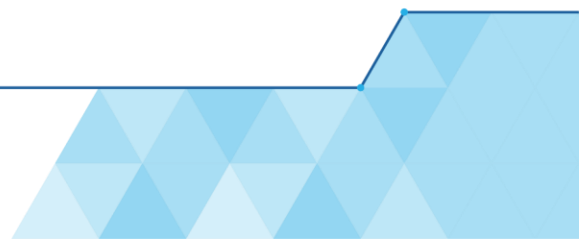




Ministry
of Justice

Intensive Supervision Courts

Expression of Interest Guidance



Introduction

This document sets out the background to Intensive Supervision Courts (ISCs); it includes the ISC eligibility criteria and an FAQ section which will support with completion of the EOI application form.

Launched in June 2023, the ISC model tests a problem-solving approach by targeting the complex needs of offenders to address the root cause of their offending, based on international evidence which has shown that this can be effective to reduce reoffending.

The recent Independent Sentencing Review, led by David Gauke, highlighted the impact of prolific offending on victims and communities. The scale of the problem is significant, and the review suggested that structured and intensive intervention in the community could more effectively encourage prolific offenders to desist from crime. It therefore recommended that ISCs be developed to address prolific offending.

The Lord Chancellor, in her statement of 22nd May, accepted this recommendation and committed to an expansion of the ISC pilot as part of her landmark reforms to sentencing.

As such, the MoJ has launched an Expression of Interest (EOI) exercise to assess operational interest across England and Wales for specific courts to be considered as further sites. This EOI will inform the MoJ's next steps in producing an implementation plan that ensures sufficient capability across all delivery partners.

The ISCs provide a robust alternative to custody, using enhanced community-based sentences to divert those at risk of facing custodial sentences of two years in the Crown Court, and twelve months in the Magistrates' Court.

To deliver this, the ISCs are the first pilot in the UK to make use of legislative provisions to incorporate a range of problem-solving components. Amendments to the Sentencing Act 2020, introduced by the Police, Crime, Sentencing and Courts Act 2022, enable courts selected as ISC pilot sites to trial core problem solving components, which include:

- Regular review hearings attached to every community order and suspended sentence order,
- Judicial ability to initiate breach proceedings,
- The ability for courts to impose short custodial sanctions for breach of up to 28 days with a maximum use of 3 times over the course of the order, and,
- Expansion of drug testing beyond Drug Rehabilitation Requirement through a standalone drug testing requirement

There are currently four ISCs: three substance misuse sites at Bristol, Liverpool and Teesside Crown Courts and one women's ISC at Birmingham Magistrates Court.

The substance misuse model aims to:

- reduce the volume and frequency of re-offending

- reduce the use of illegal substances/problematic drinking and facilitate their recovery
- increase referrals to treatment programmes and support, compared to standard court processes and disposals, particularly for repeat and prolific offenders

The female offender model aims to:

- provide an alternative to short custodial sentences, given the high proportion of female offenders in receipt of short prison sentences
- reduce the volume and frequency of re-offending
- improve health and well-being
- improve the maintenance of familial relationships, compared to standard court processes and disposals, for vulnerable female offenders

The above approach is now being built upon to address the challenge of prolific offending. Broadly, the ISC model will aim to:

- reduce the volume and frequency of re-offending by established prolific or persistent offenders
- prevent future re-offending by the cohort who are at risk of becoming prolific or persistent
- address underlying criminogenic needs that drive prolific or persistent offending

Early evaluation findings show that offenders are complying with their sentence requirements and the rehabilitative support provided so far. An interim process evaluation, published in January 2025 is available here: [Process evaluation of Intensive Supervision Courts pilot - Interim report](#). The Independent Sentencing Review suggests that the structured and intensive intervention that the ISCs provide can be used to encourage prolific offenders to desist from crime.

The EOI process will run until 17th October 2025. Applications can be made to iscs@justice.gov.uk. The EOI process will be advertised widely, including through HMPPS and HMCTS. Sponsorship from both agencies is a requirement within the EOI process.

The MoJ will begin engagement with interested areas throughout Summer 2025 to discuss their EOI. The MoJ will consider the following when selecting pilot sites (please note that this information will come from both application forms as well as MoJ and wider government data and information)–

1. Support of local justice partners to trial the pilot i.e. Probation, HMCTS, Judges, Magistrates, Police, Police and Crime Commissioner, treatment service providers, local authorities, and women's service providers;
2. Availability of support services;
3. Offender need within the justice area i.e. pattern of most requested services;
4. Levels of prolific offending and antisocial behaviour,

5. Estimated volume of offenders for the interested cohort (per month);
6. Current arrangements within the court i.e. whether there are other pilots or initiatives that could enhance or hinder the ISC pilots, or impact the evaluation;
7. Court backlog volumes; and
8. Operational resource.

