidates and individuals on the ISC, created more work for probation staff and affected the ability for individuals on the ISC to receive wrap-around support. The extent of involvement of the police in partnerships affected the number of referrals coming through.

“With Children and Social Care, there’s just not that open door to gather that information. It would be good if they were onboard [...] Just so we’ve always got an up-to-date picture of what’s going on for this person.” Probation staff member

The lack of involvement from Liaison and Diversion (L&D) teams, who already screen individuals for additional needs in custody and court, was said to be a missed opportunity as they were not referring people who could be suitable for the pilot.

¹⁹ Shelter, Loss of social housing, Available at: https://england.shelter.org.uk/support_us/campaigns/social_housing_deficit [Accessed 13/05/2024]

There has been mixed involvement from restorative justice services. When the pilot programme was designed it was envisaged that restorative justice could form part of a sentence when appropriate and the victim wished to engage. It was suggested by one organisation that the low levels of involvement in one site was due to a lack of understanding in the core ISC team of the potential role for restorative justice. Personnel changes in one of the SM courts led to delays in their involvement, but there are now a small number of cases being progressed through restorative justice.

Not all pilot areas identified the same partners as missing, and some partners have become more involved in the pilot since the evaluation fieldwork was conducted.

Where partners are working closely together for the first time, **time and effort is needed to build relationships**. The importance of understanding the practice norms and legal or ethical constraints of partners was highlighted by core partners from a number of different sectors. In some areas, tensions have arisen at times due to differing professional cultures and priorities; the main concerns of support services (such as drug and alcohol treatment providers) are different to the criminal justice system, which focusses on public protection and risk management.

“They work under different objectives, don’t they? And when probation[’s] objective is about risk management by and large, that’s the primary focus. Well a treatment provider is about, ‘Well, what’s the individual want?’ So, sometimes I think there can be a clash when it comes to which direction to go because of people’s organisational objectives and priorities.” Probation staff member

As a result, there have been examples of partners disagreeing about whether an individual should have been breached and of individuals receiving mixed messages from different organisations that they are in contact with, for example on the importance of particular activities. However, these differences have generally been resolved and mutually acceptable compromises agreed upon.

3.3 Resourcing

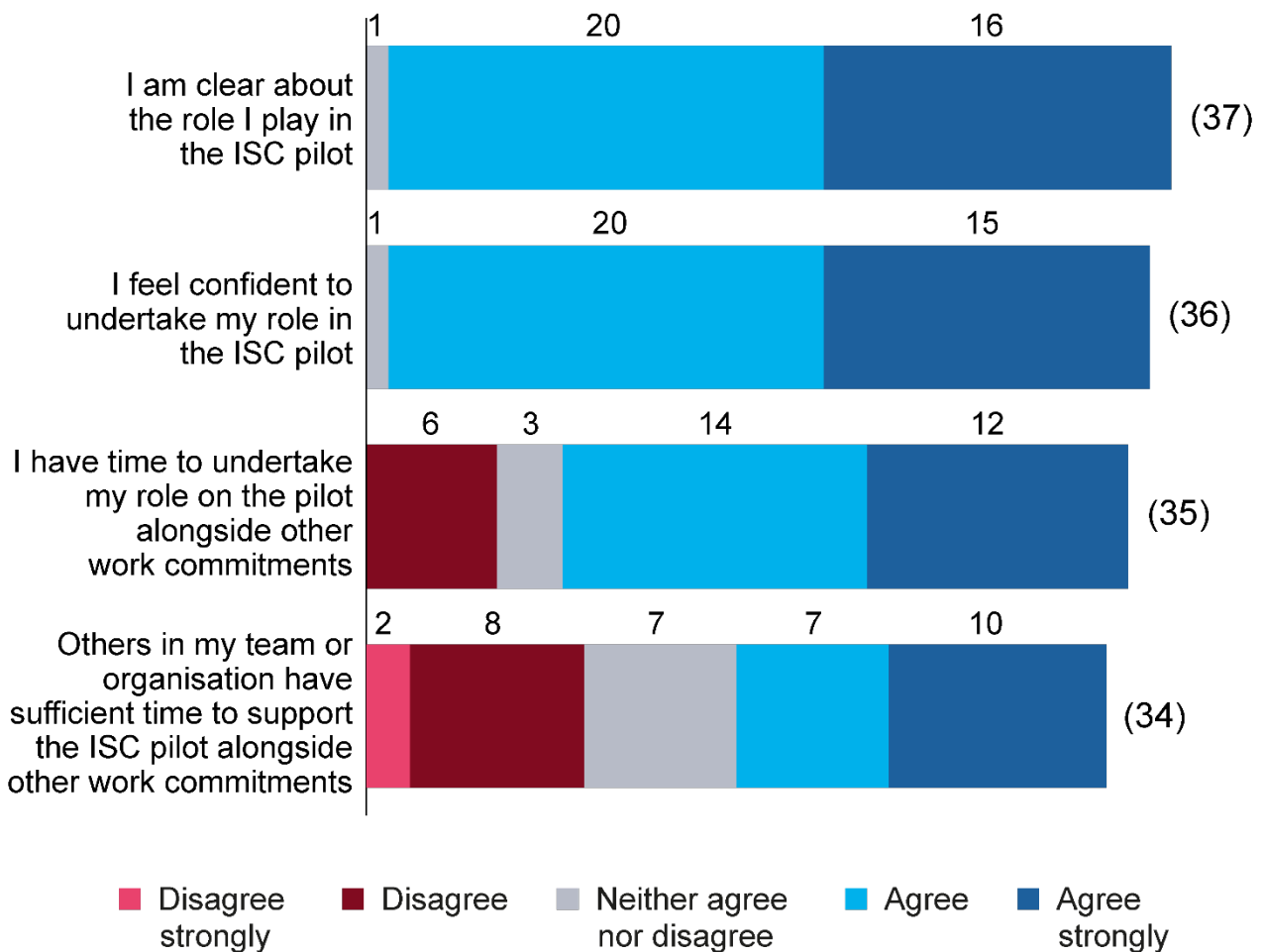
What is working well

Core partner staff feel they have the necessary skills to undertake the work required, and the observations showed that staff have a range of relevant experience and knowledge that benefits delivery. Figure 3.5 shows that respondents to the survey were overwhelmingly clear and confident about their role in the pilot.

Figure 3.5: To what extent do you agree or disagree with the following statements... roles and resourcing

Total respondents for each statement in parentheses. Source: Core staff and stakeholder survey

Stakeholders are confident about their role on the pilot, although a few have concerns about lack of time.



Challenges

Delivering the pilot has required substantial staff time from core partners. While Probation Service time has been ring-fenced for the pilot to enable them to provide the additional support required, **the workload is greater than expected**. Some probation staff still held non-ISC cases as well as ISC cases. Individuals on the ISC have high support needs, which require substantial input from staff. Probation staff discussed the challenges of having to manage weekly appointments with people on their caseload, alongside time at court to support reviews and the ongoing liaison with partners. Other pressures on staff capacity include the PSR and review processes. Probation staff collate input from multiple partners to create the PSR. Partner staff feed into multiple court reports to ensure that judges have up to date information ahead of time. There were concerns that such pressures would only increase as more people are given an ISC order and caseloads increase.

“Whilst they’ve got a very small caseload, the work is a lot larger than anticipated because the nature of the complex need, the court attendance is more than we perhaps viewed it would be.” Probation staff member

Responses to the survey reflect the qualitative findings that constrained resourcing can be problematic. Some respondents indicated that they did not have time to undertake their pilot role alongside other commitments (6 out of 35). Almost a third disagreed that their colleagues had sufficient time to support the pilot alongside other work commitments (10 out of 34) – see Figure 3.5.

Lack of resourcing within partners outside probation and HMCTS who did not receive any additional funding to deliver the pilot has caused particular tensions.

The MoJ needed to test a model that would be financially sustainable and replicable across the country. As a result, the overall pilot budget had to be relatively constrained. The additional work for partners is two-fold; they are working with people at the pre-sentence stage (in addition to provision of post-sentence commissioned rehabilitation services) and are supporting a new cohort of people who might otherwise be in custody. This is in addition to other pre-existing responsibilities, meaning resources are severely stretched.

“...money got raised quite a few times because I don’t think anyone is really being paid any more to deliver what is ultimately going to be an enhanced service. And that, again, caused a little bit of frustration between some of the other organisations.” Drug and alcohol treatment provider

Staff turnover and absences (such as long-term sickness) can be a problem to the pilot model resilience. This is a particular issue in the Probation Service, where the vacancy rate was 35 percent in June 2023 when the pilot went live.²⁰ This perhaps has the greatest impact since they are at the core of the ISC model. As well as putting staff under pressure, changes in staff can have a negative effect on continuity of care, with offenders often having to re-build relationships from scratch.

“I think staffing has been a massive issue [...] Lots of changes, particularly with probation [...] So the women will come to us and talk about when they’re feeling ‘I’m really struggling with a new probation officer again.’ [...] And then the ripple effect of having to pick up extra work, having to be that more intense support for the women when they haven’t got that continuity.” Support provider

The particularly complex needs of women in the women’s court were also noted as a barrier to recruiting probation staff to the project.

“It’s specifically difficult to get people working with women who are this complex [...] they are very emotionally taxing, and you’ve got to have a really strong mind, a really strong sense of who you are, in order to be able to deal with 15 to 20 complex women all at once, who are pulling every emotional string that you’ve got. So, I think it’s always difficult to get someone to work with a predominantly or all-female case load.” Probation staff member

Funding for additional probation resource in all pilot areas had been implemented at the time of writing.

²⁰ Ministry of Justice (2023), ‘HMPPS workforce quarterly: Probation Officer Recruitment annex—June 2023’: <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-workforce-quarterly-june-2023>

4. Findings: Identifying pilot candidates

This Chapter explores different aspects of the pilot cohort. It covers the appropriateness of the eligibility criteria, the methods used by pilot areas to identify potential candidates for an ISC order, and the extent to which the pilot has reached the target groups. This includes a summary of the characteristics of individuals on the ISC. The Chapter draws on data from the survey and interviews with core team staff and stakeholders, interviews with people on the ISC and monitoring data.

4.1 Eligibility criteria

To be eligible for an ISC order, candidates must be aged 18 or over on the day of the conviction and reside in postcode areas which fall within the pilot areas' boundaries. They must also consent to the sharing of personal information between participating agencies/bodies and sign an ISC participation agreement during the PSR assessment stage. A guilty plea is not necessary, but eligible candidates must show motivation to address their problems and indicate a willingness to engage with the ISC pilot programme.

Those charged with specific offences are not eligible for an ISC order. These include any firearms related offence, any index offence under Sexual Offences Act 2003 (part 1), if the individual is listed on the Sexual Offenders Register for a previous offence (i.e. persons subject to Notification Requirements under the Sexual Offences Act 2003), any conviction for possession of a knife/offensive weapon which is not a first-time offence and use of knife/offensive weapon (including if used to threaten or cause fear). Probation staff also screen out where it is deemed there is an imminent risk to the public and/or identifiable victims. Judicial discretion to determine eligibility for sentencing through the ISC remains.

In addition to these overarching criteria, each individual ISC has its own criteria, as summarised in Table 4.1.

Table 4.1: Summary of eligibility criteria for each pilot site

Birmingham women’s court	Liverpool SM court	Teesside SM court
<ul style="list-style-type: none"> Female offenders, eligible for a custodial sentence of up to 6 months or suspended sentence, and at least one criminogenic need, such as mental health or problems with drugs and/or alcohol. Judicial discretion can be applied for those facing longer sentences. 	<ul style="list-style-type: none"> Male and female offenders, eligible for a short-term custodial sentence up to two years, and whose offending is linked to use of drugs and/or alcohol. Judicial discretion can be applied for those facing longer sentences. 	
	<ul style="list-style-type: none"> Additional exclusions: individuals who are flagged as linked to an Organised Crime Group. 	<ul style="list-style-type: none"> Additional exclusions: individuals who commit summary offences (such as shoplifting).

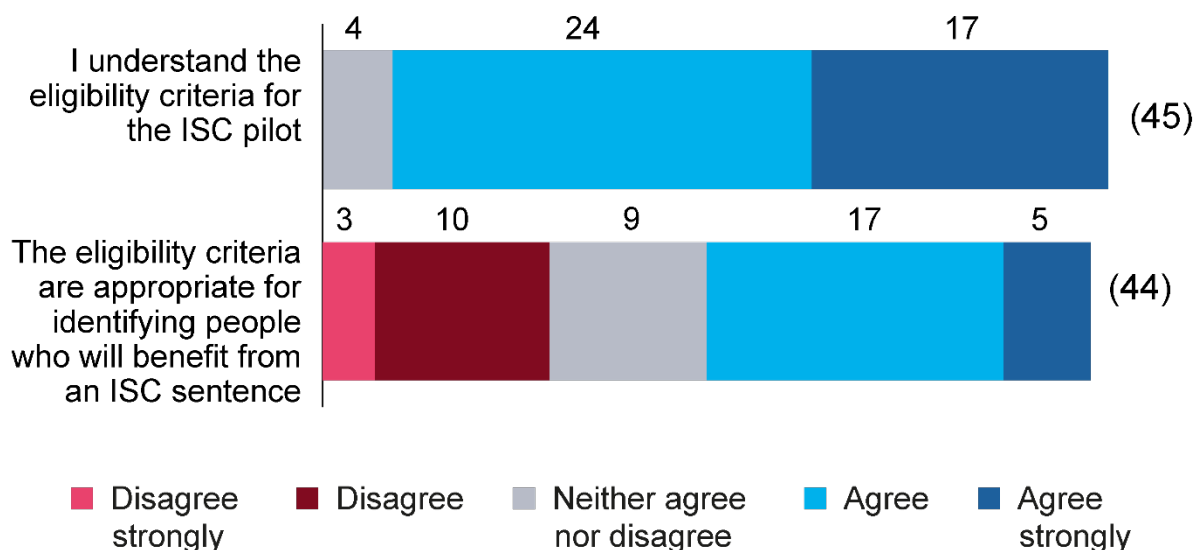
Challenges

There was some disagreement about the appropriateness of the eligibility criteria amongst core partners and stakeholders. Whilst almost all respondents to the survey said they understood the eligibility criteria (41 out of 46), only half agreed that the criteria are appropriate for identifying people who will benefit from an ISC order – see Figure 4.1.

