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Criminal Justice Committee**  
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**Date:** 10 November 2023

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## Dear Convener

### **Email 07/11/2023: Follow Up to CJC evidence on 1 November 2023 pre-budget scrutiny**

I am writing to provide further information as requested by the Criminal Justice Committee at our appearance at the Pre-Budget Scrutiny oral evidence session on 1<sup>st</sup> November 2023.

Firstly, I would like to thank the Committee for the opportunity to attend the oral evidence session and we hope that the evidence we have shared so far has been useful in informing the Committee's work.

The Committee has asked for further clarification on two specific points:

1. What are the number of cases Community Justice Scotland is currently dealing with?
2. What additional benefit would it be to Community Justice Scotland to have even an additional £250,000 or £500,000 more in your annual budget allocation?

We have set out our responses to the Committee's questions below and we would be happy to provide any further additional information required to support the Committee's work, whether in relation to its Pre-Budget Scrutiny 2024-25 or any future work relating to community justice.

### **Community Justice Scotland's Activity and Community Justice Cases**

In response to the Committee's first question, Community Justice Scotland have a range of statutory functions and responsibilities, which are set out in the Community Justice (Scotland) Act 2016. These include:

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- To promote the national strategy for community justice
- To monitor, promote and support improvement in, and keep the Scottish Ministers informed about, performance in the provision of community justice (and in particular, performance in relation to the achievement of the nationally determined outcomes),
- To promote and support improvement in the quality and range of provision of community justice and making the best use of the facilities, people and other resources available to provide community justice
- To promote public awareness of benefits arising from the use of community disposals rather than imprisonment and of managing and supporting with a view to them not offending in future or, if that is not realistic, reducing future offending by them.
- To support the development of learning, development and innovation in relation to community justice and to provide training.

In carrying out these functions Community Justice Scotland undertake a range of activities each year, detail of which can be found in our Annual Report and Accounts. The 2022-23 Report has recently been approved by the Auditor General and a copy will be submitted to the Scottish Parliament in the coming weeks, which we will circulate separately to the Committee once it is available.

Community Justice Scotland do not, however, work directly with people in the justice system and have no statutory responsibilities to provide community justice services. As such, we do not have “cases” on which we are able to provide the Committee information.

However, in light of discussions at the session and in response to the question, we have prepared a short briefing for the Committee, setting out some of the most recent available statistics on community justice and community disposals, which we hope may be of interest. This is included as an appendix at the end of the letter.

### **Additional Funding for Community Justice Scotland**

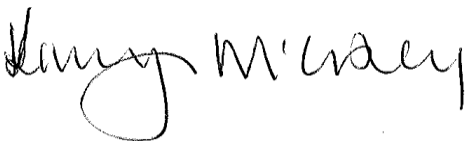
In answer to the Committee request for what additional benefit could be provided by an additional budgetary uplift of between £250,000 and £500,000, we would first reiterate our call for additional funding to be made in the 2024-25 Budget for frontline community justice services provided by Justice Social Work, the third sector and other community justice partners. We believe this should be the priority for any increase in community justice spending before any additional budgetary uplift is considered for Community Justice Scotland.

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If, following such an increase, additional budget could also be allocated to Community Justice Scotland then we believe this could provide significant additional benefit across a number of key areas. As we indicated in our written submission to the Committee, additional funding would allow us to develop:

- A more substantial improvement role aimed at supporting the development and piloting of new approaches to community justice (such as those indicated in our written submission), including the commissioning of innovative approaches to delivering community justice interventions.
- Increased communications activity to drive additional public engagement and outreach to help improve the public understanding of community justice.
- Expansion of training activities beyond core statutory requirements, e.g. expanding training to the voluntary sector and other partners, new training products such as specialised training for working with people who have sexually offended, and providing training support for local community justice partnership activities.
- Better alignment of policy and research with local evidence through the establishment of a data and intelligence hub, supporting improved data for community justice and the early identification and resolution of emerging challenges.

As a Non-Departmental Public Body, the use of any additional funding would need to be developed and agreed with our Scottish Government sponsors, however we believe that significant additional benefit could be delivered across all of the areas set out above with an increase in funding of between £250,000 and £500,000.



**Karyn McCluskey**  
Chief Executive Officer  
Community Justice Scotland

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## Appendix – Key Community Justice Statistics

Community Justice Scotland have prepared a short summary paper in response to the Committee’s request for additional information on the number of community justice cases in the justice system.