We anticipate that the shortlist will be made by Winter 2025. After this, recommendations will be made to Ministers and the Senior Presiding Judge (SPJ). Ultimately, it will be for the SPJ to decide on future sites, following recommendation from the MoJ, supported by HMCTS and HMPPS, based on an assessment of the information provided in the EOI.

We aim to commence implementation work for the new pilot sites in Winter 2025 with a view to begin launching further ISC pilots in Spring 2026. We are considering a phased approach and would welcome steers from sites on when they would like to launch.

The Independent Sentencing Review and the Independent Review into Criminal Courts have both been recently published and make landmark recommendations for change across the criminal justice system. Because of this, the Ministry of Justice may be required to make some changes to the ISC model over the coming months to reflect wider policy or legislative changes. The information in this guidance is up to date at the point of publication, and any changes will be communicated to current and prospective ISC sites as soon as they are known.

The ISC Model

Overview

The ISC pilot aims to address underlying needs of offenders and target the root-cause of offending behaviour.

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. This model is intensive for people on probation and contingent on an engaged judiciary, and the leveraging of existing services, such as drug and alcohol treatment, and strong partnerships among HMPPS, HMCTS, drug and alcohol treatment service providers, Police, and third sector organisations. This multi-agency approach, facilitated by the court co-ordinator (a role specific to the ISCs, funded by the MoJ), is intended to be in place from point of identification until the point of order completion.

Pre-sentence reports (PSRs) are completed by probation with the input of other relevant agencies such as treatment providers, in order for probation to make a recommendation for sentencing under the ISC, which is tailored to the individual. Within the Women's ISCs,

PSRs are jointly completed between probation and Women's Services to ensure that the support is gender and trauma informed.

When an offender is sentenced, they are required to attend regular judicial reviews, where a judge will review progress, provide feedback and apply incentives and sanctions as appropriate in response to levels of compliance.

Underpinning the ISC model is a graduated system of incentives (to encourage compliance), enablers (to facilitate engagement) and sanctions (to respond to non-compliance) - a framework designed to increase an individual's motivation to comply. Examples include positive reinforcement in review hearings, reduced frequency of drug testing or reviews, or in some cases, early revocation of the order on the grounds of good progress. If an offender does not comply, sanctions can be implemented, and these can be escalated and de-escalated dependent on behaviour. Specific to the ISCs, judges are able to impose a custodial sanction for periods of up to 28 days up to three times during an order for poor compliance.

Upon completion of the ISC sentence, the final review hearing marks the progress made by the offender, similar to 'graduation ceremonies' undertaken by other problem-solving approaches. This final hearing is personalised to the offender and can be attended by family/friends as appropriate, as well as core members of the ISC team.

Eligibility Criteria

The Independent Sentencing Review discussed the role that ISCs can play in breaking the "revolving door" of continuous reoffending and recommended an expansion of ISCs to address prolific offending. Prolific offenders have more, and more severe, criminogenic needs than other offenders. We know, for example, that 74% of prolific offenders have a drug misuse need compared to 53% of non-prolific offenders. Other criminogenic needs that we know prolific offenders frequently struggle with are thinking and behaviour, attitudes, lifestyle and relationships. ISCs are set up to target offenders with significant underlying and complex needs and aim to address the root causes of offending behaviour. This means that ISCs are well placed to target the underlying needs that drive prolific offending, targeting both existing prolific offenders and those who are at risk of becoming prolific. Therefore, future ISC sites are asked to target one or both of the following cohorts:

- Offenders who have committed multiple previous offences; and/or
- Offenders who have multiple criminogenic needs which places them at risk of becoming a prolific or persistent offender in the future

Within this, there is the possibility for sites to target a specific cohort of offender need. We would welcome applications which align with our existing ISC cohorts (offenders with substance misuse issues or female offenders with multiple complex needs) as well as new cohorts. We would encourage you to work with local criminal justice partners to identify particular needs that may be driving prolific offending in your local area.

If your application is successful, we will work with you to agree specific eligibility criteria for your particular cohort to ensure consistency across areas.