Figure 4.1: To what extent do you agree or disagree with the following statements... eligibility

Total respondents for each statement in parentheses. Source: Core staff and stakeholder survey.

While almost all stakeholders understand the eligibility criteria, some do not feel they are appropriate.



Among those who indicated the eligibility criteria were not appropriate, many provided further information to suggest the criteria were too narrow in some way. This was reflected in the qualitative interviews.

The requirement for ISC candidates to be in stable accommodation was frequently raised as an issue. This was discussed fully in section 3.2.

People who have committed low level offences and who could potentially benefit are being missed. This is because of the focus on ISC orders as a diversion from custody and high-level community orders, and the location of the SM ISCs in the Crown Courts. Some staff explained that there are individuals who are in repeat contact with the criminal justice system for low-level crime that is driven by problems with drugs and/or alcohol, who are unable to benefit from the pilot.

“All these people that we know, and I see on the court list, and they’re all repeat offenders for shoplifting, shoplifting, shoplifting. And eventually, it’s them ones that end up going to custody...It’s identified at a Magistrates’ level. Whereas they’re the ones really who are probably the most at need.” Support provider

However, the policy aim of the pilot was to target offenders that were on the cusp of custody and could be served in the community with intensive support. The cohort for the pilot was therefore chosen with this purpose in mind.

It was also recognised that it was **important not to ‘up-tariff’ individuals, that is, give them a more serious or onerous punishment than they would have otherwise received.** This was said by core partners to be a particular concern of wider stakeholders, such as the legal profession. This reflects previous research on problem-solving court approaches that found apprehensions amongst professionals involved about up-tariffing and sentence ‘overload’.²¹

²¹ Birkett, G. (2019), Solving Her Problems? Beyond the Seductive Appeal of Specialist Problem-Solving Courts for Women Offenders in England and Wales, *Journal of Social Policy*, 50(1), pp.104-121

“I’ve had a couple of comments from defence practitioners that the sanctions and the penalties for breach, they wouldn’t want to put their client forward for that. Because if they were on a normal order they wouldn’t have to do as much, and they wouldn’t be punished and have a risk of custody as much, which I think is a valid concern...” Probation staff member

In the women’s court, eligibility criteria were revised early on to exclude women who were eligible for community orders from being considered for an ISC order. This decision was taken after delivery began to avoid the risk of up-tariffing and to make caseloads more manageable for probation.

When determining whether someone is suitable for an ISC order, there is a **need to balance risk with the potential benefits for individuals and the community**. Judges and probation staff in the different pilot sites had different views on whether particular individuals should be considered for an ISC order. For example, in one area those who presented greater risk to others, such as perpetrators of domestic violence or where there was a repeat victim, were deemed inappropriate for the pilot. In this area, access to police intelligence during the sift has ensured greater knowledge of potential candidates.

“I’ll give you an example, so one of their cases, when I looked at it, he had six breaches of restraining order, and the current offence was a breach of restraining order, so that’s seven with the same victim. I don’t think it was defensible to say, ‘We’ve diverted someone from custody’ who’s got such a history of repeat behaviours towards a known person. [...] I don’t think the order would stop him doing that again.” Probation staff member

A further barrier to identifying more suitable candidates highlighted by many interviewees from the Liverpool SM court was the geographical restriction limiting eligibility to people residing in Liverpool City Council postcodes. Decisions around pilot area geography were linked to local commissioning structures. Where various substance misuse treatment providers held contracts from different agencies across different parts of a pilot area this created complications when establishing a partnership. However, core partners explained how more people would be suitable for the pilot if this was expanded to other areas where it was felt that many people were committing offences due to SM issues.

“I accept that a pilot has to be geographically limited because you have to have some sort of curbs on it. But there are swathes of our area that come to Liverpool Crown Court that fall outside the geography [...] and there are quite large areas with huge social problems including addiction problems there” Court professional

4.2 Identification of candidates

Each site has taken a slightly different approach to identifying candidates. These are summarised in Table 4.2.

Table 4.2: Approaches to identifying potential ISC candidates

Birmingham women’s court	Liverpool SM court	Teesside SM court
<ul style="list-style-type: none"> • District Judges determine whether women in the Magistrates’ Court meet the custody threshold. The police flag potential cases that are due in court to support this process. • Suitable cases are adjourned to allow for probation and local partners to conduct the PSR before women have the option to consent to the ISC order. 	<ul style="list-style-type: none"> • Designated probation court officer is responsible for identifying potential ISC candidates when PSR requests are made after the plea and trial preparation hearing, or upon PSR being committed from Magistrates’ for sentence at the crown. • Intention that non-ISC judges and legal professionals flag potential cases too. 	<ul style="list-style-type: none"> • The police notify probation of potential cases. Probation identifies cases themselves via police data. • A dedicated police staff member also helps to identify potential candidates.

What is working well

Access to good quality and timely data is key to identifying candidates. **Data sharing between partners appears to be working well.** Probation staff access to police and court records to be able to screen suitable candidates was important. Efforts were made during the set-up process to ensure that probation could have access to HMCTS records in real-time. We observed effective and immediate sharing of information between multiple partners to identify potential candidates. This allowed the team to rapidly build a full and detailed picture of an individual’s circumstances and recent engagement with services.

Most survey respondents agreed that organisations involved in the pilot share necessary information. Some early differences in opinion as to what data could be shared in what circumstances appear to have been resolved.

Several core partners emphasised how staff being physically co-located helps to facilitate information sharing. This includes embedding police staff members with the core pilot team. Co-location has allowed staff at some sites to easily access live and up-to-date information, allowing decisions to be made in a timely manner. It can help staff address issues immediately by talking directly to people.

“Our [treatment] colleagues are in the court on some days, and it makes it easier when they’re there and you can just have that conversation with them. So, I think if we were co-located together, that would be so much easier to work together.”

Probation staff member

Staff across the pilot areas explained that, **generally, those put forward for an ISC order consent to it.** The possibility of going to prison was an important factor in people’s decision making. Many welcomed an alternative to custody and therefore were willing to sign up.

“I didn’t really think about [support] at that point. It was just either prison or not.”

Individual on the ISC

Core partners suggested reasons potential candidates might not consent include that they are not ready to make changes in their lives and the option of going to prison for a short period of time is preferable and familiar. The prospect of attending lots of appointments and receiving treatment for SM and/or mental health could be overwhelming.

“I think, if you’ve been in custody repeatedly, you know what’s required of you. You know how long you’re going to be in for and there’s not a huge amount that’s asked of you in terms of making significant changes to your lifestyle [...] I think sometimes it must be easier just to say, ‘Do you know what I’ll just go to custody and get it done with.’” Probation staff member

Challenges

A lack of detail in police records sometimes made it difficult to determine whether SM is linked to the offence. Staff identifying cases needed particular expertise and knowledge of police and court systems and processes, combined with time to review the data.

“I expected to be able to read a CPS pack and it immediately jump out to me whether these individuals were under the influence at the time of the arrest, whether in interview they’ve made any remarks about being under the influence, whether that person has been drug tested on arrest. I was expecting that information to be readily available and quickly found out that it absolutely isn’t... the case summary, there’s just very little detail.” Court professional

The identification process changed in the women’s court during the pilot. The initial plan was for the police to identify cases at point of arrest, with probation then compiling the (PSR) before the plea. This proved unsuccessful because probation did not have the time or resources to conduct assessment interviews ahead of the first ISC hearing, and police and defence solicitors were unable to work in the way that was required. This approach also risked women being up-tariffed if probation suggested women for an ISC order where their offence would otherwise have warranted a low to medium community order. Consequently, judicial oversight is now part of the process to ensure only appropriate cases are adjourned for the PSR to be completed.

“So, having that judicial steer has been really important because now I can confidently say we’re getting the right cases on.” Probation staff member

4.3 Pilot cohort

Notwithstanding the point that some felt ISCs could benefit other people (as discussed in section 4.1), there was **agreement across sites that the pilot programme was broadly reaching the intended target groups.**

Between July 2023 and January 2024, a total of 63 people had been given an ISC order from one of the three pilot areas; 31 in the women’s court and 32 in the SM courts. In addition, three cases from the SM courts had been given deferred sentences with conditions.

Gender

Overall, the gender split is balanced; 32 individuals on the ISC were female and 31 were male. However, all but one of the women have been sentenced in the women’s court; the SM courts have mainly sentenced males. This is likely due to the SM courts being

Crown Courts and focusing on individuals who had committed higher level offences. Women in the criminal justice system are typically dealt with for less severe offences at Magistrates' court, and on average they face a shorter custodial sentence than males.²² Additionally, women make up a small percentage of cases in the criminal justice system. Probation data from June 2023 showed that 87 per cent of people with a suspended sentence order and 83 per cent of people with a community order were male. The requirement of SM courts for people to be in stable accommodation was also said by one area to be particularly challenging for women as there is so little appropriate accommodation available – for example, mixed gender accommodation is often not suitable for women who have experienced domestic abuse.

Ethnicity

Almost a quarter of individuals on the ISC (15 out of 63) were from a minority ethnic group.²³ This is a higher proportion than for other similar sentences; in June 2023, 17 per cent of those with a community order were from black and minority ethnic groups and of those with a suspended sentence the proportion was 21 per cent. Almost all those from a minority ethnic group with an ISC order were part of the women's court. This is potentially reflective of the fact that Birmingham is a 'super diverse' city with a majority non-white population.²⁴

Age

The age profile of individuals on the ISC is, so far, broadly in line with that of people with other suspended sentence orders with requirements. Most people on the ISC (49 out of 63) were aged between 25 and 49.

Criminogenic needs

Criminogenic needs of offenders are recorded in the Offender Assessment System or OASys. This is an operational database used to assess the needs and risks of offenders. In three out of the eight categories, 60 per cent or more people on the ISC had an

²² Ministry of Justice (2022) *Women and the Criminal Justice System 2021* Available at: <https://www.gov.uk/government/statistics/women-and-the-criminal-justice-system-2021/women-and-the-criminal-justice-system-2021> [Accessed 15/05/2024]

²³ Including Asian, Black, Mixed and other ethnicities, but excluding white ethnicities.

²⁴ ONS (2023) How life has changed in Birmingham: Census 2021 Available at: <https://www.ons.gov.uk/visualisations/censusareachanges/E08000025/> [Accessed 15/5/24]

identified need – see Figure 4.3. The exceptions include accommodation where only 33 per cent have an identified need. This is unsurprising given the requirement for ISC candidates to be in stable accommodation. Figure 4.4 shows that 84 per cent of the ISC cohort were in a reasonably settled form of accommodation. The most common forms of accommodation were social housing, supported housing or living permanently with friends or family, with roughly a quarter of people in each of these types. 10 per cent of people were in more transient accommodation (short term accommodation, staying temporarily with friends and family and Community Accommodation Service accommodation).

Over half of those on the ISC (65 per cent) have an identified drug misuse need, compared to only 34 per cent of people with a suspended sentence order. This is unsurprising given two ISCs are targeting people whose offending is driven by substance misuse, although three quarters of women sentenced through the Birmingham women's ISC also have a drug misuse need.

Almost three quarters of people on the ISC (74%) have an identified need concerning relationships. This is higher than people with a suspended sentence more generally (61%). In the ISC cohort there are roughly equal numbers of men and women with a need linked to relationships – 19 and 23 people respectively.

There is also a substantially higher proportion of individuals on the ISC with an employability need compared to people on a suspended sentence. Figure 4.5 shows that two thirds of individuals on the ISC were unemployed (67%) with a further 11 per cent unable to work.

Figure 4.2: Criminogenic needs of individuals on the ISC and of people with a suspended sentence order who have been assessed

ISC data: January 2023, base = 57, source – MoJ monitoring data. Suspended sentence data: June 2021, base = 36,831, source – Offender Assessment System. Percentages do not sum to 100 because categories are independent.

People on the ISC are more likely to have needs in relation to drugs, employability and relationships.