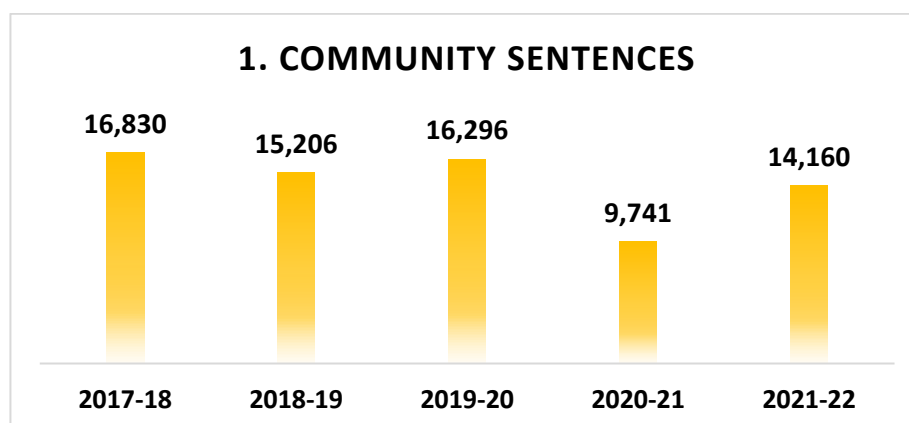
All information provided is taken from publicly available sources unless otherwise stated. These sources include:

- [Annual Criminal Justice Social Work Statistics](#)
- [Criminal Proceedings Statistics](#)
- [Scottish Government Justice Analytical Services Criminal Disposals Dashboard](#)
- [The annual Community Payback Order Report](#)

All figures are provided for the most recent years for which figures are available, unless stated otherwise.

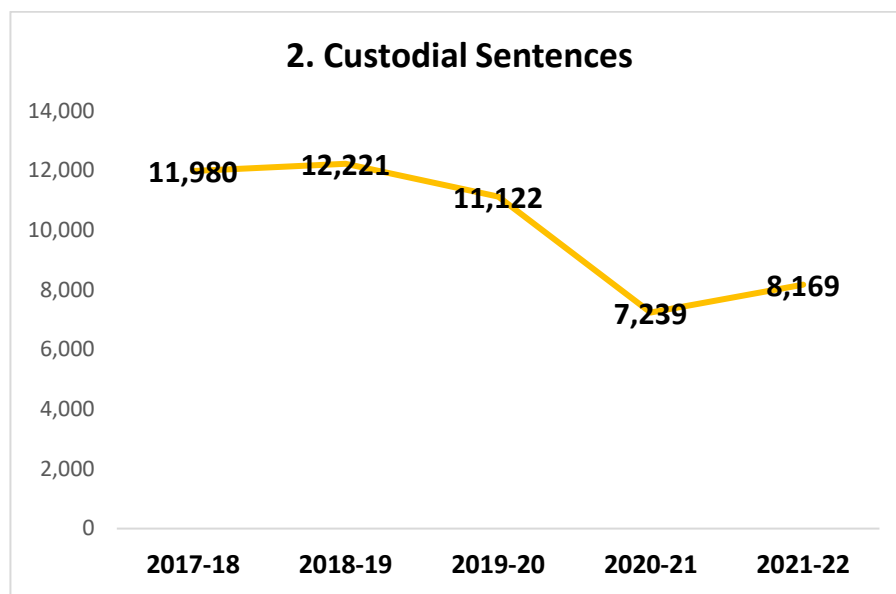
1. Prior to the pandemic numbers of **community disposals** were fluctuating. There was a big drop in 2020-21, followed by a 31% increase in 2021-22 (the highest proportion over the most recent 10 years).

24% of all convictions in 2021-22 resulted in a main penalty of a community sentence.



2. Numbers of **custodial sentences** were slightly decreasing prior to the pandemic when there was a big drop, followed by an 11% increase in the year 2021-22.