Overall Pilot Eligibility and Exclusions

The following criteria must be met in order to be eligible for an ISC sentence:

- Be 18 years of age or older on the day of conviction;
- Be motivated to address their problems and indicate a willingness to engage with the ISC programme. While a guilty plea is not necessary, a willingness to comply is important.
- Consent to the sharing of personal information between participating agencies/bodies. Have consented to treatment and engagement with service providers.

Exclusions apply to both substance misuse and female offender cohorts to offenders who are convicted of offensive weapon offences, firearm offences and sexual offences.

There should also be consideration of previous offending behaviour, and whether the individual is a repeat offender.

ISC Roles and Partnership Agencies

The key partners involved in the ISC include:

Judiciary

The Judge(s) will be responsible for sentencing suitable defendants to the pilots and conducting ISC reviews, which will entail reviewing an ISC individuals' progress throughout their orders post-sentence, providing regular feedback and applying incentives and sanctions as appropriate. Judicial continuity is key to the success of problem-solving courts.

Court Coordinator

A single court coordinator will oversee the functioning of the ISC pilot, providing support to ISC staff and participants, and maintaining effective communication between the operational team and the project team (HQ).

Court Staff (HMCTS)

Court staff will assist with listing and identifying ISC cases for sentencing, reviews and breaches and will maintain close links with the Court Coordinator.

The Probation Service

Probation will be responsible for the overall supervision and management of people on probation through the ISC pilot. They deliver elements of the order through collaborative multi-agency working and are the main contact for participants on the pilot. Probation will be responsible for preparing the pre-sentence report (PSR), which is a collaborative process

with substance misuse/women's services and other relevant service providers. They will also ensure that timely progress reports are provided to the court and maintain a close relationship with the participants and the Court Coordinator throughout the pilot.

Substance Misuse Treatment Providers

These providers will deliver the substance misuse treatment element of the sentence; they will work closely with the Probation Service to produce joint assessments and share information with probation to support ongoing risk assessments and reports for court reviews. There is a requirement for substance misuse providers to offer weekly appointments in order to support the intensity of the ISC order.

Women's Community Support Services

Women's providers will assign key workers to work with the women in the ISC, working closely with the Probation Service to deliver the sentence, support the Person on Probation as necessary and contribute to review reports.

Other Support Services

This includes, but is not limited to:

- Mental health services;
- Police;
- CPS and defence;
- Education, training and employment;
- Finance and debt advice,
- Housing, and
- Family support.

These services will work closely with the Probation Service to make assessments, share information, provide updates for reports in court reviews and will be expected to promptly act on referrals received.

Frequently Asked Questions

The ISC Pilot

1. Are we able to see an ISC in practice?

Yes, the three current substance misuse ISCs are located at Bristol, Liverpool and Teesside Crown Courts, and both the sentencing and review courts are held in an open court.

The Women's ISC is located at Birmingham Magistrates Court. Only the sentencing court is held in open court, each Thursday morning. The review court takes place

externally to the court and observations can be arranged by discussing this with the court co-ordinator.

2. Are ISCs working?

Early evidence indicates that offenders are engaging well with the ISC – at the time of publication of the Interim Evaluation Report, over three quarters of offenders had not breached their order. Offenders with an extensive history of drug misuse tested negative for drugs two-thirds of the time and there were positive relations between judges and ISC offenders, which acted as a key driver in offender's taking pride in their progress and not wanting to disappoint their judge.

Whilst the pilot has shown early promising signs, it is subject to full impact and economic evaluations, which will provide evidence of whether ISCs can reduce reoffending and provide good value for money. We will have further data points in the Summer of 2025, but the full analysis will be completed by 2028.

3. Will we get additional funding to deliver the ISCs?

The ISCs are currently funded by the MoJ. This funding includes dedicated Probation resource, the court co-ordinator, any co-location working payments for women's centres and probation to work together where relevant, non-pay spending and the Intensive Supervision Courts fund (a small fund for sites to use to encourage or enable an individual's success). There is no further funding provided for treatment providers.

4. Which group of offenders are eligible for the ISC?

This EOI process invites areas to put forward applications for cohorts of their choice, based on the needs that are driving prolific offending in their local area. Because of this approach we will work with local areas to define the right eligibility criteria once an application is successful. However, the overarching ISC criteria is listed on page 6.

Probation practitioners who complete a pre-sentence report will assess whether an offender would be suitable for a proposal for a community or suspended sentence order underpinned by the ISC model, and any final assessment of suitability relies on judicial discretion.