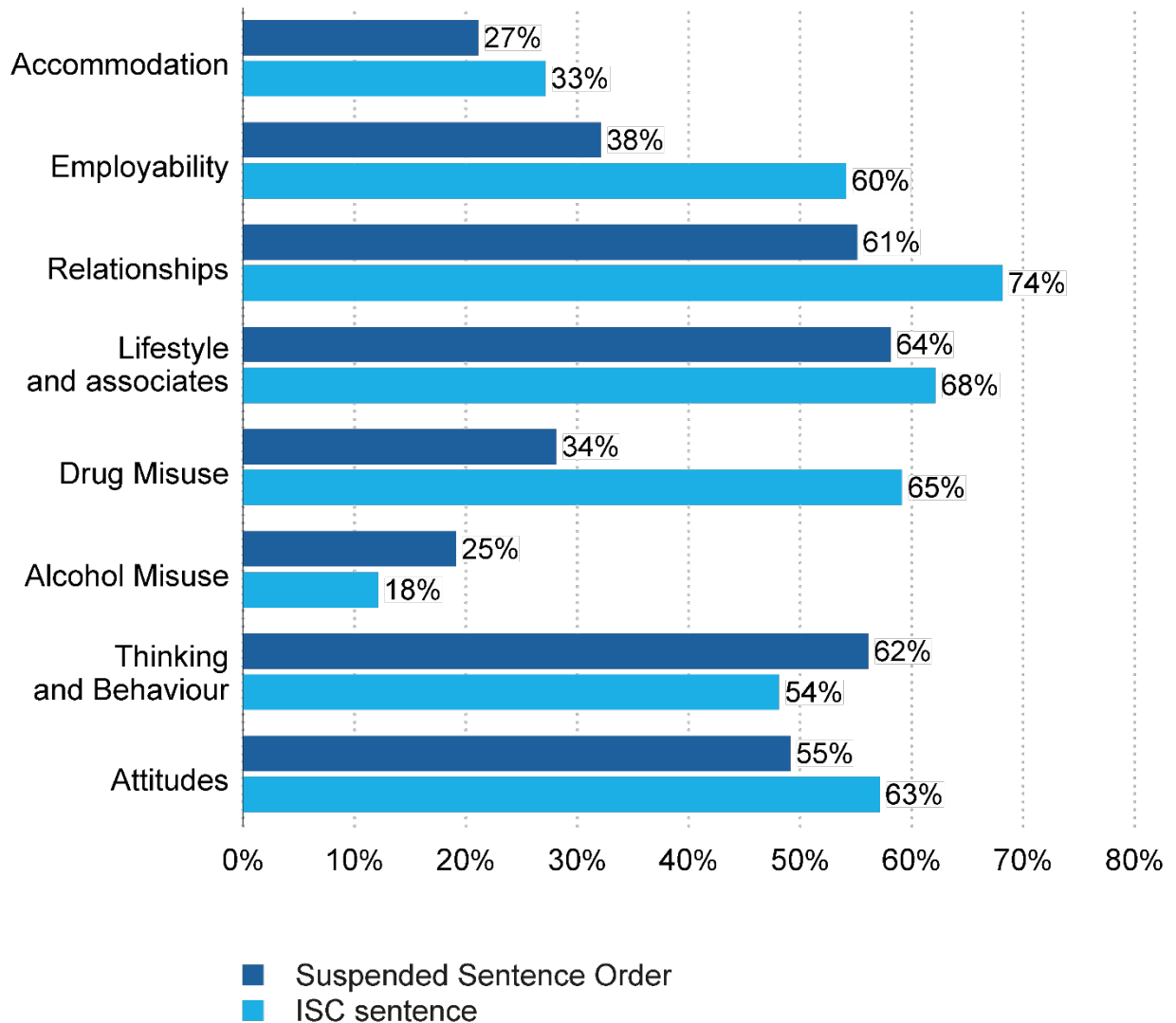


Figure 4.3: Accommodation type of individuals on the ISC

Base = 63. Source: MoJ monitoring data. Percentages do not sum to 100 due to rounding.

Most people on the ISC are in stable forms of accommodation.

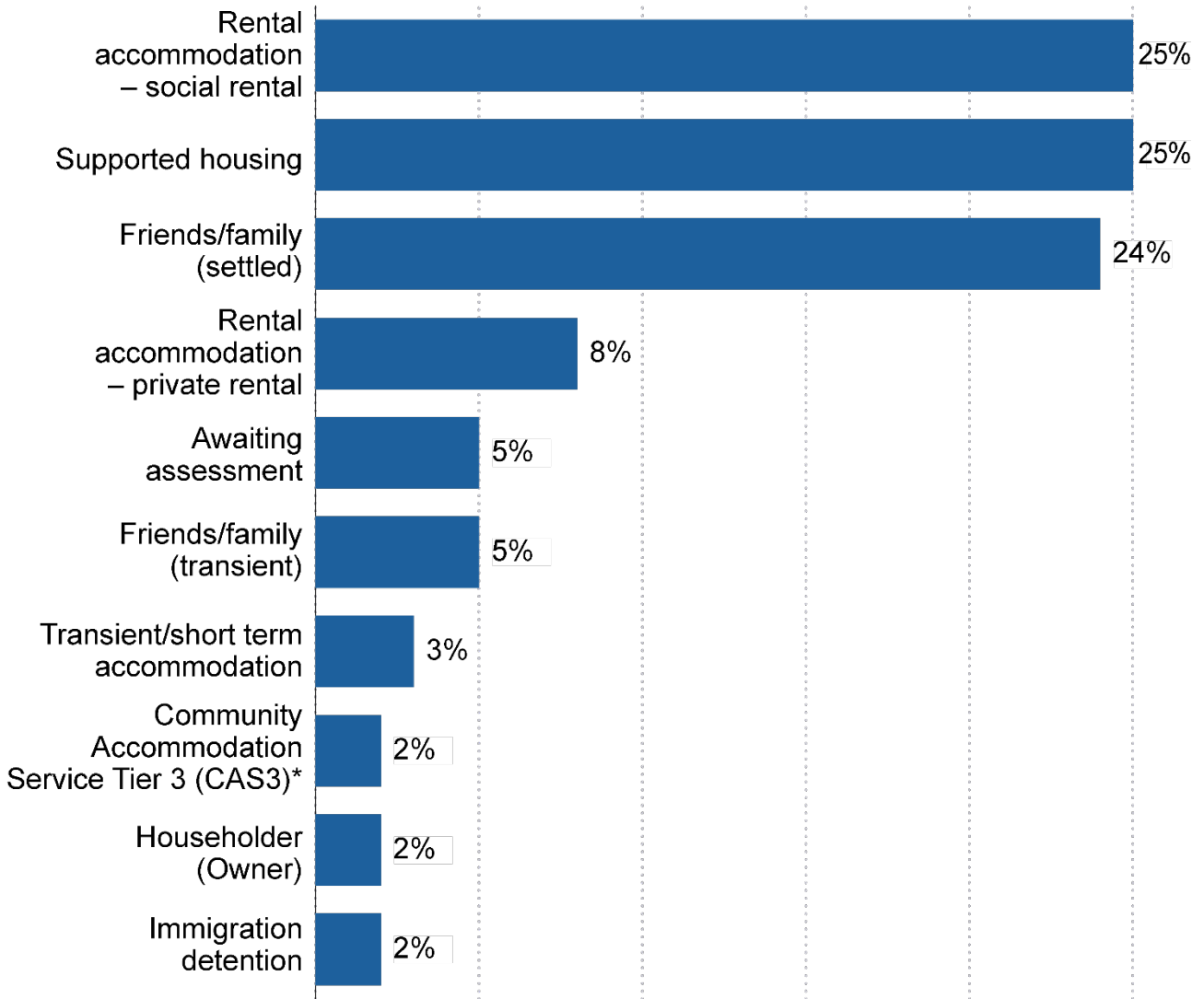
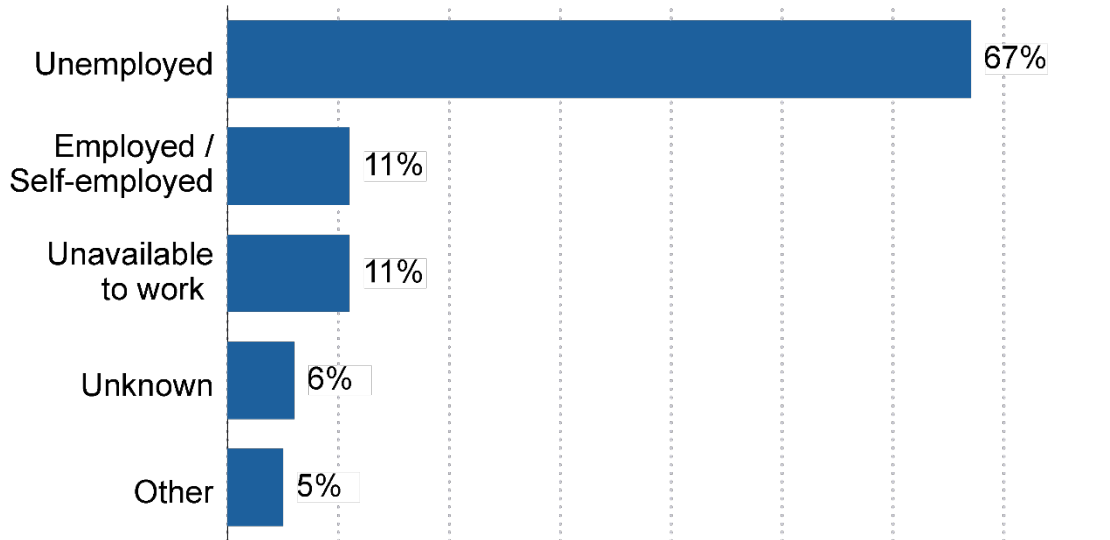


Figure 4.4: Employment status of individuals on the ISC

Base = 63. Source: MoJ monitoring data.

Most people on the ISC are unemployed.



The main types of offences for which people had been given an ISC order were lower-level violence (including assaults and first-time possession of a bladed article in a public place, 16 cases), drug possession/supply (11 cases), theft (non-motor, 11 cases) and other offences (mainly assault of an emergency worker, 8 cases). Other offence types included burglary, motoring, public order and criminal damage. There were notable gender differences in the offences, with women more likely to be convicted of theft and assault of an emergency worker, and men more likely to be convicted of drug possession/supply (most likely because more men are sentenced through the SM courts).

5. Findings: The ISC order journey

This Chapter considers the different elements of the ISC order journey, starting with pre-sentencing reports, through sentencing, review hearings, compliance, provision of support and concluding with early outcomes for individuals on the ISC. It draws on evidence from interviews with core team staff, stakeholders and people on the ISC, the survey and monitoring data.

5.1 Pre-sentence reports

A pre-sentence report (PSR) involves an assessment of the nature and causes of an individual's offending behaviour, the risk they pose and to whom, and an independent recommendation of the sentencing option(s) available to the court. It is led by the Probation Service.

PSRs are not required in every court case, and the decrease in the number of PSRs in recent years was a concern raised in the 2020 sentencing White Paper,²⁵ but each person who is considered suitable for an ISC order will have a written PSR. This is important because the provision and quality of PSRs are key to supporting effective decision making in the criminal justice system and appropriate supervision arrangements.²⁶

In the SM courts, following identification of an eligible candidate, a PSR is requested from the ISC probation team, with an ISC option for the judge to consider at sentencing. In the women's court if a woman is identified as meeting the custodial threshold, the case is adjourned to allow for the compilation of a PSR.

ISC guidance outlines the expectation for a collaborative approach to the formulation of the PSR. There are processes in place for the range of core ISC partners to conduct joint needs assessments or to contribute through their own assessments, rather than contributions from different agencies being ad-hoc.

²⁵ Ministry of Justice (2020), *A Smarter Approach to Sentencing*

²⁶ *Ibid.*

What is working well?

There are benefits to joint working between key partners at PSR stage. This ensures a full and detailed picture of the offenders' needs and risks. Joint assessments were also said to ensure common agreement between partners on what is needed in a particular case, swift action on arranging specialist assessments and no confusion. For people who have experienced trauma, it also means they do not need to repeat their story multiple times, to different organisations.

“The assessment framework used.... has profoundly increased the understanding of the needs of women, and therefore the ability to address them. And without that, you'd have people coming through to the courtroom where you just did not know that they needed all that support.” Police or PCC staff member

Undertaking mental health assessments at PSR stage worked well. In one site where this did not happen, mental health needs did not become apparent until after someone was sentenced, by which time adding a mental health treatment requirement (MHTR) to the sentence would be a punitive measure. In another site, mental health assessors attended the PSR interviews, and this joint working was said to help staff identify needs early on and ensure the necessary support was in place.

5.2 Sentencing and review hearings

Judges play a central role in the rehabilitation of the ISC cohort and are responsible for regularly reviewing the offender's progress, providing regular feedback, and applying privileges and sanctions as appropriate in response to levels of compliance – this relationship is fundamental to the offender's journey through the ISC.

What is working well

Steps have been taken to make court hearings less intimidating. Steps taken by some of the courts include judges de-robing and reconfiguration of seating arrangements, for example, having the person on probation sit in the witness box rather than defendant dock. After ISC sentences were delivered, we observed courtrooms being cleared of defence and prosecution staff and the judge coming down into the well of the court to talk with the person on the ISC in a more intimate way about what they could expect from the sentence.

The review hearings were less formal than sentencing hearings. The language used was less formal and, where appropriate, friendlier. There were also examples of family members attending and being directly asked by the judge for their views and how they were feeling. The women's court reviews were held in a different location to the sentencing court to make this process feel different to and separate from the experience of being sentenced. When it was necessary to temporarily move back to the Magistrates' court building, the women were said to be anxious about this.

"I think it's very important that women don't come back into court because the connotations of being an offender in court, this is where you were sentenced... whereas [other venue], it's all on one level, it's very informal." Court professional

Across sites there was agreement that such changes have worked well to help individuals on the ISC feel more comfortable during their reviews and to show them that the judge and probation practitioner are working together.

"...normally when we sentence, we're 10 metres away, elevated above them. They're in a dock with a dock officer. We're wearing robes and referring to them as Mr so and so and being quite dictatorial really [... Now] because they're in the witness box, I can be sitting at a very natural conversational distance [...] So, I hope they feel that...this is a judge who is actually having quite an amiable chat with you about how you're getting on" Court professional

Individuals on the ISC we interviewed also acknowledged the difference between an ISC review and their previous experience of court.