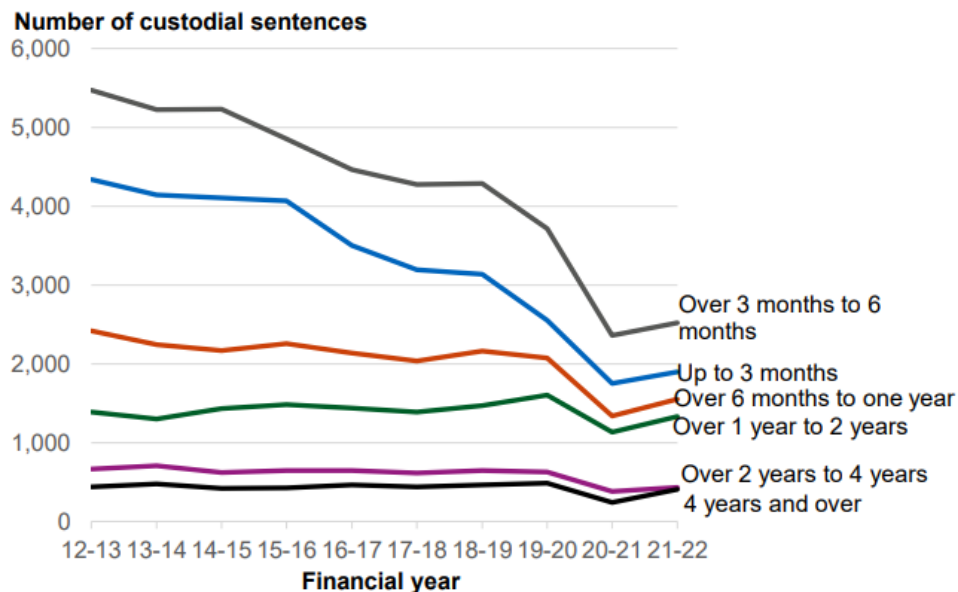
Custodial sentences represented 14% of all convictions in 2021-22, in line with figures from before the pandemic.



3. **Short Custodial Sentences** were decreasing prior to the pandemic and have been increasing slightly since 2020-21 as summary court business returns to normal.

In 2021-22 there were:

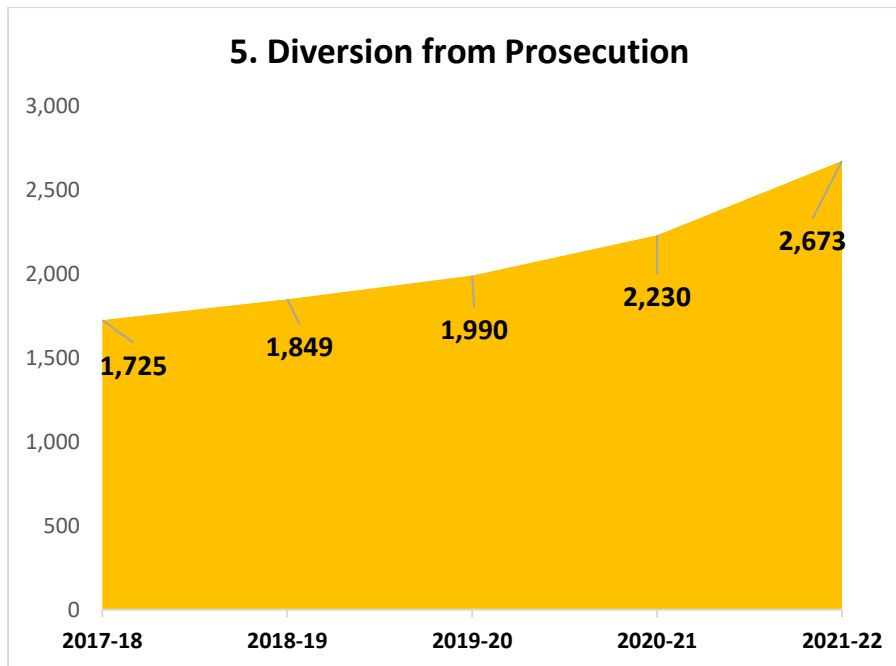
- 1895 sentences of up to 3 Months (23% of total custodial)
  - 2520 sentences of Over 3 Months to 6 Months (31% of total custodial)
  - 1551 sentences of Over 6 Months to 1 Year (19% of total custodial)
  - Sentences of one year or less made up 73% of all custodial sentences.
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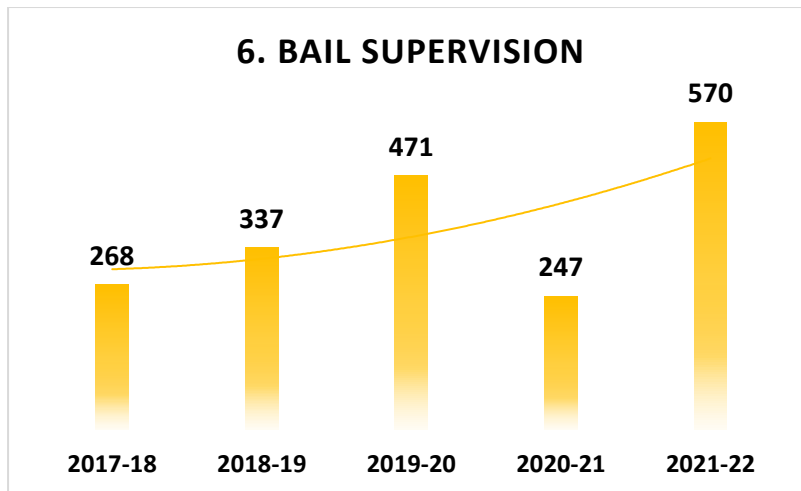
**4. There is significant churn in the prison population.** Analysis by Justice Analytical Services (publication forthcoming) shows:

- Just over  $\frac{3}{4}$  of all arrivals to prison are returns to custody
- Around two thirds of returns to custody in each year occurred within 1 year of the preceding departure from custody
- Just over 50% of returns to custody within 1 year are attributable to those with a preceding liberation type associated with remand
- A large majority of returns to custody within 1 year from a sentence served liberation were associated with an index sentence of less than or equal to 1 year (82% in 2015-16, 79% in 2018-29 and 70% in 2021-22)

**5. Diversion from Prosecution:** Between the years 2017 and 2022 the number of DP cases increased by 35%.



- In 2021-21 there were around:
    - 4800 referrals for diversion from prosecution
    - 4300 assessments undertaken
    - 2700 cases commenced (which equates to 63% of cases assessed)
    - 2200 cases completed
  
  - Children and young people were most likely to undertake diversion, with 16-17 year olds representing 26% of people getting diversion and 18-20 year olds representing 13% - so in total, around **40% of all diversions were for people and 20 and under.**
  
  - Around two thirds of those diverted were men and one third were women.
  
  - The Joint Review of Diversion found that 90% of all cases commenced were successfully completed.
  
  - 6. Bail Supervision:** The number of Bail Supervision cases commenced grew each year prior to the Covid-19 Pandemic, when cases significantly dropped. There was an increase by 56% in the year 2021-22 (the highest number of cases in the last 5 years).
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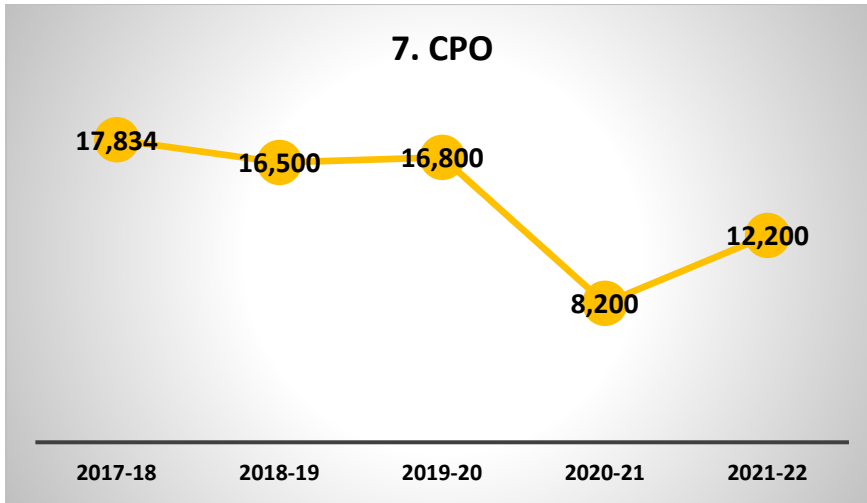


- There were 3800 requests from courts for bail information in 2021-22.
- Overall, there were 24,538 Bail Orders made in 2021-22, a slight decrease on the previous year.
- There were 24,615 undertakings to appear in court.
- As of 03/10/2023 Bail Supervision services have been established in 30 local authorities, with the last two expected to be established by the end of the year ([Cab Sec Statement to Parliament, October 2023](#)).
- EM Bail – 1200 EM Bail orders since changes introduced in May 2022, with 375 people on EM Bail on 03/10/2023. There has been a 25% increase in the use of EM as a result of the changes. ([Cab Sec Statement to Parliament, October 2023](#))