5. What legislation underpins the ISC model?

Amendments made to the Sentencing Act 2020 were introduced by part 7 of the Police, Crime, Sentencing and Courts Act 2022 allows courts selected as an ISC pilot site to use additional powers for Community Orders and Suspended Sentence Orders. This includes the following:

- the ability to impose standalone drug testing requirements as part of a Suspended Sentence Order or Community Order in instances where the individual does not meet the criteria for a Drug Rehabilitation Requirement

(DRR) or where it is deemed suitable to have a combination of both the DRR and drug testing (i.e. for longer community orders)

- the ability to attach reviews to all Community Orders and Suspended Sentence Orders, which can be increased or decreased in frequency in response to the individual's compliance and progress
- the ability for a judge to initiate breach hearings in a review hearing where the court deems that the individual has breached their order
- the ability to impose a short custodial sanction for up to 28 days, a maximum of three times over the course of the order, for non-compliance. After completing the sanction, the offender is released back onto their existing ISC order.

6. What governance processes does the MoJ policy team complete with the ISC sites?

The MoJ ISC team works with the Judiciary, HMCTS, HMPPS and other justice partners including partnership agencies to ensure ISCs run smoothly. Each site is required to provide regular progress updates to the MoJ team and have regular strategic board meetings.

7. What support will be offered to Probation and Court services to implement the pilots?

MoJ and HMPPS HQ staff will work with the pilot sites to identify the support needed to assist with the implementation of the pilots. We intend to have training and guidance in place to provide further support and direction, to ensure that the pilot sites are fully prepared. In addition to this, we will arrange a timetable for engagement with practitioners and this will enable all court users to be fully informed.

8. If our area is selected for an ISC, how long will the ISC run for?

The ISC will run for a minimum of 18 months. Any extension will be discussed with individual sites at the appropriate time.

9. If my court is selected as an ISC site, will we be evaluated?

There is a requirement and commitment of all ISC courts to provide regular monthly management information to the supporting analytical team. This monitoring data forms an essential part of our evaluation strategy for ISCs. This information includes but is not limited to number of cases, sentencing of ISC cases, compliance with sentence requirements and the outcomes of ISC orders. ISC sites are expected to work closely with the evaluation team and ensure robust data is collected and shared. This information is vital to address live delivery challenges and inform further policy decisions. Scoping of additional evaluation plans for any new ISC courts is underway. Successful bidders will be expected to demonstrate clear support for the evaluation and the capability to provide timely and accurate data to inform it. This includes engagement with local service providers to secure data to be used in any future impact and economic evaluations.

Operationalising the Model

1. How will the cases that fit the ISC criteria be identified?

The identification process should be designed and implemented locally and should consider the strength of existing partnerships. MoJ and HMPPS HQ teams can help you to develop the most appropriate identification process if your site is chosen to deliver an ISC.

2. How will ISC cases be listed?

ISC eligible cases should be listed to a judge who is familiar with the ISC process (in most cases this will be the dedicated ISC judge/judges). The court co-ordinator should facilitate with listing cases that are suitable for an ISC.

3. How does the pre-sentence report work in the ISC?

The pre-sentence report (PSR) process differs to the process of a 'business as usual' PSR. Probation Practitioners who are working with the ISC pilot are responsible for writing the pre-sentence report (PSR), often they are joint reports completed with other services i.e. substance misuse workers/women's services. Following this assessment, the PSR will provide a clear professional recommendation on whether the individual is suitable for the ISC pilot, following the completion of the Effective Proposal Framework. If the offender is suitable for the ISC and an ISC sentence is passed, the Probation Practitioner responsible for completing the PSR will then manage the order post sentence.

4. How will ISC reviews work?

Individuals on the ISC will attend regular review hearings as a requirement of their order. ISC reviews should seek to strike a less formal style of court appearance to encourage the development of a rapport and understanding between the Judge and the individual, which in turn promotes a less adversarial environment that better enables individuals to engage with the court process.

The relationship between the individual and the Judge is at the centre of the ISC model, therefore the same judge should preside over the individual's case throughout the course of their order. It is anticipated that the first few reviews could take place fortnightly and then move to monthly thereafter, subject to the Judge's decision. The frequency of reviews may also be adjusted in response to the individual's level of compliance and progress over time.

5. Are progress reports required to be completed for reviews?

Yes. The ISC team's weekly meetings will be utilised ahead of individuals' reviews to enable all relevant stakeholders to input into the review report. The multi-agency

meeting will be held before the review hearing to ensure all relevant stakeholders are able to feed in, ensuring that all information is up to date.