"It was completely different really. Obviously compared to sitting in the dock and up for sentence, completely different. He seemed friendly and that, he seemed okay." Individual on the ISC

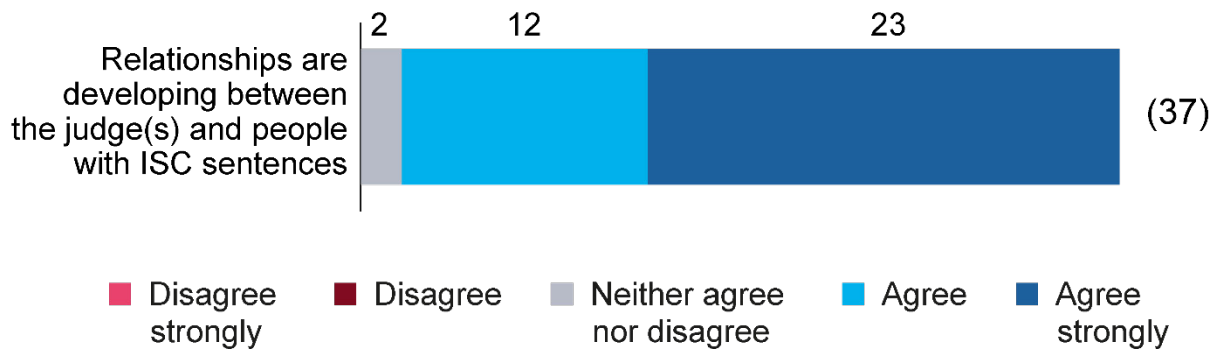
These actions reflect the desire for a more trauma-informed approach. Removing barriers between judge and Individual on the ISC, whether they be physical, language, or cultural, is an important part of developing the relationship, helping to put people on probation more at ease and improving engagement.

Positive relationships are clearly developing between judges and individuals on the ISC. A key feature of the ISC pilot and part of the underpinning theory of change is that a relationship develops between the judge and the person on probation and that this in turn leads to improved engagement with sentences. Almost all respondents who gave an answer in the survey agreed that relationships are developing between judges and individuals on the ISC (35 out of 37), and no-one disagreed with this – see Figure 5.1.

Figure 5.1: To what extent do you agree or disagree with the following statements... relationships with judges

Total respondents for each statement in parentheses. Source: Core staff and stakeholder survey.

Almost all stakeholders agree that relationships are developing between judges and the people on an ISC.



The individuals on the ISC we interviewed described good relationships with their judges, feeling they were approachable, understood them and wanted to help. One person described how their relationship with the ISC judge had changed their perception of the judiciary.

“I’d say that it’s been really positive, really. [...] this judge is absolutely lovely, she’s really nice, really approachable, I can just always talk to her”
Individual on the ISC

“But [judge’s name], he’s actually alright man. [...] He made me realise that not all judges just want to shut you in jail and fling away the key and stuff. Like, there’s actually some out there that wants to try and make the system work.”
Individual on the ISC

The judges interviewed also gave examples of how the more informal approach to review hearings and efforts to get to know individuals on the ISC had helped to build relationships

and trust. The evaluation team saw evidence of developing relationships between judges and individuals on the ISC when observing reviews. Individuals on the ISC clearly felt comfortable sharing information about their lives and what they had been doing since the last review. The judge recalled details of people's circumstances and asked for updates, such as how a course they had signed up to was going.

“So, having basically refused to speak when we first met, [...] we [now] talk about cooking, and we talk about what he's doing with his daughter. I'll ask him for recommendations for things, just to get him talking. So, seeing people open up and take responsibility for themselves, it's really rewarding in a way that other things I do in this job just aren't.” Court professional

One of the SM courts adopted a different approach to the other two pilot areas, with the option for the judge to defer sentences with conditions to allow pre-sentence support and other activity. Between July 2023 and January 2024 three cases had been deferred in this way. **Deferred sentencing was argued to be particularly effective in allowing time for stable accommodation to be sourced, to build relationships between staff members and the person on probation, and to test out how well people engage with the support on offer.** This was said to lead to improved motivation and attendance at treatment post-sentence. However, it was noted that deferring sentences might not be appropriate in all contexts due to backlogs of court cases.

Challenges

Some aspects, especially of initial sentencing hearings, remain highly formal and traditional. For example, while judges de-robed in two areas, court ushers remained robed. Barristers in some cases wore wigs. Language could be jargon-heavy and occasionally archaic. There are, of course, aspects of the court set-up that are difficult to change, such as the physical court buildings, and not all cases being heard in a particular session were potential ISC cases. The need to sometimes hear cases of prisoners on remand means a court with a dock is required. As a result, defendants at one site we observed stood behind a Perspex screen, which made informal interaction with the judge more difficult.

5.3 Engagement and compliance

What is working well

Individuals on the ISC had, on average, three requirements as part of their sentence. Almost everyone (95%) had a rehabilitation activity requirement (RAR days) as part of their sentence. This included activities such as attending courses and sessions at a women's centre. Other frequently mandated requirements were for drug rehabilitation (54%) and drug testing²⁷ (49% of people) – see Figure 5.2.

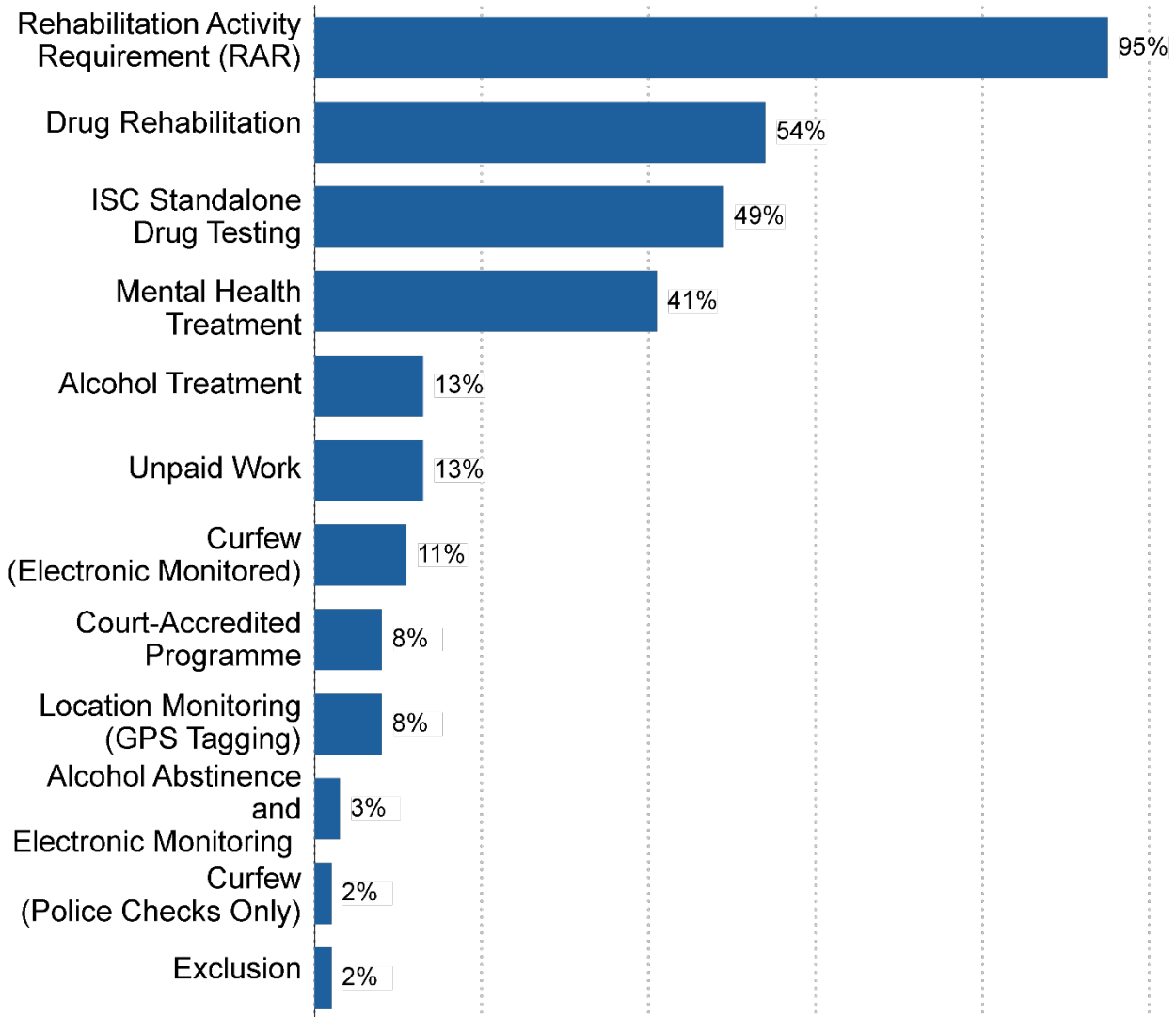
Over 40 per cent of individuals on the ISC have a Mental Health Treatment Requirement. There have been examples of **individuals on the ISC accessing mental health treatment for the first time** and this has resulted in positive changes in other aspects of their lives.

“There's one [participant] at least who's very quickly identified as having a diagnosable mental health disorder that had never been picked up even though they'd been in the justice system in a revolving door, and has already made huge gains...life improvements, just as a result of getting formal mental health support for that disorder.” Police or PCC staff member

²⁷ Drug rehabilitation requirements (DRRs) involve treatment and drug testing. Under the ISC there is also a standalone drug testing requirement which allows drug testing to continue after the end of the DRR. An individual can have the ISC standalone drug testing requirement without a DRR if the judge feels that a DRR would be unnecessarily intensive, but that it would still be beneficial to monitor the individual's drug usage.

Figure 5.2: Proportion of people with different sentence requirements

Base = 63. Source: Monitoring data. Percentages do not sum to 100 as people have multiple requirements.



Overall, engagement with ISC orders is good. Respondents to the survey generally agreed that individuals on the ISC were engaging with their sentence requirements (28 out of 36). However, there were also examples given of individuals that staff felt were complying (e.g. attending all necessary appointments) but not necessarily being proactive in addressing their needs.

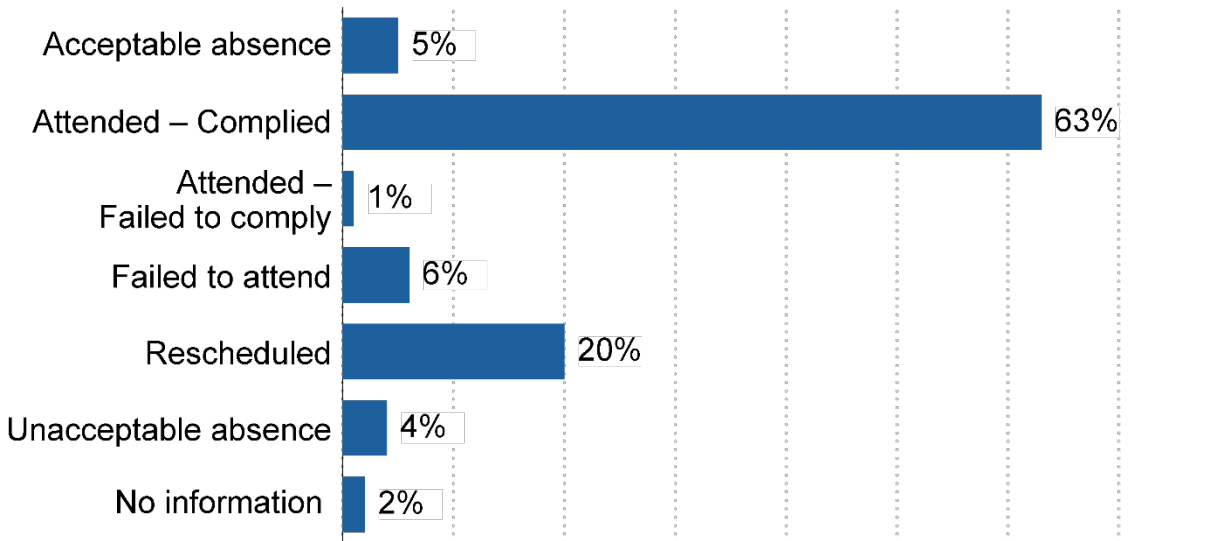
Between August 2023 and January 2024, 398 RAR contacts (appointments with treatment services and other commissioned rehabilitative services) were recorded in the monitoring data across the 63 individuals on the ISC. In the majority of cases (63 per cent) the person on probation attended and complied with the requirement. In 20 per cent of cases the

appointment was rescheduled. In only 11 per cent of cases did the person on probation either not attend, have an unacceptable absence or fail to comply – see Figure 5.3.

Figure 5.3: Outcome of RAR contacts

Base = 398. Source: Monitoring data. Percentages do not sum due to rounding.

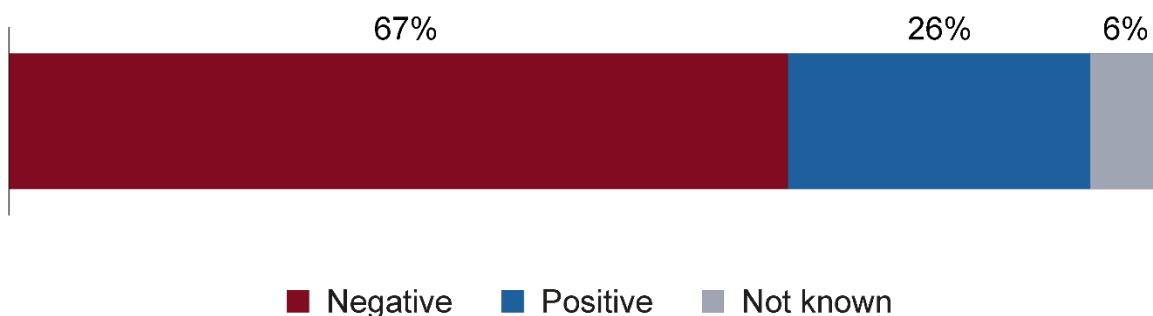
In most cases, people on the ISC attended and were compliant with their RAR days.