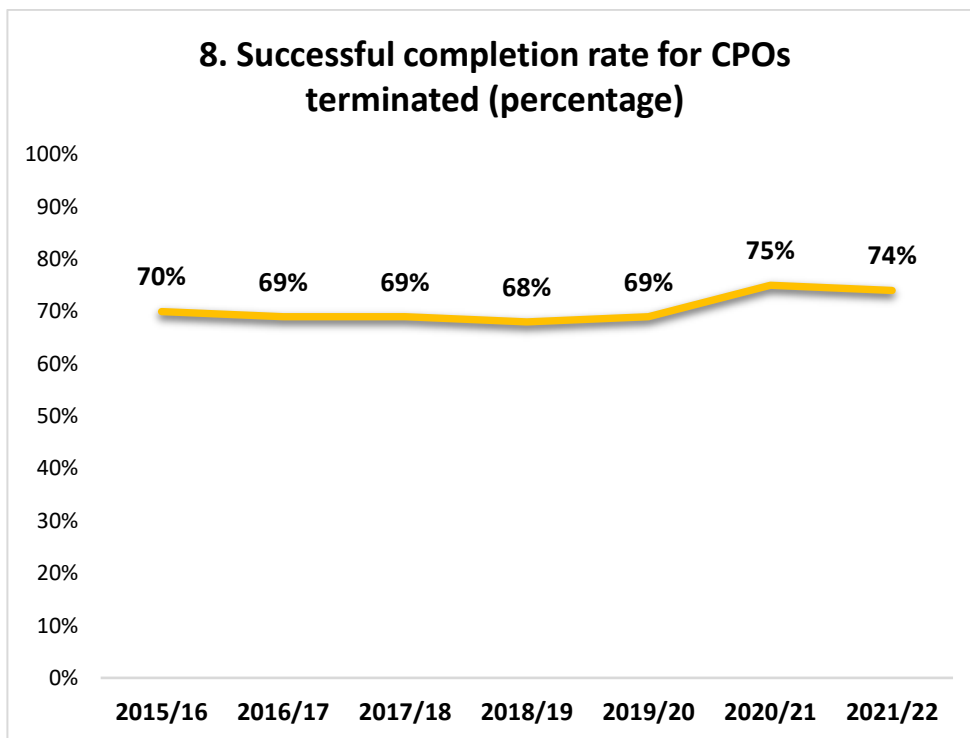
**7. Community Payback Orders (CPO):** The Covid-19 pandemic significantly reduced CPO disposals in 2020-21. In 2021-22 numbers increased by almost 50% (the second lowest level in 10 years).

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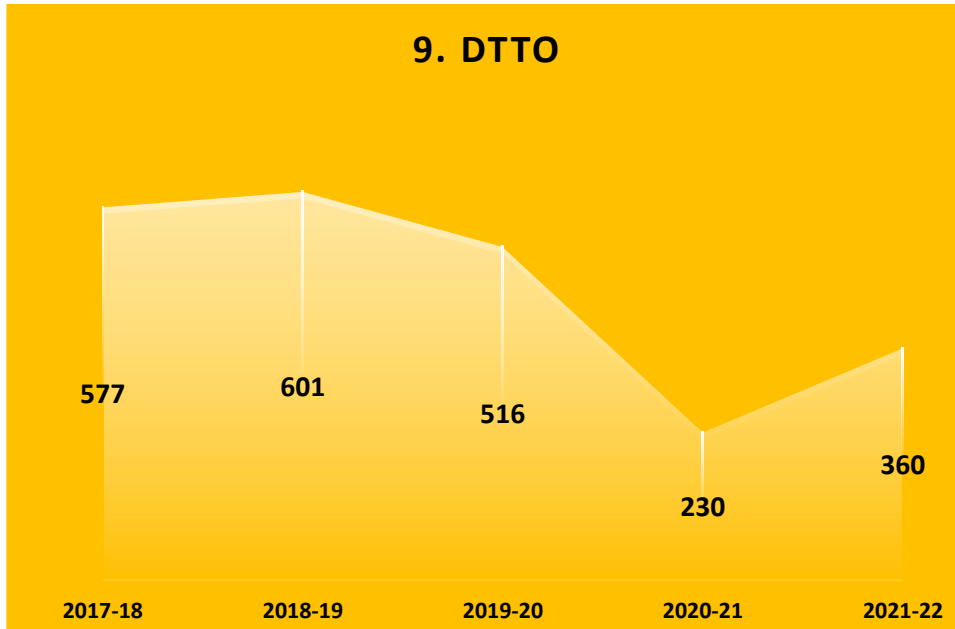




8. Numbers of **successful** CPO disposals have been steady until the Covid-19 pandemic when there was a slight increase.



**9. Drug Treatment and Testing Order (DTTO):** There was a big drop in DTTO cases during the Covid-19 pandemic, and an increase by 58% in 2021-22 (still at a very low level in comparison with numbers in the last 5 years).



**10. Numbers of successfully completed DTTO cases** significantly increased during the Covid-19 pandemic and decreased by 16.8% in the year 2021-22.