Information from these meetings can be used in within pre-briefs ahead of a Judge-led review.

6. What is the standalone drug testing requirement?

The standalone drug-testing element of the ISC will enable probation staff to test offenders under their supervision frequently and in turn, enable risk and needs to be managed.

An offender can be sentenced to both a DRR and the drug testing requirement. For example, a court could order a 6-month DRR to be followed with drug testing requirements for another 6 months. This supports with monitoring the offender's abstinence.

7. How does the short custodial sanction work?

The short custodial sanction is available to the Judge as a sanction when an offender is in breach of their ISC order. The usual sanction tools will remain available to the courts such as increasing the number of RAR days or unpaid work hours or imposing a financial penalty.

The short custodial sanction allows the offender the opportunity to continue with their order once the sanction period ends. This sanction is designed to give the court an additional option at the upper end of the scale as an alternative to revoking and re-sentencing an offender, or activating their suspended custodial sentence, which would bring an end to the community or suspended sentence and any accompanying work and treatment requirements.

Submitting the EOI

1. Can one application cover more than one interested cohort?

Yes, you can apply for more than one cohort within your one application form.

2. What will the MoJ do with the information and what are the next steps in the pilot selection?

The completed forms will not be shared publicly and will be handled in an official-sensitive manner.

The selection and implementation process will require input from central teams within HMCTS/HMPPS and therefore, MoJ may share applications with leads within these organisations. MoJ may also share these applications with the Judiciary.

The MoJ policy team will work with analysts to review applications against the criteria, assess suitability and, will be in contact with EOI applicants should any further information be required.

We will aim to have a shortlist of potential pilot sites and notify applicants in Winter 2025. MoJ officials will arrange further engagement with successful pilot sites before the formal selection date.

3. What needs to be included in the Judge's vision statement?

The statement will need to include their views on the benefit an ISC could have within that local justice area and whether regular judicial monitoring would work within the applying court.

4. Can an application be submitted without the Judge's vision statement?

No. In order for an ISC to be operable, it relies on support from the Judge at the applying court, therefore we cannot accept an EOI without their input.

5. What needs to be included in the third sector organisation vision statement?

The statement will be required to include how the organisation could support delivery of the ISC model within the local area of the applying court.

6. Will a late submission of an EOI be accepted?

A late EOI may not be considered. MoJ officials are allowing approximately an 8-week period for local justice areas to consider and produce an EOI response. MoJ officials will then require a significant amount of time to assess these responses and develop next steps of implementation.

7. What if some justice partners and multi-agency partners are interested but others are not supportive currently?

We recognise that justice partners and other partnership agencies will have different views on this initiative and encourage, where possible, applicants to detail any statements of support or areas of concern within their EOI. The ISC model relies on support between justice partners and partnership agencies, and it is a core element that we will be assessing in the eligibility criteria.

Should there be difficulty obtaining support from both justice partners and partnership agencies due to time/resource currently but there is an interest for the court to participate in the future, this should be specified as it could be that there will be further opportunities to implement further sites in the future.

It is highly encouraged that the approach to completing the EOI be a collaborative effort, demonstrating existing partnerships between key delivery partners, including HMPPS, HMCTS, local authority commissioners, and the PCC.

8. Whose responsibility is it to submit the EOI?

We request that each EOI has a key HMPPS and HMCTS contact who can be contacted should the MoJ require any more information. We are happy for partners to decide between themselves which organisation will submit the application. Before submitting the application, you must ensure that the application has been signed off by senior management/Head of Operations.

9. How will EOIs be assessed?

Our core requirements are set out on pages 3 and 4 above. We anticipate that the shortlist will be made by Winter 2025. After this, recommendations will be made to Ministers and the SPJ, who will make the final decision.

10. How soon can further ISC locations be implemented?

If successful we will work with you to agree a suitable launch date. We anticipate sites to begin going live from Spring 2026 but we expect that launch dates will be phased and do not expect all sites to be ready from this date.

11. When will we find out if our area has been selected for the ISC pilot?

We are aiming to inform those who have applied to take part in the ISC pilot in Winter 2025.

12. How should we return the EOIs?

Please return your completed EOI to iscs@justice.gov.uk and copy in any stakeholders that are in support of the application.

Please return the EOI by 17th October 2025. If you have any questions prior to submitting your application, please contact the team on the email address above.