Based on data between July 2023 and January 2024, individuals were more likely, on average, to test negative for drugs (an average rate of 67% of individuals' tests) – see Figure 5.4.

Figure 5.4: Average rate of drug test results for individuals on the ISC

Base = 32 individuals. Source: Monitoring data (Percentages do not sum due to rounding)



An ISC order was not perceived as an easy option. Individuals on the ISC highlighted that the intense nature of their sentence was challenging. For example, one person reported feeling daunted by the high expectations of the judge and they were unsure that they would be able to completely stop taking drugs.

Privileges and sanctions

A range of privileges and sanctions can be used with individuals on the ISC to encourage and reward engagement and progress. Privileges can include verbal praise, reductions in frequency of reviews and drug testing, and funding for activities and items that would further support rehabilitation. Sanctions can similarly range from verbal admonishments through increased restrictions and requirements (such as electronic monitoring) through to a short custodial sentence of up to 28 days.

All areas have access to a fund from which to purchase privilege items as well as other items to enable compliance (as a minimum this includes travel passes). This was seen as key to supporting engagement with the many appointments' individuals on the ISC must attend. One of the SM courts has used the fund to purchase other items that have helped people to engage with their sentence requirements. This includes alarm clocks to help people get to appointments on time, art class funding to develop skills and appropriate clothing for unpaid work.

This flexibility in use of incentives and sanctions is seen as helpful. However, judges in one area explained that they would have liked more options when it came to applying sanctions and incentives.

“That’s fine, you can be flexible about things like [intensity]. It’s just there was lots of talk about things like gym passes and all that sort of stuff that, I don’t know... I’d like those to be available [...] judges to have a menu saying they could reward people in that way in conjunction with probation.” Court professional

It is not clear why the range of privileges initially envisaged are not in use across all areas. It could be that the administrative burden and time needed to apply for privileges individually is preventing their more widespread use.

“I haven’t used [incentives] because it’s an absolute nightmare, because we have to apply for it and justify it and it is not easy, other than the bus ticket [...] But anything else, I haven’t used and as I say, that is because the process is so tedious, and I just don’t have time.” Probation staff member

Individuals on the ISC were aware of the possibility of sanction and this appears to be an important motivation to comply with their order for some.

“I don’t wanna go to jail and if I do reoffend or mess up in any way I will.”

Individual on the ISC

There were examples of people agreeing to sanctions, for example an extension of their sentence because they recognised that they needed longer to make progress in their lives.

In addition, it appears that judicial involvement through the review process can help with compliance and motivation.

“The fact that I am up in front of the judge every six weeks kind of keeps you on your toes, you know, gives you motivation to keep your nose clean...”

Individual on the ISC

One individual contrasted their experience on the ISC to that of an earlier community order during the COVID-19 lockdown where speaking to probation on the phone once a week did not have an impact on their offending behaviour.

“That was one of the main reasons I reoffended again because I just got a slap on the wrist, I thought I’d got away with it, but this time round having to go in every week and having to go to my drug testing and then the reviews every month. It makes you realise that they are serious about it. It stops you reoffending.”

Individual on the ISC

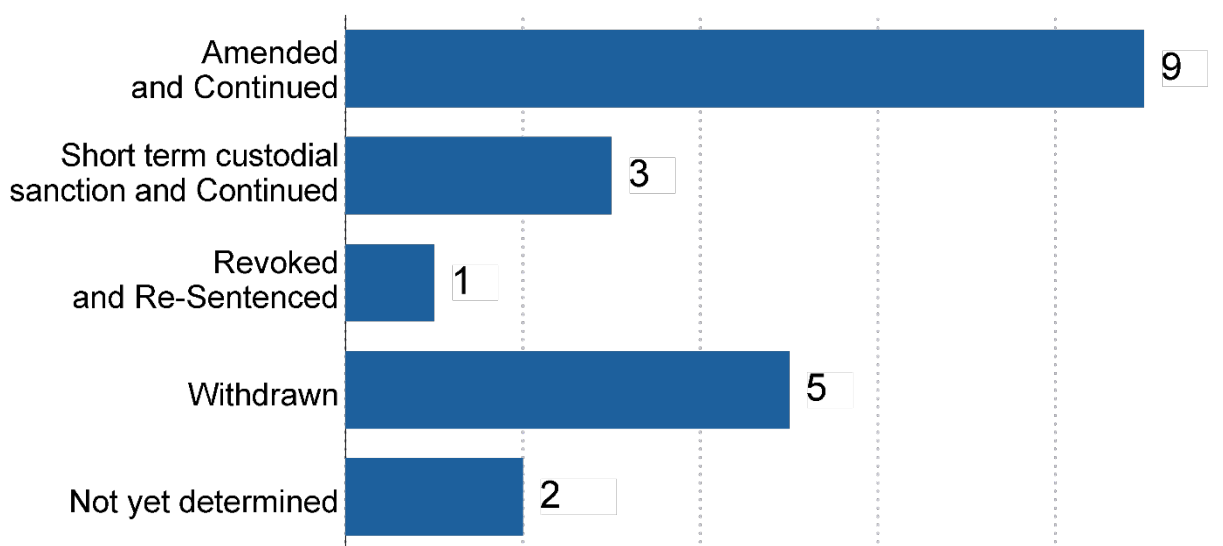
Breach process

Both ISC judges and probation officers can initiate a breach, whereby the individual on the ISC is sanctioned because of negative behaviours. This can include multiple missed appointments without legitimate reason, failure to complete order requirements (e.g. not allowing drug samples to be collected) and unacceptable behaviour, such as aggression towards ISC staff. Individuals on the ISC cannot be breached for a positive drugs test alone, but when this happens it is considered within wider discussions of non-compliance and risk.

Between July 2023 and January 2024, 14 individuals (out of a total of 63 people on the ISC) had breach procedures instigated; three of these had multiple breaches. The most frequent outcome (9 out of 20 cases) was for the breach to result in a change to the person’s order and the resumption of their sentence. This could mean, for example, adding a requirement or curfew. Five breaches were eventually withdrawn, most likely as a result of the individuals on the ISC providing evidence of a valid reason for missing an appointment. In three cases the option of the short-term (up to 28 days) custodial sanction had been used – see Figure 5.5.

Figure 5.5: Outcomes of ISC breaches

July 2023 to January 2024. Total number of breaches = 20. Source: MoJ monitoring data.



Between July 2023 and January 2024, 4 of the 63 ISC orders issued had been recorded as not completed. In two cases this was due to failure to comply, and the suspended sentence had been activated. This equates to three per cent of all ISC orders. In comparison, 10 per cent of community orders and suspended sentence orders in 2023 were terminated early due to failure to comply with requirements.²⁸ Of the ISC orders, one other was terminated due to a new offence resulting in the individual being re-sentenced to a non-ISC community sentence. The reason the other case was ended was not recorded in the monitoring data.

²⁸ Source: Probation data – 2013 to 2023

There has been flexibility and leniency when it came to breaching individuals across the pilot programme, especially when compared to “business as usual”. This was in recognition of the difficulties individuals on the ISC, who often lead “chaotic lives”, were likely to face when attending numerous appointments, dealing with trauma and tackling drug and alcohol problems.

“I think as probation officers we have to allow some leniency because you can’t just go from zero to 100. You can’t expect somebody who has been sofa surfing for six months and using class A and shoplifting every day to suddenly become an absolute conformist and do everything that they’re meant to do. Sometimes it’s very small steps and praising them [...] trying to encourage more compliance.”

Probation staff member

Where people have been breached and received a short-term custodial sanction this has had a mixed impact on engagement and compliance thereafter. Respondents across the pilot programme gave examples of where breaching someone had worked to improve engagement and create positive change as well as examples where they had not attended any ISC appointments since being recalled.

“They would say and did say to me that, ‘It didn’t work, and you shouldn’t have sent me to prison for 21 days and that did me no good at all.’ But actually, it’s precipitated several things including him actually doing something about his mental health. It’s also precipitated his family, particularly his estranged brother coming back and becoming involved with him again.” Court professional

The fact there have been so few people who have received short-term custodial sentences as a sanction means there is limited evidence on this aspect of the ISC pilot to date. The evaluation will explore this further in the final report.

Challenges

The judge-led breach was a new process introduced as part of the pilot, which in some instances caused confusion as sites learnt how best to implement this within the guidelines. For example, there were instances where more guidance was desired on when judges could initiate a breach and then judges being unsure whether to hear these cases

or not. Implementing this process was described as ‘learning as you go’, which has meant that there has been greater clarity over time.

5.4 Support to address needs

What is working well

Individuals on the ISC are receiving tailored support to meet their needs. Some people commented that this is the first time they have received this kind of support.

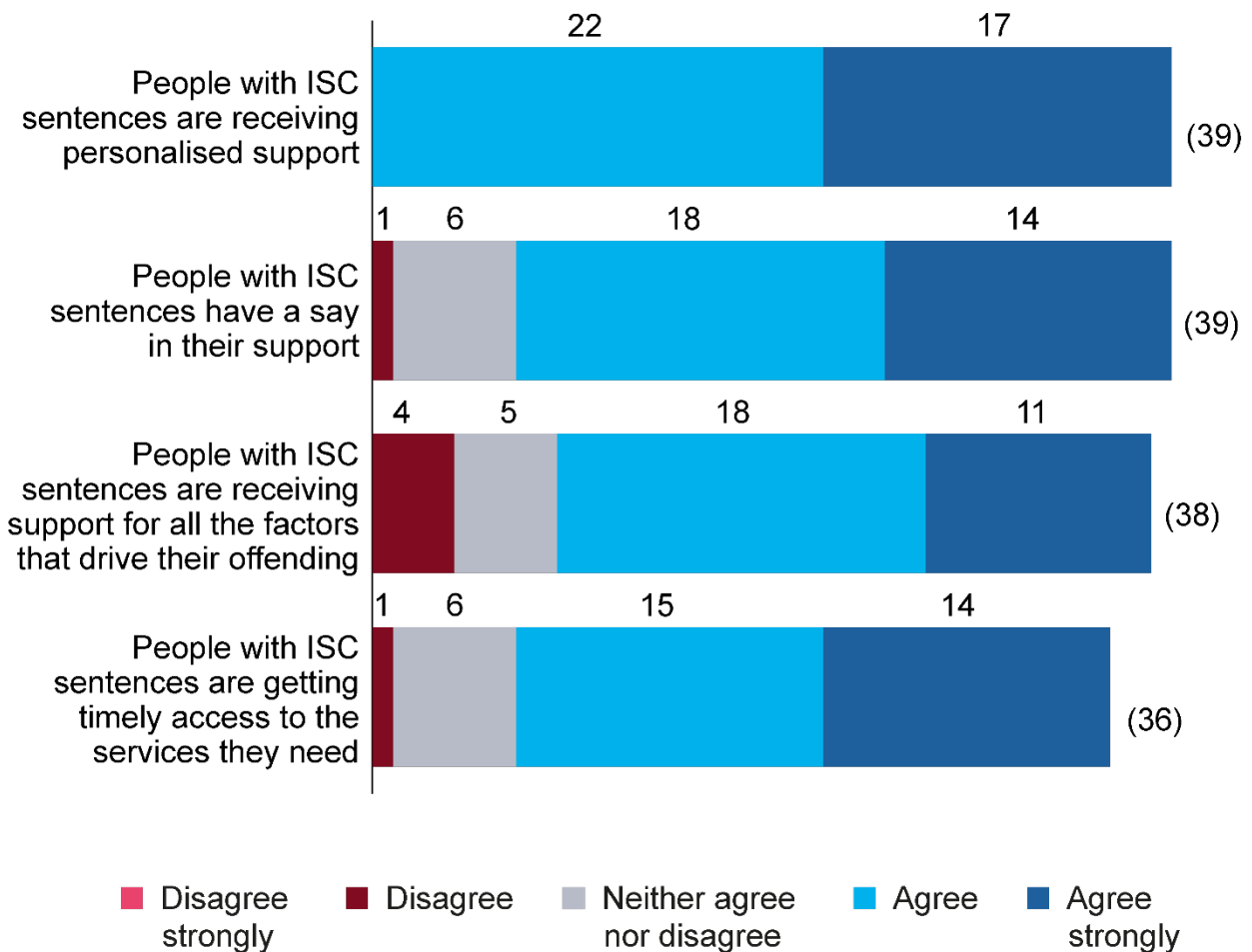
“And when I went to court this last time, last year, the judge who proposed all these things to me, mental health, to help me, and [name of organisation] and come back to see her every four weeks. [...] oh, my God, I never ever had that kind of help in my life.” Individual on the ISC

All respondents to this question in the survey (39) agreed that individuals on the ISC are receiving personalised support. There was also broad agreement that people had a say in their support, received support for all the factors that drive their offending and get timely access to services – see Figure 5.6.

Figure 5.6: To what extent do you agree or disagree with the following statements... support for individuals on the ISC

Total respondents for each statement in parentheses. Source: Core staff and stakeholder survey.

Stakeholders agree that people are getting support tailored to their needs.



There were examples of pilot sites taking a strengths-based approach seeking to match support and rehabilitation activities to individual’s interests. For example, regular volunteering at a local go-karting track was organised for one person with a particular enthusiasm for motor vehicles. This approach was viewed as being more conducive to engagement. One core partner explained that unpaid work requirements were intended to be more rehabilitative than punitive, with other aspects of the sentence, such as curfews, incorporating the punishment element.

“We don’t want to destroy this person’s interests today, because anything to do with a car and oil, he’s happy as Larry. What we did, we went to a local go-karting track [...] and we asked if they would take him on as a volunteer on two days a week, which meant he was still involved with cars, still involved in fixing vehicles...” Police or PCC staff member

Individuals on the ISC have full schedules of purposeful activities to provide structure to their days and keep them busy. The nature of the requirements is intensive, and this can be challenging for some people, particularly if they have not received this type of support previously. For example, we spoke to people who had struggled with what was described as back-to-back appointments, and people who found it difficult to fit their order requirements in with other non-ISC appointments (such as GP appointments and attending Jobcentre Plus) and/or caring responsibilities.

“I’ve been stuck where appointments have been back-to-back with people. [...] So, if you’re telling me to be at one side of town at 2:30, how can I be with [staff member] at 2:30? It’s impossible. But then, when you go back, then you’re getting a little bit of pressure, getting told off...it’s getting harder” Individual on the ISC

Pilot sites provide support in various forms to assist people in attending their appointments. This includes bus passes, schedules, diaries and team members providing lifts. Communication and coordination between partners are key to arranging appointments in a way that works for individuals on the ISC.

Continuity of support is important, both in terms of the judge, but also seeing the same probation officer and support staff on a regular basis. This helps to build trust and understanding and enables support to be tailored to people’s individual needs but also interests and preferences. The frequency of contact between professionals and the individual on the ISC also helps to accelerate the building of trusting relationships. One core partner commented that having this relationship helped them to challenge negative behaviours more effectively too.

“I think I’ve gotten to know the person a lot more quickly than I would have usually. I think that’s probably sprung out of more of a positive relationship. I’ve ended up challenging more, the people on probation, in terms of their attitude towards drugs, or offending as a lifestyle, whereas previously it wasn’t that frequent because there were times I would see them once every two weeks etc.” Probation staff member

The ISC approach appears to have facilitated a greater focus, within the criminal justice system in particular, on relationships and outcomes rather than just the process. Core partners spoke of having fuller conversations with individuals on the ISC that were ‘more supportive and conversational’, and less transactional as a result.

The individuals on the ISC we spoke to described positive relationships with probation officers and other support staff. They felt understood, and had open and honest conversations, including about when things were not going well.

Building trust through continuity of support is particularly important for people who have experienced trauma. This is particularly the case with women taking part in the women’s court. One core partner highlighted how the ISC pilot offers something different from the previous experiences of many women of short-term support.

“I think a big part of it is continuity for the women, because a lot of them have got quite a lot of issues around trauma and [...] people coming in and out, short-term support, that they’ve tried to build a relationship, then it’s gone. Whereas this is done differently, in that they have the same people working with them throughout [...] So they have that continuity, and they can build that relationship and trust.”

Support provider

The co-location of staff helps individuals on the ISC as they can have joint-appointments and experience support as cohesive service. **Co-location of probation and other support within women’s centres is a particularly important element of the women’s court.** Not only is support more easily accessible because it is housed under the same roof, but it is also delivered in a single-sex, gender-appropriate and trauma-informed specialist venue. Expecting women to attend probation offices where there are men, potentially including perpetrators, can be problematic.

“Women’s centre is better than probation. Especially as probation is 85 per cent men and you get female people on probation being hit on in reception and stuff and it’s just like, ‘leave her alone.’” Probation staff member

“I think what it changes is how it feels for the woman, and their experience, because when I’m on-site, I can be pulled into an introductory meeting that I wouldn’t necessarily have been part of. [...] For them to see us interacting with each other might give some comfort, and make it feel more cohesive, and less like a faceless system that they’re being processed through.” Support provider

While there is involvement from a women’s centre in one of the SM courts and a female judge that is working with women on the pilot, we have less evidence on how tailored the support is for women outside of the women’s court. Compared to other questions, fewer respondents completing the survey were able to give a view on whether support is tailored to the specific needs of women – only 30 people gave an answer to this question. This is likely due to the fact that outside the women’s court, there are very few women with ISC orders. However, among those who did respond, the majority (25 out of 30) agreed that support was gender specific.

Challenges

There were **mixed experiences when it came to access to mental health support** for individuals on the ISC. This depended on the level of engagement from local mental health services, the availability of non-clinical options in the pilot sites and waiting lists. It appeared that some people had to wait to receive initial support with their mental health, either as part of a MHTR or through counselling that they had been referred to by pilot staff.

“And obviously, I had to wait a little bit to see the mental health worker and the alcohol worker because of their availabilities, and it can take a while to get everything sorted at the start but once it is sorted, it’s absolutely fantastic. [...] It was a bit of a struggle when I was waiting, it made me a bit upset and anxious, and a bit, like, ‘Well, what’s taking so long?’” Individual on the ISC

5.5 Early outcomes for individuals on the ISC

At the time of writing, the pilot is ongoing, and outcomes will be assessed more fully in the final evaluation report. However, early qualitative evidence does indicate positive changes are occurring, including attitudes to offending and empowerment.

The ISC pilot does appear, at this stage, to be an effective diversion from custody.

According to feedback provided by judges at the point of sentencing, the majority of individuals on the ISC (41 out of 63) would otherwise have received a custodial sentence. A further 18 would have received a suspended sentence. And, as reported in section 5.2, early terminations with people being committed to custody are, at this stage, very low.

There is some indication that the pilot may be helping to reduce reoffending. Some of the individuals on the ISC interviewed reported having stopped offending, and this was supported by some core partners. However, it is too early in the evaluation to assess this fully.

The structure and routine provided by the ISC has given some people **a sense of purpose**. People were reported to be more communicative in their reviews and are developing positive relationships with those around them on the pilot.

“At first their heads are down and they don’t want to engage and their defences are up, but then as they get into the programme and as they start meeting Judge more and more, [...] then they start wanting to come in and they want to tell Judge what courses they’ve been on and what they’re doing about their housing plans and their family life... barriers come down over time.” Court professional

Both core partners and individuals on the ISC reported that **drug and alcohol intake has reduced among some people**. Considering addiction is commonly a driver for offending, reduced drug and alcohol consumption offers is an important step towards reducing reoffending. While the point must be made that not all have stopped taking drugs, or even reduced their consumption, both staff and individuals on the ISC who were interviewed believed that in some cases people have broken the link between drug use and offending. For these individuals, gaining that control over their behaviour through the ISC has allowed them to make positive steps in their lives. The flexible nature of the ISC has helped to

enable this change, especially in relation to drug addiction. Core partners' understanding that addiction takes time to overcome ensures that people on the ISC can focus on a positive trajectory.

"I don't expect miracles. People cannot give up a drug addiction overnight. I don't expect it to be one continuous line of ever improving, heading to perfection. It's the nature of drug addiction is that it's up and down. You have good days, you have bad days, but I need to see that the overall nature of the trajectory is in the right direction, and when that's not happening, they have to be answerable to it."

Court professional

Reductions in drug and/or alcohol use is reported to have had positive impacts on other aspects of people's lives, including improved health, wellbeing, relationships with family members, financial circumstances and ability to engage with their sentence.

"I've had a few that are now actually drug free and are turning up to all appointments, they're looking better, their behaviours are changing [...] and they're participating in the groups that we're putting them on. Because we've got that many services involved in them, they're getting that structure...back into their lives, which is helping them." Support provider

One interviewee who had gone to detox as part of their alcohol treatment requirement (ATR), explained how they had reduced their drug and alcohol use and that doing so had been potentially lifesaving.

"I've stopped drinking the way I was. I'm not using cocaine anymore. I've just been diagnosed with the early stages of cirrhosis of the liver, so... thank God that I've done the detox because I believe if I'd have carried on drinking the way I was, I probably [would have] been dead by Christmas. So, in certain ways it kind of saved my life." Individual on the ISC

Core partners and individuals on the ISC also noted **improvements in people's self-esteem, mental wellbeing and mental health**. As an example, when asked how they would describe themselves in three words and to describe their skills, a core partner noted the person had changed from saying 'I haven't got any skills' to 'My friends might

think I'm funny. They might think I'm kind and they might think I'm helpful and caring' – a change that occurred within six months of being on the ISC pilot. Other individuals on the ISC variously described feeling better able to cope when feeling angry or upset, being less fearful, more confident and generally happier.

“And just being able to deal with my emotions better, being able to deal with situations better, and that's due to all the mental health support and all the work I've got from doing that.” Individual on the ISC

“And I started going to shops without looking over my shoulder, feeling confident. Do you know what I mean? I used to be frightened, I used to have anxiety whenever I go in. I used to worry, you know. But now all of those fears, it's gone for me. And I have nothing to fear anymore. I'm fearless now.”
Individual on the ISC

There was also evidence of **improved relationships between individuals on the ISC and their families**. In some cases, this has happened after long periods of estrangement. The potential to rebuild relationships with families was sometimes a motivating factor for people. One interviewee on the ISC also spoke about how she had been enabled to disassociate herself from controlling and negative influences in her life.

Some individuals on the ISC reported feeling more hopeful about the future because they had not gone to prison and/or because of the progress they had been making in their lives.

So far, the evaluation has engaged with relatively few individuals on the ISC and most people we spoke to had engaged well, so the results may be biased towards people with positive experiences.

Core partners described how the ISC orders work best when people are 'ready' for change. This was borne out by some interviews with individuals on the ISC who talked about wanting help to change their life before the ISC order became an option: “I was waiting for this moment for a long time” “I just wanted to change, and I was sick of my life”. Staff have observed that there does seem to be **a developing relationship between the level of engagement among people and the amount of positive change happening in their lives**. Those who put the effort in seem to get the most out of the ISC, taking

accountability for their actions. Indeed, higher levels of motivation, engagement and compliance seem to go a long way to determining the outcome for individuals. Core partners in one area suggested that younger people appear to be more motivated, but others indicated the sentences work best for those who are ready to make changes in their lives.

“We’ve got some people who are absolutely desperate for the help, and do everything we ask of them, and probably a little bit more. And that, for me, is the bit where you can see it working.” Probation staff member

The following case study demonstrates how an individual on the ISC has benefited from the requirements. It provides examples of the early outcomes discussed in this chapter and what has helped to achieve these.

Peter* has been on the pilot programme since summer 2023 and has a drug rehabilitation requirement (DRR) as part of this. He explained that drug testing combined with support to reduce his cannabis use has helped him stop.

“I smoked cannabis for 18 years and I’m now four months drug free.”

Peter highlighted multiple positive changes in his life since being part of the pilot and stopping smoking cannabis. These included improvements to his sleep patterns, a “big difference” in his family life and being able to save money that he can spend on more beneficial things that make him “feel better” about himself.

“Me and my mum, we were never really close, and ever since I’ve been on [the ISC] she always tells me how proud of me she is, my nan does, my grandad does, my fiancé does. The baby walks around saying, ‘Daddy’s happy’.”

Not only does Peter feel better about himself because of these changes he feels ready to make a positive contribution to the wider community.

“I can be someone that’s involved in society and in a good way.”

Peter is hoping to find full-time work within the next 12-months.

* Name changed to ensure confidentiality.

6. Conclusions and implications for the evaluation

Overall, the ISC pilot has had a positive start with good progress to date. Implementing any new approach will likely involve a degree of problem solving and refining, and while this has been the case with the ISC pilot, many early issues have been resolved and valuable learning gained in the process. In this final chapter we draw together the evidence from the evaluation to provide a summary of what has been achieved to date against elements of the Theory of Change (see page 9).

ISC orders have been assigned to suitable individuals: The pilot appears generally to be reaching the target cohort. The core partners' enthusiasm for and belief in the benefits of this more flexible and rehabilitative approach means many would like to be able to extend it to others they see who could benefit. This includes people in neighbouring localities, people who are not in stable accommodation at the time of sentencing and, in the case of the SM courts, those with offences driven by drugs and/or alcohol whose offence is not heard in the Crown Court. However, it is important that the ISC route does not inadvertently lead to up-tariffing. The women's court has demonstrated the feasibility of ISCs in a Magistrates' Court setting while also being clear about the focus on diversion from custodial sentences.

The dedicated support of the women's court is clearly important in meeting the specific needs of women. The fact so few women have received ISC orders outside the women's court may suggest this more targeted approach is the best way to support women. This will be an important element to continue to consider as the evaluation progresses.

Multidisciplinary relationships were strengthened: ISC orders are essentially a partnership approach. The diversity of needs of the target cohort requires input from a variety of service and support providers. Core partners in the pilot sites have built positive relationships and are working well together. Co-location of teams helps with this and with sharing data and making rapid decisions. There is evidence that improvements in

understanding and collaboration have not only helped the delivery of the pilot but have had wider positive impacts.

The time and resource required to build these relationships, particularly where organisations have not worked together closely before, should not be underestimated. This has been made easier where full teams have been in place early. The court co-ordinator role in particular is a crucial one, linking courts and other partners. Involving frontline staff in the process design and development would also have been helpful. They are well placed not only to help identify where issues may arise, but also, potentially, in providing an indication of where resourcing may be a constraint. Resourcing will always be a limitation – more can always be done with additional time and funding. However, wider staffing problems in the Probation Service and a lack of additional funding for support providers has caused some tensions and, in some instances, adversely affected continuity of care.

The lack of involvement from housing services has been raised as a problem across pilot areas. It has created additional work for pilot staff and there is a missed opportunity to engage people who, if they had stable accommodation, would be suitable candidates for an ISC order. There has been some recent change in this regard in one of the pilot sites and the evaluation will monitor and assess the impact of this as the pilot progresses. Insights into how housing services could be effectively engaged will be valuable learning for the other ISC courts.

Individuals received wraparound support / Interventions were tailored to individual needs: People are receiving support that is tailored to their particular needs. In some instances, it is the first time they have received this type of support. Joint working and effective sharing of real-time data to develop pre-sentence reports has worked well in building a full and detailed picture of individuals' needs and risks. Undertaking mental health assessments at this stage is also useful for identifying the need for support early on. The ISC order requirements are intensive and can be challenging for some, but the full schedules are helping to give people structure and purpose, key ingredients in diverting them from less positive activities. The evaluation team has observed great enthusiasm and commitment among the core teams and received largely positive feedback from the individuals on the ISC who were interviewed.

Relationships developed between judges and individuals on the ISC: A particular feature of ISCs is the fact cases are overseen by a single judge. The evidence indicates that positive relationships have developed between judges and individuals on the ISC. Steps have been taken to make court hearings less intimidating. This less formal approach along with efforts by judges to get to know people has helped foster relationships and build trust.

Individuals were aware of potential sanctions and incentives: A range of options for sanctions and privileges is available to ISC judges and these have been used flexibly. More creative options for incentives would be welcomed by at least one of the pilot sites. The individuals on the ISC who were interviewed were aware of the possibility they could be sanctioned and this appears to be an important motivation to comply with their sentence for some. Regular and frequent reviews of progress by the judge is also helping with individual's engagement and compliance.

Individuals engaged with and were empowered by the ISC approach: Overall, engagement with ISC order requirements has been good. There have been breaches, but these have been dealt with flexibly and with understanding by staff. Very few people have had their ISC order terminated early due to non-compliance.

This is a process evaluation, but there are early indications of positive outcomes for individuals on the ISC. Partners were realistic about the fact that recovery from drug and alcohol problems in particular is a long-term endeavour and will likely involve setbacks along the way. Yet there was evidence of some people reducing their use of substances. The ISC requirements, as the name suggests, are intensive; this was a challenge for some. Nonetheless, the evaluation findings so far demonstrate a link between the provision of holistic, tailored support coupled with regular reviews, and improvements in engagement with services, relationships and mental wellbeing. Importantly, at this stage the ISC appeared to be operating as an effective diversion from custody.

Next steps

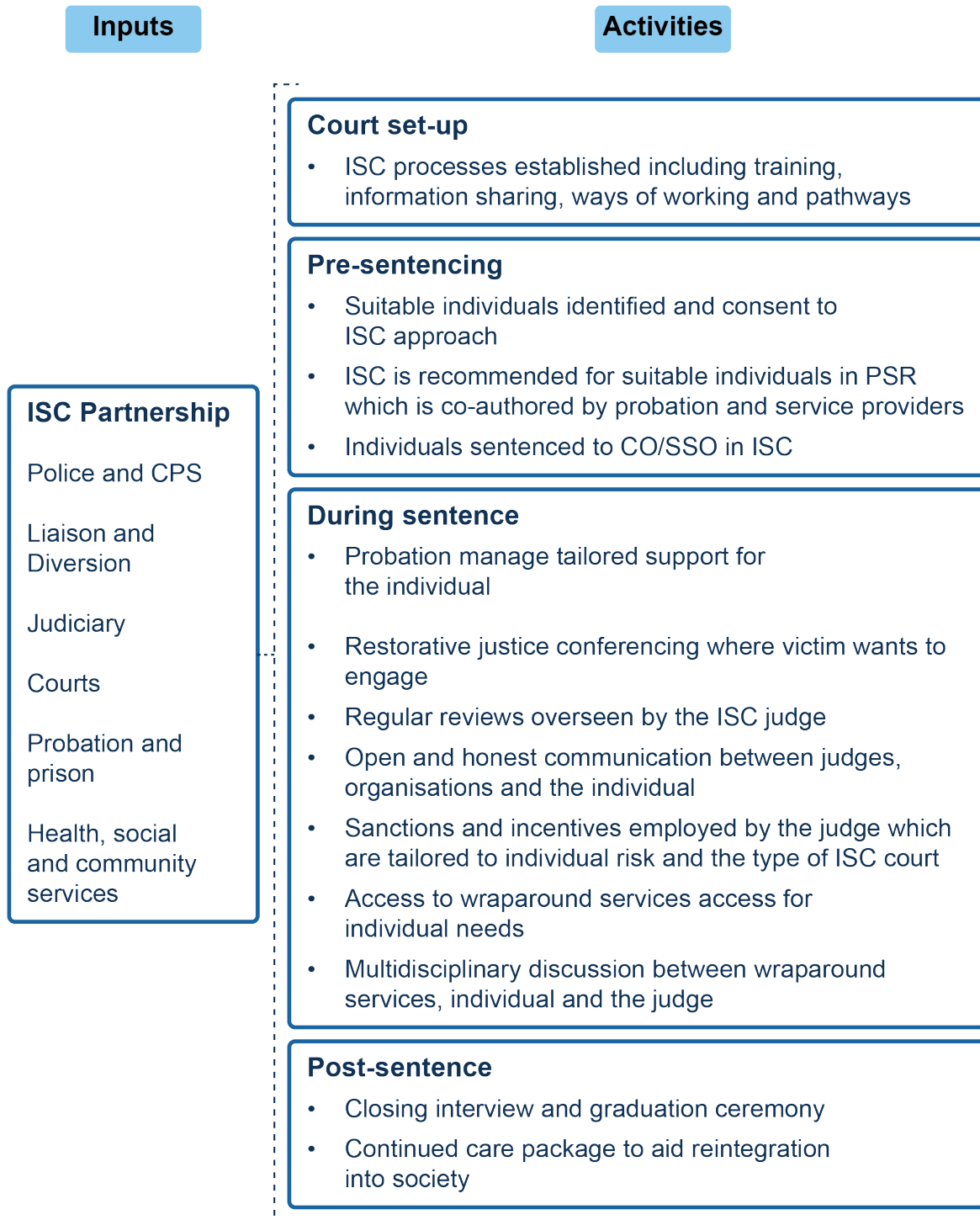
To date, the evaluation has engaged with relatively few individuals on the ISC and it is likely that those suggested by areas and who agreed to take part represent the most positive cases. As the pilot progresses it will be important for the evaluation to engage

more individuals on the ISC, and monitor data on non-compliance, breaches and early terminations with a view to understanding if there are people for whom the ISC approach is not working and why. In addition, the evaluation plans to conduct follow-up interviews in order to track ongoing change, progress and sustainability of outcomes.

Each of the three ISC pilot courts have adopted slightly different approaches. The ability to flex delivery to local circumstances within clear parameters has been welcomed by pilot teams and it will be useful to explore how the fourth area (Bristol SM court) decides to implement the pilot. We are aware of judges from the different courts providing mutual support. There is potential benefit to be had from wider engagement between sites, including between frontline staff, so they can also learn from each other and share ideas and experiences. The findings from this interim report have been shared with the ISC sites to support ongoing delivery.

Appendix 1

Theory of Change part 1 of 2



Theory of Change part 2 of 2



Appendix 2

Evaluation framework

Research question 1: Who is assigned an ISC order?

Logic model elements / learning questions	Indicators and lines of enquiry	Data source
Output 1: ISC orders are assigned to suitable individuals	<p>Number of individuals recommended for an ISC order.</p> <p>Proportion of those recommended who receive an ISC order.</p> <p>Proportion of those eligible who receive an ISC order.</p> <p>Demographic profile of those who receive an ISC order and the extent to which this is reflective of the profile of eligible candidates overall. Are there differential rates of engagement between men and women and different ethnic groups? How do levels of engagement of women in the SM courts compare to the Birmingham female offender court? To what extent does the profile of participants change as the pilot progresses and become more established?</p> <p>Proportion of those who receive an ISC order who:</p> <ul style="list-style-type: none"> • have a mental health need, • have a drug or alcohol misuse need, • are homeless or in housing need, • are in work / education / actively seeking employment. 	MoJ monitoring metrics
	<p>Eligibility criteria enable ISCs to reach target offenders.</p> <p>Are there some criteria that prevent potentially suitable candidates being engaged?</p> <p>What is the effect of some ISCs being limited to Crown Court hearings?</p> <p>Key stakeholders understand eligibility criteria for ISC courts.</p>	Stakeholder survey Interviews with probation staff and wider partners

Logic model elements / learning questions	Indicators and lines of enquiry	Data source
	<p>Stakeholders can identify potential candidates and make appropriate referrals. What processes are used to identify potential candidates and how well do they work?</p> <p>Reasons why eligible candidates do not receive an ISC order. Reasons why eligible candidates choose not to participate in the ISC pilot.</p>	

Research question 2: Are individuals complying with their ISC orders?

Logic model elements / learning questions	Indicators and lines of enquiry	Data source
<p>Output 7: Individuals engage with the ISC approach</p> <p>Outcome: Improved engagement with sentence requirements</p> <p>Outcome: Improved compliance with court orders</p>	<p>Mean average missed / proportion of participants who miss, and overall proportion of missed:</p> <ul style="list-style-type: none"> • initial probation meetings, • supervision appointments, • review hearings, • community sentence treatment requirements (CSTR) appointments. <p>Change in average number and proportion of participants who miss appointments over the course of their sentences.</p> <p>Proportion of participants who breach. At what stage in sentence are participants most likely to breach?</p> <p>Proportion of participants who have, and overall proportion of positive drug/alcohol tests.</p> <p>Change in average number and proportions of participants with positive tests over the course of their sentences.</p> <p>Outcome of breach hearings.</p>	<p>MoJ Monitoring metrics</p>

Logic model elements / learning questions	Indicators and lines of enquiry	Data source
	<p>Staff perceive participants are engaged in their sentence (Question 2.1).</p> <p>Reasons why participants disengage / breach their sentence requirements.</p> <p>What role do positive drug / alcohol tests play in breach decisions?</p>	<p>Interviews with court staff, probation staff, and judiciary. Interviews with participants</p>

Research question 3: What are stakeholders' perspectives on the ISC?

Logic model elements / learning questions	Indicators and lines of enquiry	Data source
<p>Output 3: Procedurally fair supervision</p>	<p>Stakeholders perceive ISC orders to be fair (Question 3.1).</p> <p>Reasons why ISC are seen as fair/not fair.</p>	<p>Stakeholder survey</p> <p>Interviews with judiciary, probation, court staff, wider partners and participants</p>
<p>Output 6: Greater insight for individuals into the impact of their offending</p>	<p>Participant accounts of changes in attitudes towards their offending (Question 3.4).</p> <p>Participant accounts of the role of the ISC pilot in attitudes and views.</p> <p>Participants reflect on impact of their offending during review hearings or RAR activities.</p> <p>Proportion of participants referred to and taking part in restorative justice activities.</p>	<p>Interviews with participants</p> <p>Observations of review hearings and RAR activities</p> <p>MoJ monitoring metrics</p>

Logic model elements / learning questions	Indicators and lines of enquiry	Data source
Output 7: Individuals are empowered by the ISC approach	<p>Participants say they feel they are empowered by the ISC approach.</p> <p>Participants and stakeholders can describe how participants views and needs were reflected in choices around participant support.</p> <p>Participants can describe instances of having greater control over their choices and actions outside of their sentence (Question 3.5).</p> <p>Participants are involved in activities meaningful and important to them outside of their sentence. This might include engaging with children and other family members, undertaking hobbies, sharing their experiences to support others.</p>	<p>Interviews with participants</p> <p>Observations of review hearings and RAR activities</p>

Research question 4: How successfully have ISCs been implemented?

Logic model element / Learning questions	Indicators and lines of enquiry	Data source
Output 2: A relationship develops between the judge and the individual	<p>Judges' understanding of participants' offending behaviour increases (Question 3.6).</p> <p>Judges perceive they have built positive and trusting relationships with participants.</p> <p>Participants perceive they have built positive and trusting relationships with the judge (Question 3.7).</p> <p>Pilot features that contribute to development of relationship between judge and the individual.</p>	<p>Interviews with judiciary and participants</p> <p>Site observations: hearings and review meetings between judge and the individual participant</p>
Output 8: Multidisciplinary	<p>Pilot partners meet regularly.</p> <p>Degree of representation of key partners at multi-agency meetings.</p> <p>Number of referrals between agencies.</p>	MoJ monitoring data

Logic model element / Learning questions	Indicators and lines of enquiry	Data source
relationships are strengthened	<p>Stakeholders understand the role and remit of other partners involved in the ISC pilot.</p> <p>Stakeholders perceive that all necessary organisations are engaged in the pilot.</p> <p>Information is shared in an appropriate and timely manner between pilot partners.</p> <p>Support for participants is coordinated across partners. Partners have a holistic understanding of what support each participant is receiving.</p> <p>Participants do not have to retell their stories on multiple occasions to different organisations.</p> <p>Stakeholders report they have positive working relationships with other ISC partners.</p> <p>Stakeholders report strengthened relationships between wrap-around services (Question 3.10).</p> <p>Factors that help support and strengthen multidisciplinary working. What role does colocation of staff play in supporting multidisciplinary working?</p> <p>What other impacts or benefits has partnership working as part of the ISC pilot created for organisations involved?</p>	<p>Stakeholder survey</p> <p>Interviews with pilot staff and stakeholders</p> <p>Site observations: multi-agency meetings</p> <p>Participant interviews</p>
Outcome: More responsive and effective breach process	<p>Information shared in an appropriate and timely manner.</p> <p>Stakeholders attribute improvements to information sharing to the ISC model (Question 3.11).</p> <p>Stakeholders perceive the breach process is responsive and effective.</p> <p>Stakeholder perceptions of the breach process, including their views on use of the new 'judge-initiated' breach and how the ISC process compares to the standard breach process (Question 5.2) What factors enable flexibility in decision-making in relation to breaches?</p>	<p>Stakeholder survey</p> <p>Interviews with probation staff, court staff, judiciary, wider partners</p>

Logic model element / Learning questions	Indicators and lines of enquiry	Data source
Outcome: Increased judicial belief in Community sentences	<p>Judges say they are more confident using community sentences, within the context of an ISC approach (Question 3.8).</p> <p>Judges have increased confidence that ISCs can be effective.</p> <p>Judges have the necessary capacity (time and other resources) to implement ISCs effectively. What is the impact of the ISC pilot on judges' other commitments?</p>	<p>Stakeholder survey</p> <p>Interviews with judiciary</p>

Research question 5: How well do ISCs operate in practice?

Logic model element / Learning questions	Indicators and lines of enquiry	Data source
How confident are the stakeholders in operating within an ISC model? (Question 3.9)	<p>Stakeholders understand the ISC model.</p> <p>Stakeholders say they are confident about working within the ISC model.</p> <p>Stakeholders can describe how their ways of working support progress towards the ISC aims.</p>	<p>Stakeholder survey</p> <p>Interviews with probation staff, court staff, wider partners</p>
<p>Output 5: Individual receives wraparound support.</p> <p>Outcome: Interventions are tailored to individual needs</p>	<p>Mean average per participant:</p> <ul style="list-style-type: none"> • rehabilitation activities/appointments, • community sentence treatment requirement appointments. <p>Change in average number of activities/appointments per participant over the course of their sentence.</p> <p>How does the average number of activities compare between pilot sites and different demographic groups?</p>	<p>MoJ monitoring metrics</p>
	A wide range of organisations and service providers are involved in delivering support.	<p>Document review</p> <p>Stakeholder survey</p>

Logic model element / Learning questions	Indicators and lines of enquiry	Data source
	<p>Probation staff have contacts with partner services required to build holistic and tailored packages of support for participants.</p> <p>Extent to which participants feel supported and have all the necessary support they need (Question 3.3). Participants feel that the support is tailored to their needs.</p> <p>How does experience of ISC compare to participants' previous experiences of the criminal justice system?</p> <p>Support and supervision are tailored) according to needs of each individual.</p> <p>Support and supervision can be flexed (increased or decreased) over the course of an individual's sentence.</p> <p>Staff feel they have necessary time, resources and skills to effectively support participants. How does the amount of time spent supporting ISC participants compare to business as usual?</p> <p>Support is gender-specific and trauma-informed. To what extent does this vary between sites? How is the support provided in the female offender ISC distinct from that provided in the SM ISC? Are there differences in the way women experience the pilot support?</p>	<p>Interviews with probation staff, court staff, wider partners</p> <p>Interviews with participants</p> <p>Observations of review hearings and rehabilitation activities</p>
<p>Output 4: Individual may receive sanctions and incentives</p>	<p>Number of short-term prison sanctions and distribution across sites and pilot duration (sanctions per quarter).</p> <p>Mean average number of sanctions and incentives implemented per participant and per quarter.</p> <p>Change in rate of sanctions and incentives used over the course of participants' sentence and the pilot.</p> <p>Participants are aware of the possibility of sanctions and incentives, how and when they might be used.</p>	<p>MoJ monitoring metrics</p> <p>Interviews with participants</p>

Logic model element / Learning questions	Indicators and lines of enquiry	Data source
	<p>Participant-reported responses and motivations to sanctions and incentives (Question 3.2) To what extent do sanctions and incentives influence participants in the ways they are intended?</p> <p>Incentives and sanctions are implemented in a timely manner.</p> <p>Stakeholders perceive sanctions and incentives have a positive effect on participant behaviour.</p> <p>Stakeholder views on how well short-term custodial sanctions function operationally (Question 5.4) and whether some sanctions / incentives are more or less effective than others.</p>	<p>Interviews with probation staff, court staff, judiciary and wider partners</p>
<p>What have been the main issues with ISC implementation from the perspective of stakeholders involved? (Question 4.1)</p>	<p>Stakeholder views on the relevance of organisations and agencies involved in planning for and setting up the pilot.</p> <p>Who are the core partners required for successful delivery of ISCs? What are the barriers and enablers to organisations becoming engaged?</p> <p>Stakeholders identify barriers or issues encountered in relation to initial set-up and implementation of the pilot.</p> <p>Staff involved in delivery of the pilot, including in partner organisations, have the necessary resources to deliver the model.</p> <p>What resources are needed for optimal performance? What would be needed to scale up ISCs?</p> <p>Stakeholder perceptions of the relative impact of different implementation issues.</p> <p>Types and numbers of additions/amendments to ISC processes since launch.</p> <p>Stakeholder perceptions of the effectiveness of pilot process changes.</p> <p>Reasons why barriers had the impact they did.</p>	<p>Interviews with probation staff, court staff, judiciary and wider partners</p> <p>Site observations</p> <p>Test and confirm workshops</p> <p>Pilot process changes log</p>

Logic model element / Learning questions	Indicators and lines of enquiry	Data source
<p>What particular aspects of the ISC implementation have gone well? Why have they gone well? (Question 4.2)</p>	<p>Stakeholders identify enabling factors in relation to key implementation aims. Stakeholder perceptions of the relative impact of different enabling factors. Reasons why enabling factors had the impact they did.</p>	<p>Interviews with probation staff, court staff, judiciary and wider partners Site observations Test and confirm workshops</p>
<p>How well do the different ISC sites take on board the lessons learned from the interim process evaluation? Why were some sites better able to adapt than others? (Question 4.4)</p>	<p>Stakeholders describe changes made to implementation in response to the interim evaluation findings. Degree and nature of progress on implementing the interim report's co-produced recommendations. Barriers and enablers to implementing recommendations reported by stakeholders.</p>	<p>Interviews with probation staff, court staff, judiciary and wider partners Site observations Test and confirm workshops</p>

Research question 6: Are individuals successfully completing ISC orders?

Logic model element / Learning questions	Indicators and lines of enquiry	Data source
<p>Are individuals making progress and how is this progress recognised? (Question 5.1) Does the recovery capital of individuals</p>	<p>Mean average total participant scores on the Short Warwick Edinburgh Mental Wellbeing Scale (SWEMWBS) show a statistically significant improvement between baseline and follow-up. Proportion of participants whose level of mental wellbeing improves between baseline and follow-up. Comparison of baseline positions and levels of change at follow-up by demographic group and pilot area (subject to suitable sample sizes).</p>	<p>MoJ monitoring metrics</p>

Logic model element / Learning questions	Indicators and lines of enquiry	Data source
<p>increase during PSC sentences? (Question 5.3)</p> <p>Output 9: Recognise progress</p> <p>Outcome: Improved familial relationships</p>	<p>Participants develop or re-establish relationships with people who can provide social support. This could include friends, family, peer mentors, support workers. (Social capital)</p> <p>Participants begin to undertake meaningful activities, such as engagement in community, leisure, sports or social activities. Participants feel connected to their community. (Cultural capital)</p> <p>Participants have stable accommodation and benefit entitlements are in place. Participants develop skills and improve their confidence and employability. (Physical capital)</p> <p>Participants report improved physical and mental health. (Human capital)</p> <p>Do stakeholders perceive patterns in the circumstances or demographic characteristics of those participants who make greater progress than others?</p> <p>Extent to which participants perceive progress is influenced by the ISC process (Question 7.2). What other factors/events do participants perceive have had an impact?</p> <p>Participants perceive progress is recognised by staff.</p> <p>Stakeholders describe means by which participant progress is recognised.</p> <p>Extent to which participant progress is recognised in the same way by staff and participants themselves.</p>	<p>Participant interviews</p> <p>Interviews with probation staff, court staff, judiciary and wider partners</p>

Logic model element / Learning questions	Indicators and lines of enquiry	Data source
<p>Outcome: Sustained reduction in use of drugs and alcohol</p>	<p>Mean number of positive drug/alcohol tests per participant each quarter. Proportion of participants with positive drug/alcohol tests each quarter. Change over the course of participants' sentences, over the course of the pilot and variations by pilot site.</p> <p>Demographic characteristics of participants who receive a positive test. Does this differ from participants without positive test results?</p>	<p>MoJ monitoring metrics</p>
	<p>Participants describe early positive changes in substance use. Stakeholders describe early positive changes in substance use.</p>	<p>Participant interviews</p> <p>Interviews with probation staff, wider partners</p>
<p>Outcome: Improved compliance with court orders</p> <p>Output 9: Recognise successful completion</p>	<p>Number of early unsuccessful terminations of community sentences by quarter and by pilot site. Change over the course of the pilot.</p> <p>Reason for community sentence termination.</p> <p>Number of successful completions by start date and by pilot site.</p> <p>Proportion of successful ISC completions that end in a graduation ceremony by quarter by pilot site. Change over the course of the pilot.</p>	<p>MoJ monitoring metrics</p>
	<p>Graduation ceremonies celebrate successful completion. Graduation ceremonies tailored to individuals. Participants and stakeholders feel that graduation ceremonies appropriately recognise participant progress and success.</p>	<p>Site observations</p> <p>Participant interviews</p> <p>Interviews with probation, court staff, judiciary and partners</p>

Research question 7: How well do the post-order completion procedures operate within the ISCs?

Additional questions	Indicators and lines of enquiry	Data source
Do individuals continue engagement with services post-sentence? (Question 7.1)	Services continue to provide support to participants post-sentence. Participants experience a smooth transition to post-sentence support. What support do participants require post-sentence? Services report post-sentence engagement by participants. Services and participants describe post-sentence support plans.	Participant interviews Stakeholder survey Interviews with probation staff and wider partners

Appendix 3

Additional method detail

Qualitative research

The evaluation team conducted **observations** across the three pilot sites to better understand pilot processes and local contexts. This method also allowed the team to learn more about delivery environments and ways of working. Detailed notes were taken using a template.

The evaluators also conducted **in-depth qualitative interviews** with core partnership staff, wider stakeholders and individuals on the ISC in each pilot site to collect more detailed information on experiences and perceptions of delivery, views of barriers and enablers of success and what outcomes have been achieved and why/why not.

Roles of interest for interview were identified in advance. The team then worked with key staff in each site to identify the specific individuals and invite them to take part. A snowball sampling approach was then used to ensure that a range of organisations, stakeholders and perspectives were represented.

Individuals on the ISC were mainly recruited following observations of the review hearings. In one site, all people whose hearing was observed were invited to take part in an interview. In the other sites, pilot staff introduced the researcher to selected individuals on the ISC. Informed consent was obtained to either conduct an interview after the review or for their contact details to be shared to set up an interview at a later date. Of the nine individuals on the ISC interviewed, seven were male (mainly from Liverpool) and two were female (from Birmingham). Seven interviews were completed in person and two by telephone according to interviewee preferences.

Three different semi-structured topic guides were used, one for individuals on the ISC, one for staff and one for judges. This helped to ensure the evaluation questions were addressed whilst also allowing for flexibility to respond to emerging topics and the interviewee's role and experience.

Interviews were audio recorded with participants' consent and transcribed in full.

Survey of core partners and wider stakeholders

The purpose of the survey was to gain input from a greater number of staff and stakeholders than would be possible through qualitative methods alone and to provide a quantifiable indication of attitudes and experiences. A follow-up survey will be conducted later in the evaluation for comparison.

The survey was initially tested with four staff from all three pilot areas and their feedback was sought on ease of understanding, completion, and the extent to which they could give the answers they wanted to. Minor edits were made to the survey after piloting.

Fewer responses than originally anticipated were received, but this potentially reflects the fact that partnerships are smaller than envisaged. A breakdown of respondent roles and organisations is provided in Tables A3.1 and A3.2 below.

Table A3.1: Which of the following best describes the organisation you work for?

	Frequency
Substance misuse treatment provider	15
HM Prison and Probation Service (HMPPS)	14
HM Courts and Tribunal Service (HMCTS)	8
Specialist women's service	6
Police	5
Local authority	2
Other organisation	2
NHS, including liaison and diversion services	1
Restorative justice provider	1
Housing association / other housing provider	1
Total	55

Table A3.2: How have you been involved in the ISC pilot?

Respondents were able to select multiple options.

	Frequency
I was involved in developing the initial plans and processes for the ISC pilot before it launched.	23
I am involved in delivery of the ISC pilot (including providing support to participants).	30
I am a member of the Oversight Board / Strategic Board / Local Implementation Team (LIT).	17
I identify / refer potential participants to the ISC pilot.	9
The ISC pilot is relevant to my work but I am not otherwise involved in planning or delivering the pilot.	6
Other	3

We were less successful in reaching staff and organisations outside core partnerships who nevertheless had a stake in the pilot; only six respondents selected the option ‘The ISC pilot is relevant to my work but I am not otherwise involved in planning or delivering the pilot’.

Analysis of monitoring data

A monitoring metrics framework was developed by MoJ. This includes administrative data from a variety of sources, such as nDelius (probation case management system), the Offender Assessment System (OASys) and Effective Proposal Framework (EPF). An extract of the monitoring data was created which covered data to the end of January 2024. Anonymised data was securely transferred to CFE Research. Further analysis, including of change over time, is planned for the final report, due in summer 2025.

Ethics

Ethical approval for the evaluation was sought and granted by The University of Greenwich Research Ethics Board. This evaluation includes research with vulnerable people; people on the ISC have a history of multiple forms of severe disadvantage, including addiction, mental ill-health and housing insecurity. Plain English information sheets were provided to facilitate informed consent. These made clear that taking part in the evaluation was optional, they could change their mind at any point without giving a

reason and deciding not to participate would not affect their sentence or support. We checked that participants fully understood this before commencing interviews. Topic guides and information sheets are reviewed by people with lived experience of the criminal justice system and other forms of disadvantage to ensure that the language was clear and questions appropriate. Interviews focused on participants experiences of the pilot, the support they have received and the difference it has made, not their offending or personal histories. However, there is a risk that discussions could trigger memories of traumatic events. Researchers undertaking interviews with people on the ISC were experienced in interviewing vulnerable groups and were clear about the steps to take if wellbeing or safeguarding concerns arose during interviews.